

NOTICE OF POSTING OF PROPOSED ZONING TEXT AMENDMENT ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Zoning Text Amendment Ordinance had its first reading at a meeting of the Jamestown Charter Township Board held on September 17, 2018 and is scheduled for a second reading on October 15, 2018.

The Zoning Text Amendment Ordinance will amend Section 2.64 – Lot Line, Front of the Zoning Ordinance to include private streets, single or joint driveways, and the method of determination; will amend Section 2.100 – Street, Private to define a private road and identify exclusions; will amend Section 3.18 – Required Right-of-Way to expand the requirement of a lot on a right-of-way to receive a building permit and; will amend Section 3.29 – Private Roads to establish minimum standards, road maintenance, application and procedure, review of application, and liability for private roads.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Jamestown Charter Township Clerk Jamestown Charter Township Hall, 2380 Riley Street, Hudsonville, Michigan, 49428, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: September 18, 2018

Candy DeHaan, Clerk
Jamestown Charter Township

The following Zoning Text Amendment Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on August 21, 2017.

ORDINANCE NO. 18-005

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND SECTION 2.65 – LOT LINE, FRONT; SECTION 2.100 – STREET, PRIVATE; SECTION 3.18 – REQUIRED RIGHT-OF-WAY AND; SECTION 3.29 – PRIVATE ROADS OF THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Lot Line, Front. Section 2.65 of the Zoning Ordinance shall be amended to state in its entirety as follows.

SECTION 2.65 LOT LINE, FRONT. The lot line separating the lot from the right-of-way for the abutting public or private street. In the case of a lot served by a single or joint driveway, it shall generally be the narrowest lot line closest to the public street, or such other lot line designated by the property owner and approved by the zoning administrator to provide setbacks consistent with the character of the area considering the orientation of buildings on adjacent properties.

Section 2. Street, Private. Section 2.100 of the Zoning Ordinance shall be amended to state in its entirety as follows.

SECTION 2.100 STREET, PRIVATE. The term private road or street shall mean a privately maintained roadway serving three or more parcels of land or residential building sites and constructed on a privately owned easement, as a common element of a site condominium or similar arrangement. A private street does not include parking areas or internal circulation drives within a multi-unit development, shopping center or similar arrangement.

Section 3. Required Right-of-Way. Section 3.18 of the Zoning Ordinance shall be amended to state in its entirety as follows.

SECTION 3.18. REQUIRED RIGHT-OF-WAY. No building permit shall be issued, and no buildings shall be erected unless the lot or parcel on which it is to be situated abuts:

- (1) A public street which has been accepted, opened and maintained by the Ottawa County Road Commission or the Michigan Department of Transportation;
- (2) A private road approved or lawfully existing pursuant to the provisions of this Ordinance; or
- (3) A single or joint driveway which complies with this Ordinance.

Section 4. Private Roads. Section 3.29 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Private roads shall be permitted in Jamestown Charter Township and are subject to site plan review by the Planning Commission provided that the roads meet the following requirements:

- A. Minimum Standards for Private Roads. Any private road that is proposed to be established, extended, or relocated shall comply with this Section.
 1. A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width.

At any dead-end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.
 2. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. Lots fronting on a cul-de-sac may be reduced to forty (40) feet at the front lot line, as long as the lot meets the minimum width requirement at the minimum front yard setback line.
 3. The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting Ottawa County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road intersects any public road.
 4. A residential private road shall be constructed to the following standards:
 - a. Serving up to four (4) lots. The minimum surface shall contain twelve (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel base and at least three (3) inches of

asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least fourteen (14) feet. If valley gutters or curb and gutter are needed for proper storm water drainage, the total minimum paved road width shall be two (2) feet wider to account for each side that gutter is added. The sand subbase and gravel base shall extend twelve (12) inches beyond the pavement edge.

- b. Serving more than four (4) lots but less than twenty (20) lots. The minimum surface shall contain twelve (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel base and at least three (3) inches of asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least twenty-four (24) feet and shall contain valley gutter shoulders or curb and gutter where needed for proper storm water drainage. The sand subbase and gravel base shall extend twelve (12) inches beyond the pavement edge.
 - c. Serving twenty (20) or more lots. The minimum surface shall contain (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel base and at least three (3) inches of asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least twenty (20) feet and shall contain concrete curb and gutter shoulders. The private road shall include street trees and street lighting pursuant to the requirements of the Jamestown Charter Township Subdivision Ordinance.
 - d. A residential private road which terminates at a dead end shall have a forty-two (42) foot radius paved cul-de-sac constructed in accordance with the private road design and construction requirements of this section.
5. A commercial or industrial private road shall be designed and constructed in accordance with the current Ottawa County Road Commission Standards.
6. Where existing soils do not allow for natural drainage, sand subbase must be extended to adjacent ditch or six (6) inch perforated geotextile wrapped underdrain must be installed and discharge to a suitable location.

7. A private road shall not exceed a grade of seven (7) percent, provided however, that the Township may allow up to a ten (10) percent grade of the applicant submits written justification thereof, satisfactory to the Township engineer (4 lots and fewer) or Planning Commission (greater than 4 lots) to the effect that an increase in the road grade will not adversely affect public safety and the overall design of the road system; but provided further that within thirty (30) feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of one and one-half (1.5) percent.
8. The private road surface shall have a minimum two percent (2%) crown or cross slope.
9. The side slopes shall not exceed one (1) foot vertical to each three (3) feet horizontal (1:3).
10. A private road shall be designed and constructed to sufficiently address storm water runoff using catch basins, storm sewers, culverts and other best management practices, as required by the Township engineer. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer so that it complies with applicable Ottawa County Water Resources Commission and State of Michigan requirements.
11. A private road or interconnected private road system shall not serve more than seventy-five (75) lots, living units, or combination thereof, unless two (2) different non-intersecting routes of ingress and egress are provided for the entire property served.
12. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
13. In determining the location of a private road, consideration shall be given to safety of traffic entering and exiting the private street in relationship with the public road.
14. A private road shall have a stop sign which requires all traffic to stop before exiting the private road and entering the public street upon which the private road fronts.

15. All brush and trees shall be cleared for a distance equal to at least four (4) feet from each side of the paved road for the entire length of the private road. Overhead limbs must be maintained to no less than fourteen (14) feet above ground within the width described above.
16. To verify compliance with Township construction standards the applicant's registered engineer shall inspect the private road. Inspection shall include measuring the depth and width of the subgrade bottom, sand grade, and gravel grade every fifty (50) feet, as well as witnessing the pavement installation. Materials testing of sand, gravel, and asphalt shall be obtained per Ottawa County Standards. Inspector's daily reports, materials testing reports, and a signed certification from the professional engineer attesting that construction was inspected and found compliant with all design and construction standards and/or approvals must be provided to the Township.
17. All lots served by the private road and any newly created front lots abutting the public street, shall connect to the public water or public sanitary sewer system, or both, when any of (a) – (c) apply:
 - a. Extension and connection is required under the terms of the Township sewer and/or water ordinances; or
 - b. Extension and connection is required under the terms of the Township subdivision ordinance, applied as if the property served by the private road were developed as a subdivision; or
 - c. An existing water and/or sewer main is located in the public right of way or utility easement which abuts any one of the following (i) any portion of the lands proposed to be served by the private road; or (ii) any front lots abutting the public road created in connection with the private road; or (iii) any land crossed by the private road easement. In applying subsection (c), the Planning Commission may ignore transfers of ownership occurring during the previous five years which have the effect of avoiding the application of subsection (c).
 - d. Any required water or sewer mains and facilities, up to the point of connection with an individual lot or unit, shall be constructed to Township specifications at the developer's expense and dedicated to the public along with easements

allowing for the operation, maintenance and repair of those facilities.

18. Standard sidewalks shall be required on either side of the private road when twenty (20) or more lots are proposed. To the extent they are required, maintenance of sidewalks shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development. The location of sidewalks shall be approved during site plan review. In addition to internal sidewalks, a sidewalk may be required parallel to the public street or public streets to which the private road has direct access for the entire width of the property. For private roads with less than twenty (20) lots, the Planning Commission has the discretion to require sidewalks based upon a consideration of the following factors:
 - a. Whether the property for the proposed private road abuts an existing sidewalk;
 - b. Whether the property for the proposed private road is planned for sidewalks, bike paths or other recreational paths in the Master Plan, the Township recreation plan or other Township policy document;
 - c. The vehicular traffic volume on the street or streets on which the private road intersects;
 - d. The expected vehicular and pedestrian traffic volume on the streets within the private road and the expected impact on the Township's existing and proposed street system;
 - e. Whether the Master Plan classification for the property for the proposed private road is Medium Density Residential A or High Density Residential A or both.
- B. Road Maintenance. The applicant(s) and/or owners(s) of the proposed private road shall provide to the Township a recorded road maintenance agreement, access easement agreement, deed restrictions or comparable instrument in compliance with Section 3.29D2 which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. Prior to recording, the agreements and deed restrictions or comparable instrument shall in a form approved by the Township Attorney. These documents shall contain the following provisions.
 1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.

2. A workable method of apportioning the costs of maintenance, snowplowing, and improvements. The road shall be snowplowed as often as necessary to keep it reasonably passable for motor vehicles, especially for emergency motor vehicles. For purposes of this Ordinance, the words 'maintenance' and 'improvements' shall include but not be limited to tree trimming, tree removal, and reconstruction of the private road.
 3. A legal description of the private road easement and a legal description of the individual parcels of land to be served by the private road. All properties served by the private road shall be subject to the private road maintenance agreement.
 4. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in Section 3.29A and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of five percent (5%) of the total cost of the improvements.
 5. A notice that no public funds of the Charter Township of Jamestown are to be used to build, repair, or maintain the private road.
 6. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
 7. An easement shall be granted on the Township's standard water and sewer easement document covering the entire private road easement and extending to any property lines as directed by the Township engineer for future public water or public sanitary sewer service.
 8. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
 9. Provisions to indemnify, save and hold the Township, and its officers, employees and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair or replace the private road.
- C. Application, Procedure, and Fee for Review of Private Roads. An application to establish, extend, or relocate a private road shall be filed

with the Township Zoning Administrator. The application shall contain or be accompanied by the following:

1. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 2. Permanent parcel number or legal description of the property over which the private road is to be constructed.
 3. A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
 4. A scaled drawing, including a cross section and profile, showing the precise location, route, elevations, grade, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance. The drawing shall also include soils information and the location of all utilities, including but not limited to water, sewer, telephone, gas, electricity, and television cable to be located either in the private road right-of-way or within twenty (20) feet and the location of any lakes, streams, or drains in the proposed private road right-of-way or within one hundred (100) feet.
 5. A scaled drawing illustrating the proposed lot divisions.
 6. A road maintenance agreement, access easement agreement and deed restrictions as described in Section 3.29B herein, shall also accompany the application.
 7. A driveway permit from the Ottawa County Road Commission.
 8. A Soil Erosion and Sedimentation Control Permit as issued by the Office of the Ottawa County Water Resources Commissioner.
 9. A letter from the Ottawa County Road Commission indicating there is no known duplication of the proposed private road name.
 10. Permit and escrow fees as established by the Township Board
- D. Review of Permit Application, Issuance of Permits. The permit application, drawings and other required information shall be reviewed by the

Planning Commission to determine compliance with the standards for private roads. The Planning Commission may consult with the Township Fire Chief, Engineer, Planner, or Attorney as deemed necessary.

1. If the Planning Commission finds that the application meets the requirements of this Ordinance and has engineering review approval from the Township Engineer, the Zoning Administrator shall issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township. This construction permit is not a Private Road Permit and does not authorize the construction of any dwelling units on the private road. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.
2. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator: *a)* a letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans as outlined in Section 3.29A12, and *b)* documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Ottawa County Register of Deeds office, and *c)* a driveway permit for the private road from the Ottawa County Road Commission.
3. Upon inspection of the zoning administrator or designee to determine if the Private Road complies with approved plans and specifications and approval of all items required pursuant to Section 3.29D2, the Zoning Administrator shall issue a Private Road Permit.
4. A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a Private Road Permit has been issued by the Township and the road has either been completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Township, to insure construction of the private road in accordance with the approved private road construction permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the

Township shall have the right to access the letter of credit if such letter is not renewed thirty (30) days before the expiration date of the letter.

5. A Private Road Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot which derives its primary access from an existing private road.
- E. Township Liability. The owner(s) of the private road agree by applying for and securing a permit to construct the private road that they shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant.

Section 5. 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 _____, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on September 17, 2018, 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 _____, 2018, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Valley Advance* and the *Southwest Advance* 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 _____,

2018. The following members of the Township Board were present at that meeting:

_____. The following members of the Township Board were absent:

_____.

The Ordinance was adopted by the Township Board with members of the Board _____

voting in favor and members of the Board _____

_____ voting in opposition. Notice of Adoption of the

Ordinance was published in the *Grand Valley Advance* and the *Southwest Advance* on

_____, 2018.

Candy DeHaan, Clerk
Jamestown Charter Township

AFFIDAVIT OF POSTING
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Candy DeHaan, the Jamestown Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Jamestown Charter Township, after its first reading at a meeting of the Jamestown Charter Township Board held on _____, 2018 and its second reading at a meeting of the Jamestown Charter Township Board held on _____, 2018, in the Township Clerk's office and on the Township's website at www.twp.jamestown.mi.us on _____, 2018.

Candy DeHaan, Clerk
Jamestown Charter Township

Subscribed and sworn to before this
____ day of _____, 2018.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____