

CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN

ORDINANCE NO. 23-670

AN ORDINANCE TO AMEND SECTION 94-38  
OF THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN  
ENTITLED “**NORTH RIDGE DRIVE EAST PRECISE PLAT**”

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Section 94-38. That Section 94-38 of the Code of Ordinances, City of Walker, Michigan, is hereby amended to read in its entirety as follows:

**Northridge Drive East Precise Plat.**

(a) *Defining precise plat.* The City Commission finds it necessary to adopt an ordinance defining the exact location of proposed future outside lines of a certain public street known as North Ridge Drive. This section hereby defines as a precise plat roadway the area shown and described on Exhibit 1 (legal description) and Exhibit 2 (survey), which are available in the office of the City Clerk. The area is located in Sections 2 and 3 of the City. The purpose of defining this precise plat roadway is to allow for improved traffic flow, an enhanced street network, alternative traffic routing and comprehensive access management in the northern part of the City of Walker, bordered by 3 Mile Road, Fruit Ridge Avenue, 4 Mile Road and Alpine Avenue.

This precise plat for North Ridge Drive East is being created with an estimated construction date of 2030 as the limitation of this ordinance. If North Ridge Drive East, as provided for herein, has not been constructed and dedicated by January 1, 2030, then this ordinance will be null and void without further action of the City.

(b) *Erection of buildings; establishment of streets.*

(1) No permit shall be issued for, and no building or structure, or part thereof, shall be erected on any land located within the proposed future outside lines of the precise plat street provided to herein except as otherwise permitted by subsection (c).

(2) The adoption of the precise plat ordinance or any subsequent amendments do not constitute, nor shall their adoption be deemed to constitute, the opening or establishment of any street, or the taking or acceptance of any land for any of the purposes set forth in subsection (a).

(c) *Amendments, modifications, additions and appeals.*

(1) Amendments or modifications to this section, in conformity with lawfully adopted changes or additions to the City master plan, may be made and certified by the Planning Commission to

the City Commission. The City Commission may then adopt the change or addition by ordinance in accordance with state law.

(2) The Zoning Board of Appeals may authorize the granting of a permit for the erection of a building or structure, or part thereof, within the precisely platted lines of any street or other public way, upon appeal by the owner of any affected land. Such appeal may be granted, based upon the following findings:

a. The entire property of the appellant, located in whole or in part within the lines of such street or public way, cannot yield a reasonable return to the owner unless the permit is granted; and,

b. Balancing the interest of the City in preserving the integrity of the adopted map, and the interest of the owner of the property in the use and benefits of his property, the granting of the permit is required by considerations of justice and equity.

Before taking any such action, the Zoning Board of Appeals shall hold a public hearing, following not less than 10 days prior notice to the appellant by mail at the address specified by the appellant in his petition. The Zoning Board of Appeals shall have the power to specify the exact location, ground area, height, and other details and conditions of size, character and construction, and also the duration of the building or structure, or part thereof, to be permitted.

Section 2. Severability.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is determined unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Effective Date.

This Ordinance will become effective 7 days after publication in a newspaper in general circulation within the City of Walker as provided by law.

YEAS: 7

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE 23-670 ADOPTED.

First Reading: February 27, 2023

Second Reading: March 13, 2023

Publication Date: March 19, 2023

Effective Date: March 26, 2023