

## SECTION 3.36 NON-MOTORIZED PATHWAYS

1. It is hereby determined that non-motorized pathways promote and provide for the public health, safety, and general welfare by achieving the following public purposes:
  - a. Non-motorized pathways 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.
  - b. Non-motorized pathways encourage and promote aerobic exercise by bicyclists and others utilizing the non-motorized pathways.
  - c. Non-motorized pathways 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.
  - d. Non-motorized pathways reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer Vehicles on the Street.
2. The Township shall require, as is provided below in this subsection, for the granting of Easements for non-motorized pathways and for the construction of non-motorized pathways along the entire frontage for any property subject to a building permit or subject to site plan review pursuant to Chapter 18, which abuts Lake Michigan Drive from 8<sup>th</sup> Avenue east to the County line or Ironwood Drive.

The owner of any property in the Township which abuts Lake Michigan Drive west of 8<sup>th</sup> Avenue and which is located in the C-1 Commercial Service Zoning District, the C-2 General Commercial Zoning District or the I-1 Industrial Zoning District or any combination thereof or is identified in the Commercial or Industrial Classification or combination of both on the Master Plan Map shall, as a condition of receiving any building permit for that property or as a condition of site plan review pursuant to Chapter 18, grant an Easement to the Township or the Ottawa County Road Commission, and shall construct a non-motorized pathway within that easement. ~~In lieu of constructing the required non-motorized pathway, the property owner shall pay to the Township the estimated cost of constructing the non-motorized pathway, after which the Township shall construct the non-motorized pathway at such time deemed appropriate by the Township.~~

3. The Township may require, as is provided below in this subsection, for the granting of Easements for non-motorized pathways and for the construction of non-motorized pathways along the entire frontage of a development subject to Site Plan Review which abuts an existing Street.

As part of its review of a Site Plan as is provided in Chapter 18, the Planning Commission shall specifically consider whether Non-motorized pathways are necessary along the proposed development frontage which abuts an existing Street in order to achieve the public purposes described in subsection 1 above. Where construction is not required, the development shall provide for the necessary easements for future construction in the instance the existing right-of-way cannot accommodate the future pathway.

~~In lieu of constructing the required non-motorized pathway, the property owner shall pay to the Township the estimated cost of constructing the non-motorized pathway, after which the Township shall construct the non-motorized pathway at such time deemed appropriate by the Township. Any development property that has paid in-lieu of construction pursuant to the previous provisions of this Section prior to its amendment, shall not be subject to the provisions herein except for Section 3.63.4 and Section 3.63.5, in such instance a pathway is constructed by the owner of the property.~~

~~As part of its review of a Site Plan as is provided in Chapter 18, the Planning Commission shall specifically consider whether Non-motorized pathways are necessary along the proposed development frontage which abuts an existing Street in order to achieve the public purposes described in subsection 1 above. Where construction is not required, the development shall provide for the necessary easements for future construction in the instance the existing right-of-way cannot accommodate the future pathway.~~

~~4. As part of its review of a Site Plan as is provided in Chapter 18, the Planning Commission shall specifically consider whether Non-motorized pathways are necessary along the proposed development frontage which abuts an existing Street in order to achieve the public purposes described in subsection 1 above. If the Planning Commission determines non-motorized pathways are necessary to achieve these public purposes, it shall provide its recommendation regarding the need for non-motorized pathways to the Board of Trustees to determine to what extent the cost of those Non-motorized pathways (Easements, if any, and construction cost) shall be borne by the applicant.~~

~~In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:~~

- ~~a. Vehicle traffic likely to be generated by the development which requires Site Plan approval.~~
- ~~b. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the development requiring Site Plan approval.~~

- c. The importance of the required Non-motorized pathways to provide a safe means for bicyclists and pedestrians, including children, to access schools, churches, parks, libraries, and other amenities intended for their use.
- d. The proximity of the development requiring Site Plan approval to attractions such as parks, churches, public buildings, and shopping opportunities.
- e. The fair market value of any land required for Easements for the required Non-motorized pathways.
- e.f. The character of the neighborhood in which the property is located.

Given the number of properties that have paid in-lieu of construction of a non-motorized pathway within the Tallmadge Industrial Park under the previous version of this Section prior to its amendment and to ensure the equitable treatment of the remaining properties within the Tallmadge Industrial Park, being those properties accessed by 1<sup>st</sup> Avenue, 3<sup>rd</sup> Avenue, or Steele Street right-of-ways, in lieu of constructing the required non-motorized pathway, the property owner shall pay to the Township the estimated cost of constructing the non-motorized pathway, after which the Township shall construct the non-motorized pathway at such time deemed appropriate by the Township.

Any development property that has paid in-lieu of construction pursuant to the previous version of this Section prior to its amendment, shall not be subject to the provisions herein except for Section 3.63.4 and Section 3.63.5, in such instance a pathway is constructed by the owner of the property.

- 45. The Non-motorized pathways to be constructed by the applicant for Site Plan approval shall be designed and constructed in accordance with the following requirements:
    - a. The Non-motorized pathways shall be at least eight (8) feet in width for bicycle paths and five (5) feet in width for sidewalks, as determined by the Planning Commission and shall be constructed in accordance with the standards provided by the Ottawa County Road Commission and the Michigan Department of Transportation.
    - b. The plans and specifications for the Non-motorized pathways shall be approved in advance of construction in writing by the Township.
5. All Non-motorized pathway Easements shall be a minimum of fifteen (15) feet wide.