

**JAMESTOWN CHARTER TOWNSHIP**  
**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of Jamestown Charter Township, held at the Township Hall, 2380 Riley Street, Jamestown, Michigan, on the 17<sup>th</sup> day of June, 2024, at 7:00 p.m.

PRESENT: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma

ABSENT: Non

The following ordinance was offered by Member DeHaan and supported by Member Miedema.

**ORDINANCE NO. 24-002**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE CHARTER TOWNSHIP OF JAMESTOWN**

**[Bicycle Paths (also Non-Motorized Trails)]**

JAMESTOWN CHARTER TOWNSHIP ORDAINS:

Section 1.     Bicycle Paths (also Non-Motorized Trails). Section 3.24 of the Zoning Ordinance of the Charter Township of Jamestown is hereby amended so as to read in its entirety as follows:

**SECTION 3.24 BICYCLE PATHS (ALSO NON-MOTORIZED PATHWAYS).**

- A.     Findings. It is hereby determined by the Township 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. Bicycle Paths for Site Plan Developments. In furtherance of the objectives set forth in Section 3.24.A, the Planning Commission may require (except as stated in Section 3.24.I) 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 do the following, as a condition of site plan approval:

1. To grant the Township the necessary easement(s) for the construction of Bicycle Paths in accordance with Section 3.24.D; and,
  - a. If there is an existing Bicycle Path, school, church, business district, public park or similar public amenity located within one-half mile or less from the development's frontage, as measured by the shortest distance along the abutting public street rights-of-way, to construct a Bicycle Path(s) in all or part of the easement(s) granted to the Township, as further provided in Section 3.24.E; or,
  - b. If there is not an existing Bicycle Path, school, church, business district, public park or similar public amenity located within one-half mile or less from the development's frontage, as measured by the shortest distance along the abutting public street rights-of-way, to perform either one of the following options, with the applicant having the discretion as to which option is selected:
    - (i) Construct a Bicycle Path(s) in the easement(s) granted to the Township, as further provided in Section 3.24.E; or,
    - (ii) Make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Path construction (i.e., a "payment in lieu"). The amount of the payment in lieu shall be the cost of constructing the Bicycle Path(s) that would otherwise be required under Section 3.24.B.1.b.(i), as calculated by the Township Engineer, subject to any percentage reduction, up to

a maximum of 50%, authorized by the Planning Commission.

- c. If the applicant does not voluntarily make a selection under subsection b, above, then the Planning Commission shall have the authority to select and require one of the two options.
2. If the applicant or the Planning Commission selects the payment in lieu option under Section 3.24.B.1.b.(ii), the following shall apply:
- a. If, within not more than five years after the applicant has tendered the payment in lieu to the Township, a Bicycle Path external to the development is located within one-half mile or less from the development's frontage, as measured by the shortest distance along the abutting public street rights-of-way, the Township may use the payment in lieu to either:
    - (i) Construct a Bicycle Path within the Bicycle Path easement(s) granted under Section 3.24.B.1; or,
    - (ii) Construct a Bicycle Path that extends the external Bicycle Path closer to the development's frontage.
  - b. If, upon the expiration of five years after the applicant has tendered the payment in lieu to the Township, a Bicycle Path external to the development is not then located within one-half mile or less from the development's frontage, as measured by the shortest distance along the abutting public street rights-of-way, then the Township shall return the payment in lieu, including the interest earned thereon, to the applicant.

C. Factors to be Considered. In making a determination with respect to Bicycle Paths under Section 3.24.B, the Planning Commission shall consider, in addition to any other relevant factors, all of the following:

- 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.

Before making its final determination under this Section 3.24.B, the Planning Commission shall provide the applicant a reasonable opportunity, at a Planning Commission meeting, to provide the applicant's position regarding the need for Bicycle Paths and the portion of the cost thereof to be borne by the applicant.

- D. Easement Location(s). In determining the location of the necessary easement(s) for Bicycle Paths under Section 3.24.B.1, the Planning Commission shall work jointly with the applicant, and in consultation with the Township Engineer, to select locations that will help provide, develop and maintain a Township Bicycle Path system that will connect neighborhoods, schools, business districts, parks, and other facilities, and which will otherwise accomplish the public health, safety and welfare concerns set forth in Section 3.24.A.
- E. Bicycle Path Locations. If a Bicycle Path is to be constructed by the applicant under Section 3.24.B.1 or Section 3.24.B.1.b(i), such Bicycle Path shall be constructed either:
  1. Along the entire frontage(s) of that part of the development that abuts an existing Street; or,
  2. Internal to the applicant's proposed development, in order to connect to existing Bicycle Paths. This option shall be permitted only if the development either (i) contains an existing Bicycle Path for the entirety of the development's frontage, or (ii) is located across from an existing Bicycle Path for the entirety of the development's frontage, or (iii) both.
    - a. If, under Section 3.24.E.2, the Planning Commission requires a Bicycle Path internal to the development, the developer shall not be required to include (i) required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance, or (ii) internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses.
    - b. In making a determination with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following:
      - (i) The connectivity provided by the Bicycle Path to the existing Township trail system.

- (ii) The length of the Bicycle Path relative to the development frontage.
- (iii) The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.

F. Final Decision and Rationale.

- 1. In making its final decision to approve or conditionally approve a site plan, the Planning Commission shall state its decision and its rationale for whether the applicant is required to provide necessary easements for Bicycle Path(s), and either:
  - a. Construct an external or internal Bicycle Path; or,
  - b. Make a payment in lieu of Bicycle Path construction.
- 2. The Planning Commission's determination under this subsection F shall be effective to make any required Bicycle Path easement(s) and/or Bicycle Path construction, and/or a payment in lieu, a condition of site plan approval and subject to the Planning Commission having the independent discretion to require a performance guarantee, as provided in Section 19.12, and without prior Township Board approval.

G. Bicycle Path Construction Standards. A Bicycle Path to be constructed by the applicant as a condition of 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.

H. Bicycle Path Easement Width. All Bicycle Path easements shall be a minimum of fifteen (15) feet wide, or as required by the Township Engineer.

I. Exemptions. Uses subject to site plan review in accordance with Chapter 17, when located within the AR, R-1 or R-2 Zoning District, but not including residential developments, shall be exempt from the requirements of Section 3.24 when the following circumstances exist:

1. 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,
2. 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.

Section 2.    Bicycle Paths in Planned Developments.    Section 19.16 of the Zoning

Ordinance of the Charter Township of Jamestown is hereby amended so as to read in its entirety as follows:

**SECTION 19.16 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 Section 19.16.A., the Township Board may require an applicant seeking Planned Development ("PD") review and approval in accordance with this Chapter to do the following, as a condition of final approval of the PD application and final site plan:
  1. To grant the Township the necessary easement(s) for the construction of Bicycle Paths in accordance with Section 19.16.D, below; and,

- a. If there is an existing Bicycle Path, school, church, business district, public park or similar public amenity located within one-half mile or less from the PD's frontage, as measured by the shortest distance along the abutting public street rights-of-way, to construct a Bicycle Path(s) in all or part of the easement(s) granted to the Township, as further provided in Section 19.6.E; or,
  - b. If there is not an existing Bicycle Path, school, church, business district, public park or similar public amenity located within one-half mile or less from the PD's frontage, as measured by the shortest distance along the abutting public street rights-of-way, to perform either one of the following options, with the PD developer having the discretion as to which option is selected:
    - (i) Construct a Bicycle Path(s) in the easement(s) granted to the Township, as further provided in Section 19.16.E; or,
    - (ii) Make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Path construction (i.e., a "payment in lieu"). The amount of the payment in lieu shall be the cost of constructing the Bicycle Path(s) that would otherwise be required under Section 19.16.B.1.b.(i), as calculated by the Township Engineer, subject to any percentage reduction, up to a maximum of 50%, authorized by the Township Board, upon the prior recommendation of the Planning Commission.
2. If the PD developer or Township Board selects the payment in lieu option under Section 19.16.B.1.b.(ii), the following shall apply:
- a. If, within not more than five years after the PD developer has tendered the payment in lieu to the Township, a Bicycle Path external to the PD is located within one-half mile or less from the PD's frontage, as measured by the shortest distance along the abutting public street rights-of-way, the Township may use the payment in lieu to either:
    - (i) Construct a Bicycle Path within the Bicycle Path easement(s) granted under Section 19.16.B.1; or,
    - (ii) Construct a Bicycle Path that extends the external Bicycle Path closer to the PD's frontage.

- b. If, upon the expiration of five years after the PD developer has tendered the payment in lieu to the Township, a Bicycle Path external to the PD is not then located within one-half mile or less from the PD frontage, as measured by the shortest distance along the abutting public street rights-of-way, then the Township shall return the payment in lieu, including the interest earned thereon, to the PD developer.

C. Factors to be Considered. The Planning Commission shall consider its recommendation with respect to Bicycle Paths under Section 19.6.B, as part of its review of the Preliminary Development Plan, as provided in Section 19.7.C. In making its recommendation with respect to Bicycle Paths, the Planning Commission shall consider, in addition to any other relevant factors, all of the following:

1. Vehicle traffic likely to be generated by the PD.
2. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the PD.
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 PD to attractions such as parks, churches, public buildings, and shopping opportunities.

Before making its final recommendation under this Section 19.16.C, the Planning Commission shall provide the PD developer a reasonable opportunity, at a Planning Commission meeting, to provide the PD developer's position regarding the need for Bicycle Paths and the portion of the cost thereof to be borne by the PD developer.

D. Easement Location(s). In making its recommendation for the location of the necessary easement(s) for Bicycle Paths under Section 19.16.B.1, the Planning Commission shall work jointly with the PD developer, and in consultation with the Township Engineer, to select locations that will help provide, develop and maintain a Township Bicycle Path system that will connect neighborhoods, schools, business districts, parks, and other facilities, and which will otherwise accomplish the public health, safety and welfare concerns set forth in Section 19.16.A.

E. Bicycle Path Locations. If a Bicycle Path is to be constructed by the PD developer under Section 19.16.B.1.a or Section 19.16.B.1.b.(i), the Planning Commission shall recommend that such Bicycle Path be constructed either:

1. Along the entire frontage(s) of that part of the PD that abuts an existing Street; or,



2. Internal to the proposed PD, in order to connect to existing Bicycle Paths. This option shall be permitted only if the PD either (i) contains an existing Bicycle Path for the entirety of the PD's frontage, or (ii) is located across from an existing Bicycle Path for the entirety of the PD frontage, or (iii) both.
  - a. If, under Section 19.16.E.2, the Planning Commission recommends a Bicycle Path internal to the PD, the Planning Commission shall not recommend or require that (i) the PD include required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance, or (ii) internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses.
  - b. In making its recommendation with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following factors:
    - (i) The connectivity provided by the Bicycle Path to the existing Township trail system.
    - (ii) The length of the Bicycle Path relative to the PD frontage.
    - (iii) The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.

F. Planning Commission Recommendation and Board Final Approval.

1. In making its final recommendation to the Township Board to approve or conditionally approve the Preliminary Development Plan of the PD, the Planning Commission shall state its decision and its rationale for whether the PD developer should be required to provide necessary easements for Bicycle Path(s), and either:
  - a. Construct an external or internal Bicycle Path; or,
  - b. Make a payment in lieu of Bicycle Path construction.
2. As part of its consideration of final approval of the PD application and final site plan, as provided in Section 19.10, the Township Board shall review and consider the Planning Commission's recommendation concerning Bicycle Paths.
3. If the Board approves or approves with conditions the PD application and final site plan, the Board shall determine whether

the PD developer shall be required to provide necessary easements for Bicycle Path(s), and either:

- a. Construct an external or internal Bicycle Path(s); or,
  - b. Make a payment in lieu of Bicycle Path construction.
4. The Board shall also determine, if applicable:
- a. The location of the Bicycle Path easements and Bicycle Paths; and,
  - b. The portion of the costs of the required Bicycle Paths, both easements and construction cost, to be borne by the PD developer.
5. The Board's determination under this subsection F shall be effective to make any required Bicycle Path easement(s) and/or Bicycle Path construction, and/or a payment in lieu, a condition of approval of the PD application and final site plan, subject to the Township Board having the discretion to require a performance guarantee, as provided in Section 19.12.
6. As part of the Township Board's consideration under this subsection F, the PD developer shall be provided a reasonable opportunity, at a Township Board meeting, to provide the PD developer's position regarding the need for Bicycle Paths and the portion of the cost thereof to be borne by the PD developer.

G. Bicycle Path Construction Standards. A Bicycle Path to be constructed by the PD developer as a condition of final approval of the PD application and final site plan, 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.

H. Bicycle Path Easement Width. All Bicycle Path easements shall be a minimum of fifteen (15) feet wide, or as required by the Township Engineer.

Section 3. Publication/Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Miller, Miedema, DeHaan, VanHaitsma, Brouwer, McCormick and Tacoma

NAYS: None

ORDINANCE DECLARED ADOPTED.



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Laurie Van Haitsma, Supervisor  
Jamestown Charter Township



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Candy DeHaan, Clerk  
Jamestown Charter Township

First Reading: May 20, 2024

Second Reading: June 17, 2024

Ordinance Becomes Effective: July 3, 2024

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OTTAWA     )

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of Jamestown Charter Township at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



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Candy DeHaan, Clerk  
Jamestown Charter Township