

ORDINANCE NO. 20-004

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE TO AMEND SECTION 3.24 – BICYCLE PATHS (ALSO NON-MOTORIZED PATHWAYS), AMEND SECTION 3.29 – PRIVATE ROADS AND ADD SECTION 3.29F – PRIVATE ROADS, ADD SECTION 3.36 – GROWTH BOUNDARY, AMEND SECTION 17.1A4 – SITE PLAN REVIEW – SITE PLAN REVIEW REQUIRED, AMEND SECTION 19.16 – BICYCLE PATHS, AMEND SECTION 27.3D3 – REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION – STANDARDS AND REQUIRED IMPROVEMENTS, AMEND SECTION 27.7G – CONTENTS OF FINAL SITE CONDOMINIUM PROJECT PLAN OF THE ZONING ORDINANCE TEXT, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Section 3.24 – Bicycle Paths (Also Non-Motorized Pathways). Section 3.24 of the Zoning Ordinance is to read in its entirety as follows.

Section 3.24 – Bicycle Paths (Also Non-Motorized Pathways)

- A. It is hereby determined that Bicycle Paths promote and provide for the public health, safety, and general welfare by achieving the following public purposes:
1. Bicycle Paths provide a safer location for travel along streets and roads for bicyclists and pedestrians, including school children, than the edge of the traveled street or road.
 2. Bicycle Paths encourage and promote aerobic exercise by bicyclists and others utilizing the bicycle Paths.
 3. Bicycle Paths conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.
 4. Bicycle Paths reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the Street.

- B. In furtherance of the objectives set forth in 3.24.A., above the Township shall require an applicant subject to or seeking site plan review under the provisions of Chapter 17 (including, but not limited to site plan review for a site condominium in accordance with Chapter 27 or a private road in accordance with Section 3.29), to: (1) grant the necessary easements for the construction of Bicycle Paths; and (2) either (a) construct Bicycle Paths as further provided in subsection 3.24.B.1 below; or (b) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Paths. The Township, working with the applicant, and in consultation with the Township Engineer, shall determine the location of the necessary easements for Bicycle Paths so as to provide, develop and maintain a Township Bicycle Path system to connect neighborhoods, schools, business districts, parks, and other facilities and to accomplish the public health, safety and welfare concerns set forth in Section 3.24.A.
1. If a Bicycle Path is to be constructed by the applicant, such path shall be developed either (a) along the entire frontage of a development that abuts an existing Street, which is subject to site plan approval, or (b) internal to the applicant's proposed development to connect existing Bicycle Paths if a development's frontage either contains an existing Bicycle Path or is located across from an existing Bicycle Path for the entirety of the development frontage or both. If the Township permits a Bicycle Path internal to the development such internal path shall not include required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance or internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses. In making a determination and recommendation with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:
 - a. The connectivity provided by the Bicycle Path to the existing Township trail system.
 - b. The length of the Bicycle Path relative to the development frontage.
 - c. The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.
 2. Uses subject to site plan review in accordance with Chapter 17, when located within the AR, R-1 or R-2 Zoning District, not

including residential developments, shall be exempt from the requirements of this Section when the following circumstances exist:

- a. There is an existing Bicycle Path located across from the applicant's proposed development and such existing Bicycle Path extends for the entirety of the frontage of the applicant's proposed development; or
 - b. The property containing the use is located more than one (1) mile from any existing residential development that was established pursuant to (i) Chapter 19, Chapter 27 or Chapter 28 of this Ordinance, or (ii) the Jamestown Charter Township Subdivision Ordinance and contains at least 30 or more residential lots or a net density of at least 1.5 units per acre.
- C. In order to achieve the public purposes described in subsection 3.24.A above, Planning Commission shall determine whether the applicant must provide an easement for future Bike Path construction. The Planning Commission shall also determine whether the applicant shall (1) construct Bicycle Paths at the same time as the site plan approval, (2) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for the construction of the required Bicycle Paths, or (3) construct an internal Bicycle Path. The Township Engineer shall review and provide a recommendation as to the preferred location and the estimated cost of the proposed Bicycle Path, and the amount of the contribution to be required of the applicant if the Planning Commission determines a contribution should be made in lieu of construction of or an easement for the Bicycle Path.

In making a determination and recommendation with respect to the Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

1. Vehicle traffic likely to be generated by the development which requires site plan approval.
2. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the development requiring site plan approval.
3. The importance of the required Bicycle Path to provide a safe means for bicyclists and pedestrians, including children, to access schools, churches, parks, libraries, and other amenities intended for their use.

4. The proximity of the development requiring site plan approval to attractions such as parks, churches, public buildings, and shopping opportunities.

The Planning Commission shall include in its decision the necessity for any Bicycle Path for the proposed development, the recommended location of the Bicycle Path to be provided, and whether the applicant shall: (1) provide necessary easements for the Bicycle Path; and either, (2) construct the Bicycle Path (3) make a financial contribution to the Township for the Township's construction of the Bicycle Path or (4) construct an internal Bicycle Path. The Planning Commission's decision pertaining to the Bicycle Path shall also state the rationale for its determinations.

This determination shall be effective to make the Bicycle Path construction, and any required easements, a condition of site plan approval and subject to the Planning Commission having the discretion to require a performance guarantee as is provided in Section 19.12.

- D. A Bicycle Path to be constructed by the applicant for site plan approval shall be designed and constructed in accordance with the following requirements:
 1. The Bicycle Path shall be at least eight (8) feet in width.
 2. The Bicycle Path shall be constructed in accordance with the Bicycle Path construction standards and requirements contained in the Jamestown Charter Township Sidewalks and Bicycle Paths Ordinance.
 3. The plans and specifications for the Bicycle Path shall be approved in advance of construction in writing by the Township.
- E. All Bicycle Path easements shall be a minimum of fifteen (15) feet wide, or as required by the Township Engineer.

Section 2. Section 3.29 – Private Roads. The introduction of Section 3.29 of the Zoning Ordinance will be amended to state in its entirety as follows and add Section 3.29F to read in its entirety as follows.

Section 3.29 – Private Roads

[Introduction Only]

Private roads shall be permitted in Jamestown Charter Township and are subject to site plan review by the Planning Commission in accordance with the provisions of Chapter 17 provided that the private roads meet the following additional requirements:

Section 3.29F – Private Roads

In the event of a conflict between the application and submittal requirements for review of a private road by the Planning Commission pursuant to Section 3.29 and the provisions of Chapter 17 for site plan review, the provisions of Section 3.29 shall govern.

Section 3. Section 3.36 – Growth Boundary. Section 3.36 of the Zoning Ordinance will be added to state in its entirety as follows.

Section 3.36 – Growth Boundary

The Growth Boundary is the boundary line delineated on the 2019 Master Plan Map of Jamestown Charter Township (that approximates the Rush Creek Watershed and the Minderhout Drain to the point where the Minderhout Drain terminates at Ransom Street), which distinguishes the location where public utilities may be installed from the location where public utilities shall not be installed. The boundary reflects engineering and public utility limitations for the extension of public sanitary sewer service (as public sanitary sewer system facilities have not been sized to serve beyond this natural watershed boundary) and further protects and preserves the rural character of the Township. Public utilities shall not be installed or extended in any areas south of the Growth Boundary line.

Section 4. Section 17.1A4 – Site Plan Review, Site Plan Review Required. Section 17.1A4 of the Zoning Ordinance will be amended to state in its entirety as follows.

Section 17.1 – Site Plan Review

A. Site Plan Review Required. A site plan shall be submitted for review according to the provisions of this Chapter for all permitted and special land uses except the following:

1. Single family and two family dwelling units permitted by right on individual lots, in the AR, R-1, R-2 and R-3 zoning districts.
2. Residential and agricultural accessory buildings, not listed as Special Uses.
3. Non-residential accessory buildings less than eight hundred (800) square feet in area.

4. Single family homes requiring a special use permit, home occupations and service uses allowed in the AR District as special land uses, as well as outdoor ponds and farm manure lagoons and residential and agricultural accessory buildings. However, a sketch plan drawn to scale shall be provided. The sketch plan shall include the location, dimensions, and area of all structures and parking areas on the site; scale, north arrow, and date of drawing; property owner's name and address; and description of the nature of the home occupation. The exception to this section shall be applications filed under Section 6.4 O.

In the case of a site condominium, as defined in Section 27.2, site plan review and approval are required and such review and approval shall be conducted and completed as is provided in Chapter 27.

For purposes of site plan review of a private road in accordance with Section 3.29, an applicant for approval of a private road shall comply with the requirements of this Chapter and Section 3.29; provided, however, that in the event of a conflict between the application and submittal requirements for review of a private road by the Planning Commission pursuant to Section 3.29 and the provisions of Chapter 17 for site plan review, the provisions of Section 3.29 shall govern.

Section 5. Section 19.16 – Bicycle Paths. Section 19.16 of the Zoning Ordinance will be amended to state in its entirety as follows.

Section 3.36 – Bicycle Paths

- A. It is hereby determined that Bicycle Paths promote and provide for the public health, safety, and general welfare by achieving the following public purposes:
 1. Bicycle Paths provide a safer location for travel along streets and roads for bicyclists and pedestrians, including school children, than the edge of the traveled street or road.
 2. Bicycle Paths encourage and promote aerobic exercise by bicyclists and others utilizing the Bicycle Paths.
 3. Bicycle Paths conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.
 4. Bicycle Paths reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the Street.

B. In furtherance of the objectives set forth in 19.16.A., the Township shall require an applicant seeking Planned Development review and approval in accordance with this Chapter to: (1) grant the necessary easements for the construction of Bicycle Paths; and (2) either (a) construct Bicycle Paths as further provided in subsection 19.16.B.1 below; or (b) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Paths. The Township, working with the applicant, and in consultation with the Township Engineer, shall determine the location of the necessary easements for Bicycle Paths so as to provide, develop and maintain a Township Bicycle Path system to connect neighborhoods, schools, business districts, parks, and other facilities and to accomplish the public health, safety and welfare concerns set forth in Section 19.16.A.

1. If a Bicycle Path is to be constructed by the applicant, such path shall be developed either (a) along the entire frontage of a development that abuts an existing Street, which is subject to site plan approval, or (b) internal to the applicant's proposed development to connect existing Bicycle Paths if a development's frontage either contains an existing Bicycle Path or is located across from an existing Bicycle Path for the entirety of the development frontage or both. If the Township permits a Bicycle Path internal to the development such internal path shall not include required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance or internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses. In making a determination and recommendation with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

- a. The connectivity provided by the Bicycle Path to the existing Township trail system.
- b. The length of the Bicycle Path relative to the development frontage.
- c. The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.

C. As part of its review of the preliminary development plan as provided in Section 19.7.C, and in accordance with the provisions of Section 19.16, the Planning Commission shall determine whether the applicant shall provide

an easement for future Bicycle Path construction. The Planning Commission shall also determine whether the applicant shall (1) construct Bicycle Paths at the same time as final development plan approval (2) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for the construction of the required Bicycle Path, or (4) construct an internal Bicycle Path in order to achieve the public purposes described in subsection 19.16.A above.

In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, the standards set forth in Section 3.24.C.

The Planned Development developer shall be provided a reasonable opportunity at a Planning Commission meeting to provide the Planned Development developer's position regarding the need for Bicycle Paths.

The Planning Commission shall include in its recommendation concerning the Planned Development preliminary plan provided for by Section 19.7.E., its final determination concerning the necessity for any Bicycle Path, the recommended location of the Bicycle Path to be provided, and whether the applicant shall (1) provide necessary easements for the Bicycle Path; and either, (2) construct the Bicycle Path; (3) make a financial contribution to the Township for the Township's construction of the Bicycle Path or (4) construct an internal Bicycle Path. The Planning Commission recommendation pertaining to Bicycle Paths shall also state the Planning Commission's rationale for its determinations.

- D. As part of its consideration of final approval of the PD application as is provided in Section 19.10 above, the Township Board shall review and consider the Planning Commission recommendation concerning Bicycle Paths and then make a final determination, when determining whether to approve, deny, or approve with conditions the PD application and final site plan, as to what Bicycle Paths, are to be required for the Planned Development and, their location and the portion of the cost of the required Bicycle Paths, both easements and construction cost, to be borne by the Planned Development developer.

This determination shall be effective to make the Bicycle Path construction or contribution to the cost thereof, or both, and any required easements, to the extent the cost thereof is to be borne by the Planned Development developer, a condition of approval as is provided in Section 19.11 above, to be constructed or paid for by the Planned Development developer. As part of this Township Board consideration, the Planned Development developer shall be provided a reasonable opportunity at a

Township Board meeting to provide the Planned Development developer's position regarding the need for Bicycle Paths and the portion of the cost thereof to be borne by the Planned Development developer.

- E. A Bicycle Path to be constructed by the Planned Development developer shall be designed and constructed in accordance with the following requirements:
 - 1. The Bicycle Path shall be at least eight (8) feet in width.
 - 2. The Bicycle Path shall be constructed in accordance with the Bicycle Path construction standards and requirements contained in the Jamestown Charter Township Sidewalks and Bicycle Paths Ordinance.
 - 3. The plans and specifications for the Bicycle Path shall be approved in advance of construction in writing by the Township.
- F. All dedicated Bicycle Path easements shall be a minimum of fifteen (15) feet wide.

Section 6. Section 27.3D3 – Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements. Section 27.3D3 of the Zoning Ordinance will be amended to state in its entirety as follows.

Section 27.3 - Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements

D3. All public streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Ottawa County Road Commission and the Township Subdivision Ordinance. Private streets shall be developed to the requirements of Section 3.29 of this Ordinance unless they have been previously approved as part of a planned development under the review and approval procedures provided in Chapter 19 of this Ordinance.

Section 7. Section 27.7G – Contents of Final Site Condominium Project Plan. Section 27.7G of the Zoning Ordinance will be amended to state in its entirety as follows.


Section 27.7 – Contents of Final Site Condominium Project Plan

G. A street construction paving plan for all streets within the proposed site condominium project. If one or more of the streets are to be private, a street maintenance plan shall be included.


Section 8. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 10. Effective Date. This amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan on October 19, 2020, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on September 21, 2020, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on November 4, 2020, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Rapids Press* as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.




Ken Bergwerff, Township Supervisor



Candy DeHaan, Township Clerk

CERTIFICATE

I, Candy DeHaan, the Clerk for the Charter Township of Jamestown, Ottawa County, Michigan, certify that the foregoing Jamestown Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on October 19, 2020. The following members of the Township Board were present at that meeting: Bergwerff, DeHaan, Brouwer, Altman, Miller, Oskin and Tacoma. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board Tacoma, Miller, Oskin, Bergwerff, DeHaan, Brouwer and Altman voting in favor and members of the Board zero (0) voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on October 27, 2020.


Candy DeHaan, Clerk
Jamestown Charter Township

