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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, JUNE 12, 2023 AT 7:00 P.M.

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. April 10, 2023 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Sign Ordinance
6. NEW BUSINESS
 - a. Site Plan Review – West Michigan Auto Xchange – 2153 W. Main Street
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, APRIL 10, 2023 AT 7:00 P.M.**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.

The Meeting was called to order at 7:00 p.m. by Chair Bruce Barker.

Present: Commissioners Schrauben, Gadula, Plank, Cadwallader, Ellis and Chair Barker.

Absent: Commissioners Chambers.

Also Present: Andy Moore with William & Works, Lowell City Clerk Sue Ullery.

2. EXCUSE OF ABSENCE.

IT WAS MOVED BY ELLIS and seconded by SCHRAUBEN to excuse the absence of Commissioner Chambers.

YES: Commissioner Cadwallader, Commissioner Gadula, Commissioner Schrauben, Commissioner Ellis, Commissioner Plank and Chair Barker.

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

3. APPROVAL OF AGENDA.

IT WAS MOVED BY ELLIS and seconded by SCHRAUBEN to approve the agenda as written.

YES: Commissioner Schrauben, Commissioner Cadwallader, Commissioner Gadula, Commissioner Ellis, Commissioner Plank and Chair Barker.

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY ELLIS and seconded by PLANK to approve minutes of the February 13, 2023 regular meeting as written.

YES: Commissioner Cadwallader, Commissioner Schrauben, Commissioner Gadula, Commissioner Ellis, Commissioner Plank and Chair Barker.

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

There were no comments.

6. OLD BUSINESS.

There was none.

7. **NEW BUSINESS**

a.) Site Plan Review – YMCA – 1070 N. Hudson.

Philip Lyzenga of Pure Architects gave a summary of what they would like to do taking the existing building and turning it into a childcare facility for 0 to 5 year old children. Drawings will be finished in the next month and will start the project May 1, 2023 and hope to have it complete by the end of July 2023.

Andy Moore with Williams & Works then provided the background on the YMCA property explaining that half of property is in the City and the north half is in Vergennes Township. This existing building they would like to re-utilize is on the south end (City's end).

Moore then reviewed the Site plan review standards A through F and went through with the Commissioners and found that all the standards are met.

IT WAS MOVED BY BARKER and seconded by SCHRAUBEN that the Planning Commission accept that the site plan review standards A - F are met.

YES: Commissioner Cadwallader, Commissioner Gadula, Commissioner Schrauben, Commissioner Ellis, Commissioner Plank and Chair Barker.

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

Moore then reviewed the following five conditions.

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell and the State of Michigan. Proof of licensure as a child care facility shall be provided to the City.
3. Any new exterior lighting shall be approved by the Zoning Enforcement Officer and comply with the lighting standards of the Zoning Ordinance.
4. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
5. All landscaping and screening shall be continuously maintained in good condition to ensure that proposed uses will be adequately buffered from one another and surrounding public and private property.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to accept the site plan for the YMCA – 1070 N. Hudson with the above five conditions all met.

YES: Commissioner Cadwallader, Commissioner Gadula, Commissioner Schrauben, Commissioner Ellis, Commissioner Plank and Chair Barker.

NO: None. ABSENT: Commissioner Chambers. MOTION CARRIED.

8. **STAFF REPORT.**

Moore stated at the May meeting we have one site plan to go over and review the sign ordinance.

Chair Barker stated that the Lowell Ledger featured Tony Ellis's Media class and it was commented that he was best teacher, so congrats to Commissioner Ellis.

9. **COMMISSIONERS REMARKS.**

Commissioner Ellis would like zoning maps and have them laminated as well.

Chair Barker reminded everyone of the joint meeting with Lowell Township, Vergennes Township and the Lowell City Planning Commission on Wednesday April 12, 2023 at 7:00 p.m.

10. **ADJOURNMENT.**

IT WAS MOVED BY ELLIS and seconded by CADWALLADER to adjourn at 7:31 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

CHAPTER 20. - SIGNS

SECTION 20.01. - INTENT AND PURPOSE.

~~The purpose of this chapter is to regulate the size, number, location and manner of construction and display of signs in the City of Lowell. This Article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect uses from excessive signage, provide ability for the public to identify premises and establishments, encourage the preservation of Lowell's historic and small-town character through sign design, and enhance the aesthetics of the community.~~

A. Purpose. The purpose of this section is to coordinate the type, placement and physical dimensions of signs within the various zoning districts, to recognize the communication requirements of all sectors of the community, to promote both renovation and proper maintenance of signs, and to guarantee equal treatment under the law. In all respects, it is the intent of this section to comply with Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). The general objectives of these standards are to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

1. Safety. To promote the safety of persons and property by providing that signs:
 - a. do not create hazards due to collapse, fire, decay, collision or abandonment;
 - b. do not obstruct fire-fighting or security surveillance; and
 - c. do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - a. businesses and services may identify themselves;
 - b. customers and other persons may effectively locate a business or service;
 - c. no person or group is arbitrarily denied the use of the sight lines from the public streets for communication purposes; and
 - d. persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages.
3. Landscape quality and preservation. To protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs:
 - a. do not interfere with scenic views;

- b. do not create a nuisance to persons using the public streets;
- c. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
- d. are not detrimental to land or property values; and
- e. contribute to the special residential character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

B. Message substitution. Notwithstanding any other provision of this section, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this section.

C. Findings. The city finds that:

1. Content neutrality, viewpoint neutrality and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
2. The provisions in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to particular viewpoints.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this section is narrowly tailored, the least restrictive means and no greater than is essential to the furtherance of the important, substantial and compelling public purposes that are set out in this section.
4. The regulation of the location, number, materials, height, size, form and duration of display of temporary signs is essential to prevent sign clutter and to achieve the intent and purpose of this chapter.

D. Temporary signs may be degraded, damaged, moved or destroyed by wind, rain, flooding and sun, and after such degradation, damage, movement or destruction, such signs harm the safety and aesthetics of the public on the city's streets or sidewalks if they are not removed.

SECTION 20.02. - SCOPE.

- A. Compliance. It shall be unlawful for any person to erect, place, or maintain a sign in the City of Lowell except in accordance with the provisions of this chapter.
- B. Permit Required. Unless otherwise provided by this chapter, all signs shall require permits and payment of fees as determined by the City Council. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

A building permit application shall be submitted along with the supplementary material noted below.

- C. Plan Required. When a site plan is required pursuant to Chapter 18 of the Zoning Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height, clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable information to enable the City to determine compliance with the requirements of this chapter. When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The zoning enforcement officer may require that additional information be illustrated on a plan or drawing to determine compliance with this chapter.
- D. Additional Provisions. In addition to the provisions of this chapter, provisions of Section 11.5-6 of Chapter 11.5 of the Code shall apply to signs located in a historic district. Sponsorship signs are permitted and governed by Article IV of Chapter 14 of the Code of Ordinances.

SECTION 20.03. - DEFINITIONS.

The following words shall have the meanings set forth in this section:

- A. Changeable copy sign: A sign that consists, in whole or in part, of a message or image that can be changed periodically, whether manually or by automatic or technical means. __
- ~~B. Construction sign: A sign which identifies the owners, financiers, contractors, architects, and engineers as well as the name of a project under construction.~~
- ~~C. Development sign: A ground sign which identifies the name of a residential development and which is located at an entrance to the development, for the purpose of assisting the public in determining the location of the development.~~
- ~~D. Directional sign: A sign which gives directions, instructions, identifying logos without text, or facility information related to the use on the property on which the sign is located, such as parking or exit and entrance signs and which sets forth no other advertisement.~~
- B. Freestanding sign: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having a clear space of at least eight (8) feet from the ground to the bottom of the sign.
- C. Government sign: A temporary or permanent sign erected by the City of Lowell, Kent County, the State of Michigan, or the federal government, ~~for the purpose of street direction or traffic control; to designate hours of activity or use of parking lots, recreational areas, governmental buildings or other public space; to recognize a historic landmark; or for other~~ for public purposes and as the Government's own speech.
- D. Ground sign: A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face, with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.

- E. Feather Sign: A freestanding temporary sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft.
- F. Human sign: A sign which is held by or attached to a human ~~for the purpose of advertising any goods, services, functions or specific business locations being.~~
- ~~I. Incidental sign~~: A sign that, when visible from the street, identifies street address, entrances and exits, safety precautions, identifying logos, without text, and other such incidental information, and which sets forth no other advertisement. It may also refer to a sign which is not intended to be viewed from the street.
- G. Internal site sign: Smaller signs internal to a parcel not oriented toward the public right-of-way.
- H. Marquee: A permanent structure that projects from the exterior wall of a building.
- I. Marquee sign: A sign attached to a marquee, canopy, or awning projecting from and supported by the building.
- J. Mean grade: A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.
- ~~— Memorial sign~~: A sign, tablet, or plaque memorializing a person, event, structure or site. [May want to eliminate as it is technically content-based.]
- K. Mural: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic, ~~but not including any commercial message or advertising.~~
- O. Off-premise sign or Billboard: An outdoor sign advertising services, products, activities, persons, activities or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.
- ~~P. Placard~~: A sign which provides notice of a public nature, such as "No Trespassing" or "No Hunting" signs.
- ~~Q. Political sign~~: A temporary sign used in connection with a local, state, or federal election, political topic or opinion, or referendum.
- L. Portable sign: A temporary sign, usually of a temporary nature, ~~not permanently anchored to the ground or to a building or structure~~, typically containing manually-changeable copy, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. (see images below)



- M. *Projecting sign*: A sign which projects from and is supported by the wall of a building.
- ~~S. *Real estate sign*: A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.~~
- N. *Roof line*: That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.
- O. *Roof signs*: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with its principal support on the roof structure.
- P. *Sandwich board sign*: A ~~temporary movable~~ sign not secured or attached to the ground surface, constructed in such a manner as to form an “A” or tent-like shape.
- Q. *Sign*: Any device or structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or any other representational use for direction or designation of any person, firm, organization, place, product, service, business, establishment, activity or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- R. *Sign area*: The entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed.
- S. *Street frontage*: The distance for which the front boundary line of the lot and the street line are coincident.
- T. *Temporary sign*: A display, ~~informational sign, banner, or sign affixed to the ground or a building that is capable of being easily moved from place to place or other advertising device with or without a structural frame and intended for a limited period of display.~~
- U. *Vehicle sign*: A sign ~~shall be considered that is painted on or attached to~~ a vehicle ~~sign or trailer~~ when ~~the such~~ vehicle or trailer ~~upon which the sign is painted or attached~~ is parked ~~or placed~~ primarily for advertising purposes. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.
- V. *Wall sign*: A sign which is attached directly to or painted upon a building wall and which does

not extend more than eighteen (18) inches therefrom with the exposed face of the sign in a plane parallel to the building wall.

W. *Window sign:* A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

SECTION 20.04. - SIGNS PROHIBITED.

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs, or signs in disrepair.
- B. Air-filled or gas-filled balloon signs.
- C. Signs with moving parts, audible signs, and/or flashing signs (except traffic control devices).
- D. Roof signs.
- E. Signs or illumination imitating or resembling official traffic or government signs or signals.
- F. Vehicle signs.
- G. Off-premise signs or billboards.
- H. Other signs not expressly permitted or which do not conform to the provisions of this chapter.

SECTION 20.05. - GENERAL SIGN PROVISIONS.

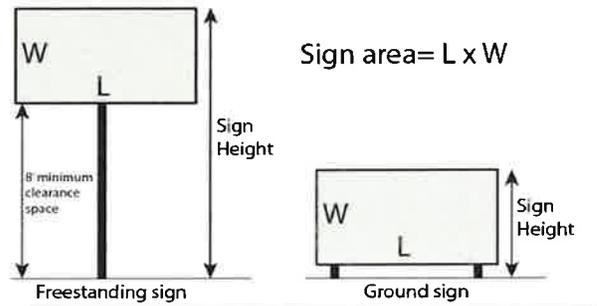
A. Sign Placement.

1. Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve. The provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.
2. No sign shall be located closer than two (2) feet to a public road right-of-way or property line; provided that the zoning enforcement officer or Planning Commission may approve a lesser setback upon finding that the proposed sign will not interfere with motorist or pedestrian visibility and safety. No sign shall overhang a public street right-of-way except as otherwise permitted; and all signs, including wall signs, shall have a minimum ground clearance of eight (8) feet above a sidewalk or walkway.
3. Signs shall be placed in compliance with Section 4.06, Clear Vision, ~~shall be complied with;~~ and no sign shall be placed within the clear vision area as defined in that Section 4.06. No ~~exterior~~-sign (whether a permit is required or not) shall be located or erected in such a manner as to interfere with traffic visibility.
4. A wall sign shall not extend beyond the edge of the wall to which it is affixed; nor shall a wall, marquee, or projecting sign extend above the roof line of a building to which it is attached.

- No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

B. Sign Illumination.

- Unless otherwise specified by this Ordinance, all signs may be illuminated, except temporary signs and signs for home occupations.
- Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting. No sign may utilize a revolving beacon light.
- Illumination shall be arranged so that light is deflected away from adjacent properties and that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.



- No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.

- All lighting on the underside of a vehicle service station canopy, building overhang, or similar structure shall be fully recessed. A maximum of twenty-five (25) percent of each canopy facade area may be internally illuminated. No portion of any canopy facade may be externally illuminated.

Wall sign area = Building width x Building height x Percent of wall area



- Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded, and oriented so as not to interfere with adjacent public rights-of-way or private property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half (1/2) foot candle measured at the property line of the adjoining privately-owned property.

- C. Sign Area and Height. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Framed and structural members not bearing advertising matter shall not be included in computation of surface area; provided, that the base of a ground sign

cannot exceed two (2) feet in height and the base and structural members of a freestanding sign cannot exceed fifty percent (50%) of the total area of the sign face.

The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less.

- D. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply, as determined by the zoning enforcement officer.
- E. For buildings with multiple tenants, sign areas for wall signs, projecting signs, and marquee signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall. Where a wall sign, projecting sign, or marquee sign is permitted in a multi-tenant building or site, each individual establishment is permitted one such sign subject to standards applying in the zoning district, in which case wall surface applies to the wall surface of the individual establishment.
- F. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or other designated representative. ~~A sign which no longer serves the purpose for which it is intended or is abandoned or is~~ An abandoned sign or a sign not maintained in accordance with applicable regulations of the City of Lowell shall be removed by the owner.

SECTION 20.06. - SIGNS NOT REQUIRING PERMITS-

- A. Signs shall not be erected without the issuance of a building or zoning permit, except for the following signs, provided that such signs comply with the provisions of this chapter and other applicable provisions in this Ordinance:
 - 1. Government signs.
 - 2. Signs erected by an essential public services establishments such as those denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs.
 - ~~3. Real estate signs advertising premises for sale, rent, or lease when not more than thirty-two (32) square feet in area and eight (8) feet in height for a commercial or industrial-zoned property, or six (6) square feet in area and four (4) feet in height for other properties. A real estate sign shall be located on the property that is for sale, rent, or lease; and one (1) sign per street frontage shall be permitted.~~
 - ~~4. For non-residential projects, a construction sign not exceeding thirty two (32) square feet in area and having a height not greater than eight (8) feet. There shall be only one construction sign for a development or project. Construction signs shall not be erected until a building permit has been issued and the sign shall be removed immediately upon issuance of a certificate of occupancy. For residential projects, a construction sign not exceeding twenty four (24) feet in area and having a height not greater than six (6) feet,~~

shall only be erected upon approval of the project and shall be removed within one year of issuance for the first building permit for a dwelling or structure, or upon the erection of a development sign, whichever occurs first.

~~36.~~ Signs not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.

~~47.~~ Holiday lights, murals, works of art, and decorations with no commercial message.

~~58.~~ Placards not exceeding two (2) square feet in area.

~~8. Incidental signs or directional~~^{6.} Internal signs up to six (6) square feet in area. ~~If and four (4) feet in height that, by the nature of their design and location, are not intended to be viewed from the street, only those signs which, in the opinion of the zoning enforcement officer, are necessary to indicate entrances, exits, safety precautions, street addresses, including identifying logos without text, and other such incidental language shall be permitted. Incidental signs and directional signs shall not contain right-of-way.~~

~~7. Temporary signs, located on a commercial message. 9. A temporary special event sign, used to advertise a residential parcel that contains an active garage sale or, estate sale on residential property, graduation party, or similar temporary event, provided that such sign does not to exceed six (6) square feet in area. Such sign shall be removed immediately after the completion of the and is not located closer than fifteen (15) feet to any lot line. No more than one (1) temporary special event sign is permitted per frontage and the display of a temporary special event. Such sign shall not exceed twenty one (21) consecutive days.~~

~~11. be placed within the property line of the premises One two (2) square foot wall sign located on which said sale or event is conducted and shall be removed immediately after the completion of the sale or event. a parcel containing a permitted home occupation~~

~~10. Political signs shall be permitted in all zoning districts and there shall be no limit to the number of signs, provided that the cumulative square footage of signage shall not exceed thirty two (32) square feet per lot in nonresidential districts and twelve (12) square feet per lot in residential districts. Political signs shall not be greater than six (6) feet in height in nonresidential zoning districts, or greater than four (4) feet in height in residential zoning districts, and signs shall not be located in a manner which may obstruct vision of vehicular or non-motorized traffic on any street. Political signs erected in connection with an election or referendum shall not be erected more than ninety (90) days prior to the event and must be removed within ten (10) days following the event.~~

~~11. A home occupation shall be permitted one two (2) square foot wall sign.~~

~~128.~~ Window signs, provided that window signs shall not cover more than fifty percent (50%) of the windows on any building wall.

~~913. Flags or insignia of any nation, state, county, city, community organization, or educational institution. Flags no larger than five (5) feet by eight (8) feet; provided that no more than one (1) such flag shall be permitted on each lot or parcel of land for every twenty (20) linear feet of street frontage. Flags shall not contain a commercial message. The maximum sign height of flagpoles shall be thirty-five (35) feet.~~

140. Sandwich Boards. Notwithstanding any other conflicting provisions contained in this Chapter 20, sandwich board signs shall only be permitted, ~~and only permitted,~~ in the C-2 Central Business or MU Mixed Use Districts zone districts.

a. A sandwich board sign ~~area~~ shall not exceed:

~~(i)~~1) twelve (12) square feet per side,

~~2)(ii)~~ a height of four (4) feet, and;

~~3)(iii)~~ a width of three (3) feet ~~and shall not be in any way illuminated.~~

b. A sandwich board sign shall not be permanently moored or anchored to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.

c. A sandwich board sign may only be placed in front of the facade of the building front of the business or establishment ~~whose information the sign pertains~~ during the hours the business or establishment is open to customers, patrons or the public.

d. Only one (1) sandwich board sign shall be permitted for each business or establishment. ~~and it shall not be in any way illuminated.~~

e. All sandwich board signs shall be placed in alignment with city light poles and tree grates and so as not to block neighboring sandwich board signs or unreasonably interfere with pedestrian traffic.

115. One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk or unreasonably interfere with pedestrian, bicycle, or vehicular movement or circulation.

SECTION 20.07. - SUPPLEMENTARY SIGNS.

In addition to the signs permitted and regulated in this chapter, the signs listed below shall be permitted in accordance with the following standards.

A. Temporary Signs. ~~Temporary Unless exempted in Section 20.06 above, Temporary signs shall be permitted in any district subject to the following on a parcel of land zoned C-1, C-2, C-3, PF, I-L and I, as follows:~~

1. Non-residential Lots. ~~Temporary signs shall be permitted on nonresidential lots as follows:~~

a. ~~Only one~~One (1) temporary sign shall be permitted for each separate establishment

located on a parcel of land.

b. A temporary sign shall be displayed for not more than sixty (60) days (whether or not consecutive) in a calendar year.

~~3. c.~~ A temporary sign shall not be larger than thirty-five-two (3532) square feet and ~~A temporary sign~~ shall not be illuminated.

d. Interim Signage. Notwithstanding the foregoing, signs on non-residential lots intended to be utilized only until a permanent sign may be obtained and erected may be approved by the zoning administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zoning district

2. Residential Lots. Temporary signs shall be permitted on any lot used as a single-family, two-family, or owner occupied multi-family dwelling, as follows:

a. Up to four (4) non-permanent signs may be generally permitted to be displayed on a pole or stake affixed to the ground.

b. Such signs shall not exceed 6 square feet in area per side, and the top of such sign shall be no more than 6 feet from ground level.

c. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held)

d4. A temporary sign shall include any other or subsequent temporary sign of generally similar appearance, nature, and purpose, as compared to the temporary sign initially permitted under the terms of this Section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.

5. Permit Required. Up to three (3) additional temporary signs may be permitted when displayed and utilized in connection with the grand opening of the commercial enterprise located on the premises, provided that the temporary signs are not displayed more than 21 days for a grand opening. These temporary signs shall comply with all requirements contained in section. The use of balloons as a sign or as a part of a sign shall be permitted only in connection with a grand opening, as provided in this section. 6.—A permit for a temporary sign on a non-residential lot shall be required. An application for the permit, as well as an application fee as set by City Council, shall be submitted and include the following:

a. An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required

by the zoning enforcement officer in order to assure that the sign shall comply with the applicable requirements of this Ordinance.

- b. A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates on which the sign shall be re-installed and again removed, during the calendar year.
- c. A listing and description of the other temporary signs, if any, located on the property at the time of the application.

7. Portable Signs. In the C-3, I-L, I, and PF Districts, one (1) portable sign may be erected on a lot in lieu of a temporary sign, subject to the provisions in subsection B above, provided that only one (1) is permitted per lot at any given time, and provided that the portable sign shall not exceed thirty-five-two (325) square feet in area. In addition, notwithstanding the provisions of subsection A(1)(b)B above, a portable sign shall not be displayed for more than seven (7) consecutive days and not more than three (3) times in any calendar year.

C. Changeable Copy Signs. All or a portion of a ground or freestanding sign may be a changeable copy sign in compliance with all of the following requirements; provided, that a changeable copy sign is not permitted in any residential zoning district except when ~~used to advertise a city, county, state or public school facility~~ the changeable copy sign is also a government sign.

1. The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign shall not exceed fifty percent (50%) of the maximum permitted sign area, except that portable signs may consist entirely of changeable copy.
2. A changeable copy sign shall not change its message, image, or other graphic material with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this Section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The message, image or other graphic material of a changeable copy sign shall change no more frequently than six (6) seconds and each change shall occur in one (1) second or less.
3. The message, image or other graphic material of a changeable copy sign shall, when changing, appear only in its entirety or shall appear in successive letters, words or other graphic elements from left to right only. The message, image or other graphic material shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.

SECTION 20.08. - PERMITTED SIGNS BY ZONING DISTRICT.

A. The following sign types shall be permitted in accord with the following regulations, in the SR, R-1, R-2, R-3, MHP and RE Districts:

1. The following sign is permitted ~~identifying at the name entrance~~ of a permitted residential development ~~or on a parcel containing a non-residential use~~:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	20 square feet	6 feet

~~2. The following sign is permitted identifying the name of a permitted non-residential use:~~

Type	Maximum Number	Maximum Sign Area	Height
Ground Development	1 per lot or parcel	20 square feet	6 feet

B. The following sign types shall be permitted in accord with the following regulations, in the C-1 and PF Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall OR Marquee	1 per building wall facing a parking lot or public street	15% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

C. The following sign types shall be permitted in accord with the following regulations in the C-2 – Central Business District and the MU – Mixed Use District.

Type	Maximum Number	Maximum Sign Area	Height	Location
Projecting	1 per building wall facing a parking lot or public street	20 square feet	See Section 20.05, A, 4	Cannot extend more than 5 feet from building wall

Wall Marquee	OR	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4	
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D. The following sign types shall be permitted in accord with the following regulations, in the C-3 District:

Type	Maximum Number	Maximum Sign Area	Height
Ground OR Freestanding	1 per street frontage; provided that a double-frontage lot is permitted only one freestanding sign	48 square feet, or 32 square feet if the lot has a street frontage of 66 feet or less	6 feet for a ground sign and 20 feet for a freestanding sign
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

- Each individual establishment in a multi-tenant commercial building or development is not permitted a separate ground or freestanding sign; one (1) collective ground or freestanding sign may be used subject to the standards above, provided that a collective ground or freestanding sign shall be permitted a maximum sign area of 72 square feet.

E. The following sign types shall be permitted in accord with the following regulations, in the I District and I-L Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall	1 per building wall facing a public street	5% of the wall surface or 50 square feet, whichever is less	See Section 20.05, A, 4

SECTION 20.09. - CONSTRUCTION AND MAINTENANCE.

- All signs shall be constructed and maintained in accordance with the BOCA National Building Code adopted by the City of Lowell.
- Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- All signs, sign supports, frames, braces, wiring, guys, and anchors shall not be maintained in such a manner which, in the opinion of the zoning enforcement officer, has the potential to create a hazard for pedestrians and vehicles.
- Signs shall not be allowed to become unsightly through disrepair or action of the elements. Internal framing, light fixtures and bulbs, and wiring shall not be permitted to be exposed to the elements.
- All signs shall be designed to ensure a dead load and wind pressure in any direction of not

less than thirty (30) pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the zoning enforcement officer, shall not be placed or left as permanent signs.

SECTION 20.10. - NONCONFORMING SIGNS.

- A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:
 - 1. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
 - 2. Be structurally altered so as to change the shape, size, type or design of the sign; or
 - 3. Be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
- B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this section may be changed to another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least thirty-three (33) percent smaller in area than the original nonconforming sign.
- C. No sign shall be required to be removed which was erected in compliance with this section if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.
- D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this section.

SECTION 20.11. - DISCONTINUANCE OR ABANDONMENT.

Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform with the provisions of this section. All costs of removal shall be at the property owner's expense.

SECTION 20.12 – SUBSTITUTION CLAUSE

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

SECTION 20.13 – SAVINGS AND SEVERABILITY CLAUSE

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this codechapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

CHAPTER 20. - SIGNS

SECTION 20.01. - INTENT AND PURPOSE.

A. Purpose. The purpose of this section is to coordinate the type, placement and physical dimensions of signs within the various zoning districts, to recognize the communication requirements of all sectors of the community, to promote both renovation and proper maintenance of signs, and to guarantee equal treatment under the law. In all respects, it is the intent of this section to comply with Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). The general objectives of these standards are to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

1. Safety. To promote the safety of persons and property by providing that signs:
 - a. do not create hazards due to collapse, fire, decay, collision or abandonment;
 - b. do not obstruct fire-fighting or security surveillance; and
 - c. do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - a. businesses and services may identify themselves;
 - b. customers and other persons may effectively locate a business or service;
 - c. no person or group is arbitrarily denied the use of the sight lines from the public streets for communication purposes; and
 - d. persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages.
3. Landscape quality and preservation. To protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs:
 - a. do not interfere with scenic views;
 - b. do not create a nuisance to persons using the public streets;
 - c. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;

- d. are not detrimental to land or property values; and
- e. contribute to the special residential character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

B. Message substitution. Notwithstanding any other provision of this section, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this section.

C. Findings. The city finds that:

1. Content neutrality, viewpoint neutrality and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
2. The provisions in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to particular viewpoints.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this section is narrowly tailored, the least restrictive means and no greater than is essential to the furtherance of the important, substantial and compelling public purposes that are set out in this section.
4. The regulation of the location, number, materials, height, size, form and duration of display of temporary signs is essential to prevent sign clutter and to achieve the intent and purpose of this chapter.

D. Temporary signs may be degraded, damaged, moved or destroyed by wind, rain, flooding and sun, and after such degradation, damage, movement or destruction, such signs harm the safety and aesthetics of the public on the city's streets or sidewalks if they are not removed.

SECTION 20.02. - SCOPE.

- A. Compliance. It shall be unlawful for any person to erect, place, or maintain a sign in the City of Lowell except in accordance with the provisions of this chapter.
- B. Permit Required. Unless otherwise provided by this chapter, all signs shall require permits and payment of fees as determined by the City Council. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. A building permit application shall be submitted along with the supplementary material noted below.
- C. Plan Required. When a site plan is required pursuant to Chapter 18 of the Zoning Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height,

clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable information to enable the City to determine compliance with the requirements of this chapter. When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The zoning enforcement officer may require that additional information be illustrated on a plan or drawing to determine compliance with this chapter.

- D. Additional Provisions. In addition to the provisions of this chapter, provisions of Section 11.5-6 of Chapter 11.5 of the Code shall apply to signs located in a historic district. Sponsorship signs are permitted and governed by Article IV of Chapter 14 of the Code of Ordinances.

SECTION 20.03. - DEFINITIONS.

The following words shall have the meanings set forth in this section:

- A. *Changeable copy sign*: A sign that consists, in whole or in part, of a message or image that can be changed periodically, whether manually or by automatic or technical means.
- B. *Freestanding sign*: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having a clear space of at least eight (8) feet from the ground to the bottom of the sign.
- C. *Government sign*: A temporary or permanent sign erected by the City of Lowell, Kent County, the State of Michigan, or the federal government for public purposes and as the government's own speech.
- D. *Ground sign*: A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face, with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
- E. *Feather Sign*: A freestanding temporary sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft.
- F. *Human sign*: A sign which is held by or attached to a human being.
- G. *Internal site sign*: Smaller signs internal to a parcel not oriented toward the public right-of-way.
- H. *Marquee*: A permanent structure that projects from the exterior wall of a building.
- I. *Marquee sign*: A sign attached to a marquee, canopy, or awning projecting from and supported by the building.
- J. *Mean grade*: A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.

- K. *Mural*: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic.
- O. *Off-premise sign or Billboard*: An outdoor sign advertising services, products, activities, persons, activities or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.
- L. *Portable sign*: A temporary sign typically containing manually-changeable copy, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. (see images below)



- M. *Projecting sign*: A sign which projects from and is supported by the wall of a building.
- N. *Roof line*: That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.
- O. *Roof signs*: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with its principal support on the roof structure.
- P. *Sandwich board sign*: A temporary sign not secured or attached to the ground surface, constructed in such a manner as to form an "A" or tent-like shape.
- Q. *Sign*: Any device or structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or any other representational use for direction or designation of any person, firm, organization, place, product, service, business, establishment, activity or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- R. *Sign area*: The entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed.
- S. *Street frontage*: The distance for which the front boundary line of the lot and the street line are coincident.
- T. *Temporary sign*: A display, banner, or sign affixed to the ground or a building that is capable of being easily moved from place to place.

- U. *Vehicle sign*: A sign that is painted on or attached to a vehicle or trailer when such vehicle or trailer is parked. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.
- V. *Wall sign*: A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom with the exposed face of the sign in a plane parallel to the building wall.
- W. *Window sign*: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

SECTION 20.04. - SIGNS PROHIBITED.

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs, or signs in disrepair.
- B. Air-filled or gas-filled balloon signs.
- C. Signs with moving parts, audible signs, and/or flashing signs (except traffic control devices).
- D. Roof signs.
- E. Signs or illumination imitating or resembling official traffic or government signs or signals.
- F. Vehicle signs.
- G. Off-premise signs or billboards.
- H. Other signs not expressly permitted or which do not conform to the provisions of this chapter.

SECTION 20.05. - GENERAL SIGN PROVISIONS.

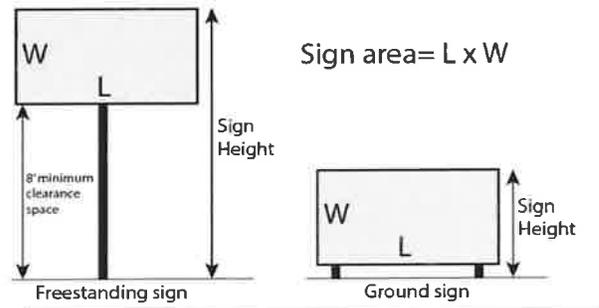
- A. Sign Placement.
 1. Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve. The provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.
 2. No sign shall be located closer than two (2) feet to a public road right-of-way or property line; provided that the zoning enforcement officer or Planning Commission may approve a lesser setback upon finding that the proposed sign will not interfere with motorist or pedestrian visibility and safety. No sign shall overhang a public street right-of-way except as otherwise permitted; and all signs, including wall signs, shall have a minimum ground clearance of eight (8) feet above a sidewalk or walkway.
 3. Signs shall be placed in compliance with Section 4.06, Clear Vision; and no sign shall be placed within the clear vision area as defined in that Section 4.06. No sign (whether a permit is required or not) shall be located or erected in such a manner as to interfere with traffic visibility.

4. A wall sign shall not extend beyond the edge of the wall to which it is affixed; nor shall a wall, marquee, or projecting sign extend above the roof line of a building to which it is attached.
5. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

B. Sign Illumination.

1. Unless otherwise specified by this Ordinance, all signs may be illuminated, except temporary signs and signs for home occupations.
2. Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting. No sign may utilize a revolving beacon light.

3. Illumination shall be arranged so that light is deflected away from adjacent properties and that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.



Wall sign area = Building width x Building height x Percent of wall area

4. No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.



5. All lighting on the underside of a vehicle service station canopy, building overhang, or similar structure shall be fully recessed. A maximum of twenty-five (25) percent of each canopy facade area may be internally illuminated. No portion of any canopy facade may be externally illuminated.
6. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded, and oriented so as not to interfere with adjacent public rights-of-way or private property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half (1/2) foot candle measured at the property line of the adjoining privately-owned property.

- C. Sign Area and Height. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the

area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Framed and structural members not bearing advertising matter shall not be included in computation of surface area; provided, that the base of a ground sign cannot exceed two (2) feet in height and the base and structural members of a freestanding sign cannot exceed fifty percent (50%) of the total area of the sign face.

The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less.

- D. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply, as determined by the zoning enforcement officer.
 - E. For buildings with multiple tenants, sign areas for wall signs, projecting signs, and marquee signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall. Where a wall sign, projecting sign, or marquee sign is permitted in a multi-tenant building or site, each individual establishment is permitted one such sign subject to standards applying in the zoning district, in which case wall surface applies to the wall surface of the individual establishment.
 - F. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or other designated representative. An abandoned sign or a sign not maintained in accordance with applicable regulations of the City of Lowell shall be removed by the owner.
- SECTION 20.06. - SIGNS NOT REQUIRING PERMITS**

- A. Signs shall not be erected without the issuance of a building or zoning permit, except for the following signs, provided that such signs comply with the provisions of this chapter and other applicable provisions in this Ordinance:
 - 1. Government signs.
 - 2. Signs erected by an essential public services establishments such as those denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs
 - 3. Signs not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.
 - 4. Holiday lights, murals, works of art, and decorations with no commercial message.
 - 5. Placards not exceeding two (2) square feet in area.
 - 6. Internal signs up to six (6) square feet in area and four (4) feet in height that, by the nature of their design and location, are not intended to be viewed from the street right-of-way.

7. One two (2) square foot wall sign located on a parcel containing a permitted home occupation
8. Window signs, provided that window signs shall not cover more than fifty percent (50%) of the windows on any building wall.
9. Flags no larger than five (5) feet by eight (8) feet; provided that no more than one (1) such flag shall be permitted on each lot or parcel of land for every twenty (20) linear feet of street frontage. The maximum sign height of flagpoles shall be thirty-five (35) feet.
10. Sandwich Boards. Notwithstanding any other conflicting provisions contained in this Chapter 20, sandwich board signs shall only be permitted in the C-2 Central Business or MU Mixed Use Districts.
 - a. A sandwich board sign shall not exceed:
 - 1) twelve (12) square feet per side,
 - 2) a height of four (4) feet, and;
 - 3) a width of three (3) feet
 - b. A sandwich board sign shall not be permanently moored or anchored to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
 - c. A sandwich board sign may only be placed in front of the facade of the building front of the business or establishment during the hours the business or establishment is open to customers, patrons or the public.
 - d. Only one (1) sandwich board sign shall be permitted for each business or establishment and it shall not be in any way illuminated.
 - e. All sandwich board signs shall be placed in alignment with city light poles and tree grates and so as not to block neighboring sandwich board signs or unreasonably interfere with pedestrian traffic.
11. One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk or unreasonably interfere with pedestrian, bicycle, or vehicular movement or circulation.

SECTION 20.07. - SUPPLEMENTARY SIGNS

In addition to the signs permitted and regulated in this chapter, the signs listed below shall be permitted in accordance with the following standards.

- A. Temporary Signs. Temporary signs shall be permitted in any district subject to the following:
 1. Non-residential Lots. Temporary signs shall be permitted on nonresidential lots as follows:

- a. One (1) temporary sign shall be permitted for each separate establishment located on a parcel of land.
 - b. A temporary sign shall be displayed for not more than sixty (60) days (whether or not consecutive) in a calendar year.
 - c. A temporary sign shall not be larger than thirty-two (32) square feet and shall not be illuminated.
 - d. Interim Signage. Notwithstanding the foregoing, signs on non-residential lots intended to be utilized only until a permanent sign may be obtained and erected may be approved by the zoning administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zoning district
2. Residential Lots. Temporary signs shall be permitted on any lot used as a single-family, two-family, or owner occupied multi-family dwelling, as follows:
- a. Up to four (4) non-permanent signs may be generally permitted to be displayed on a pole or stake affixed to the ground.
 - b. Such signs shall not exceed 6 square feet in area per side, and the top of such sign shall be no more than 6 feet from ground level.
 - c. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held)
 - d. A temporary sign shall include any other or subsequent temporary sign of generally similar appearance, nature, and purpose, as compared to the temporary sign initially permitted under the terms of this Section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.
5. Permit Required. A permit for a temporary sign on a non-residential lot shall be required. An application for the permit, as well as an application fee as set by City Council, shall be submitted and include the following:
- a. An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required by the zoning enforcement officer in order to assure that the sign shall comply with the applicable requirements of this Ordinance.
 - b. A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates

on which the sign shall be re-installed and again removed, during the calendar year.

- c. A listing and description of the other temporary signs, if any, located on the property at the time of the application.
7. Portable Signs. In the C-3, I-L, I, and PF Districts, one (1) portable sign may be erected on a lot in lieu of a temporary sign, subject to the provisions in subsection B above, provided that only one (1) is permitted per lot at any given time, and provided that the portable sign shall not exceed thirty-two (32) square feet in area. In addition, notwithstanding the provisions of subsection A(1)(b) above, a portable sign shall not be displayed for more than seven (7) consecutive days and not more than three (3) times in any calendar year.
- C. Changeable Copy Signs. All or a portion of a ground or freestanding sign may be a changeable copy sign in compliance with all of the following requirements; provided, that a changeable copy sign is not permitted in any residential zoning district except when the changeable copy sign is also a government sign.
 1. The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign shall not exceed fifty percent (50%) of the maximum permitted sign area, except that portable signs may consist entirely of changeable copy.
 2. A changeable copy sign shall not change its message, image, or other graphic material with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this Section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The message, image or other graphic material of a changeable copy sign shall change no more frequently than six (6) seconds and each change shall occur in one (1) second or less.
 3. The message, image or other graphic material of a changeable copy sign shall, when changing, appear only in its entirety or shall appear in successive letters, words or other graphic elements from left to right only. The message, image or other graphic material shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.

SECTION 20.08. - PERMITTED SIGNS BY ZONING DISTRICT

- A. The following sign types shall be permitted in accord with the following regulations, in the SR, R-1, R-2, R-3, MHP and RE Districts:
 1. The following sign is permitted at the entrance of a permitted residential development or on a parcel containing a non-residential use:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	20 square feet	6 feet

B. The following sign types shall be permitted in accord with the following regulations, in the C-1 and PF Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall OR Marquee	1 per building wall facing a parking lot or public street	15% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

C. The following sign types shall be permitted in accord with the following regulations in the C-2 – Central Business District and the MU – Mixed Use District.

Type	Maximum Number	Maximum Sign Area	Height	Location
Projecting	1 per building wall facing a parking lot or public street	20 square feet	See Section 20.05, A, 4	Cannot extend more than 5 feet from building wall
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4	

D. The following sign types shall be permitted in accord with the following regulations, in the C-3 District:

Type	Maximum Number	Maximum Sign Area	Height
Ground OR Freestanding	1 per street frontage; provided that a double-frontage lot is permitted only one freestanding sign	48 square feet, or 32 square feet if the lot has a street frontage of 66 feet or less	6 feet for a ground sign and 20 feet for a freestanding sign
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

- Each individual establishment in a multi-tenant commercial building or development is not permitted a separate ground or freestanding sign; one (1) collective ground or freestanding sign may be used subject to the standards above, provided that a collective ground or freestanding sign shall be permitted a maximum sign area of 72 square feet

E. The following sign types shall be permitted in accord with the following regulations, in the I and I-L Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall	1 per building wall facing a public street	5% of the wall surface or 50 square feet, whichever is less	See Section 20.05, A, 4

SECTION 20.09. - CONSTRUCTION AND MAINTENANCE.

- All signs shall be constructed and maintained in accordance with the BOCA National Building Code adopted by the City of Lowell.
- Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- All signs, sign supports, frames, braces, wiring, guys, and anchors shall not be maintained in such a manner which, in the opinion of the zoning enforcement officer, has the potential to create a hazard for pedestrians and vehicles.
- Signs shall not be allowed to become unsightly through disrepair or action of the elements. Internal framing, light fixtures and bulbs, and wiring shall not be permitted to be exposed to the elements.
- All signs shall be designed to ensure a dead load and wind pressure in any direction of not

less than thirty (30) pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the zoning enforcement officer, shall not be placed or left as permanent signs.

SECTION 20.10. - NONCONFORMING SIGNS.

- A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:
 - 1. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
 - 2. Be structurally altered so as to change the shape, size, type or design of the sign; or
 - 3. Be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
- B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this section may be changed to another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least thirty-three (33) percent smaller in area than the original nonconforming sign.
- C. No sign shall be required to be removed which was erected in compliance with this section if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.
- D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this section.

SECTION 20.11. - DISCONTINUANCE OR ABANDONMENT.

Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform with the provisions of this section. All costs of removal shall be at the property owner's expense.

SECTION 20.12 – SUBSTITUTION CLAUSE

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

SECTION 20.13 – SAVINGS AND SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

MEMORANDUM

To: City of Lowell Planning Commission
Date: June 9, 2023
From: Andy Moore, AICP
Aman Pannu
RE: **WMAX Temporary Use**

Aaron Prymula on behalf of West Michigan Auto Xchange has applied for site plan review and special land use approval to conduct temporary outdoor storage and sales of vehicles on the Tractor Supply parking lot at 2153 West Main Street. The purpose of this memorandum is to review the request pursuant to Chapter 18 of the City of Lowell Zoning Ordinance.

Background

The subject property is approximately 4.08 acres and is located in the C3 General Business District. The applicant is proposing to operate a temporary use on the property described as a used vehicle sales event that would have a duration of 10 days on a portion of the property, from July 20 to July 29, 2023. The sale hours are proposed from 9:00 am to 8:00 pm everyday except Sundays.

The site is part of a strip mall plaza that involves several properties, though only the southeast portion of the parking will be utilized for this temporary use. The site plan submitted would include vehicle display areas, a tent, customer parking, and two portable restrooms.

Open air businesses are permitted in the C3 General Business district only with special land use approval.

This is a similar request to one that the Planning Commission considered last year around this time, except that in 2022 it was conducted at the fairgrounds property located at 300 Bowes Road. Like last year, this event would be of ten-day duration (July 20 – July 31). 50-60 used vehicles are proposed to be parked on the site, along with a 20x60 tent with tables, chairs, lights, and two port-a-jons for customers. It would occupy roughly the same general area as what Jakes Fireworks each year for their temporary sales tent. Jake's Fireworks will be operating at the site from June 20 through July 5, 2023.

Completeness of Submission

The applicant has submitted an application form, project narrative, and a rudimentary site plan set for review. Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. While most of the required items are missing, the temporary nature of the use involved renders most of these items unnecessary.

The site would be accessed via a driveway on the north side of West Main Street, west of Sibley Street. Customer parking and portable restrooms would be located adjacent to West Main Street. The vehicle display area and tent would be located adjacent to the Tractor Supply outdoor storage area next to the property boundary on the east.

Site Plan Review Standards. To approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

Remarks: The area proposed for the event is currently a parking lot. No improvements are proposed and the event's short duration and limited hours of operation (9 AM through 8 PM Monday-Saturday) will not likely have negative impacts on public health, safety, and welfare.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

Remarks: The applicant is proposing one point of ingress/egress to the site from West Main Street. Parking and access will all occur in the parking lot. However, little information is given relative to emergency access pathways, parking and circulation patterns, which should be clarified. Similarly, the Planning Commission should ask about anticipated levels of traffic, how parking areas will be marked, and similar issues of concern to ensure the safety of patrons and property.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

Remarks: The point of access is well-defined and will not likely cause traffic problems. Further, the temporary nature of the use will limit impacts on traffic and circulation to only a few days in late July.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers, and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and surrounding public and private property.

Remarks: The site is currently a paved parking lot and no permanent alterations to the site are proposed. Temporary vehicle storage will not have notable long-term impacts on the land.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

Remarks: A condition of approval can stipulate continual compliance with applicable codes and ordinances. The site plan should include reviews by emergency services personnel to ensure that the site will be accessible in case of an emergency.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

Remarks: The proposed temporary use of the site is in alignment with the proper functioning of the C3 General Business District and can be considered consistent with the Master Plan.

SPECIAL LAND USE REVIEW

Special Land Use Review Standards. To approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

Remarks: The area proposed for the event is currently a paved parking lot. The event's short duration and limited hours of operation (9 AM through 8 PM, Monday-Saturday) will not have any negative impacts on public health, safety, and welfare. Since it is a short-term use, the character of the area will not have any long-term impact.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

Remarks: See comments under Site Plan Review, F above.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

Remarks: The site is providing on-site portable restrooms and other public facilities will not be needed nor will they be significantly impacted. As mentioned above, the site plan should be updated to clearly demonstrate that adequate emergency access has been provided. The Planning Commission may defer to the Lowell Area Fire Department for comments regarding emergency vehicle access. Approval from and compliance with any stipulations of these agencies may be included as a condition of approval.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services;

Remarks: The proposed use is not expected to create additional excessive requirements at public cost for facilities and services. The Planning Commission may find this standard met.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Remarks: The proposed use is not expected to cause excessive detrimental conditions of operation as noted in this standard. Activity on the site will mostly consist of automobile storage and it is for a limited duration, so the impacts (if any) should be minimal.

- F. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

Remarks: This standard will be addressed as a condition of approval.

Recommendation

At the June 12, 2023, public hearing, the Planning Commission should discuss the site plan and special land use, and carefully consider any comments from the public and the applicant. Subject to these comments, the Planning Commission may approve the site plan and special land use. If approved, we suggest the following conditions be included, along with any others deemed necessary:

1. Prior to the issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the Lowell Area Fire Department, City's Department of Public Works, or other approving agencies.
3. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
4. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
5. The site plan shall be updated to clearly demonstrate that adequate emergency access has been provided to the satisfaction of the Lowell Area Fire Department.
6. The event shall only occur from Wednesday, July 19, 2023 through Monday, July 31, 2023, including set up and tear down.
7. Hours of operation shall be between Monday through Saturday, 9:00 AM-8:00 PM and closed on Sunday.

8. No more than 60 vehicles shall be stored on the site, and no other type of equipment or merchandise shall be offered for sale in connection with this approval. Other temporary improvements (tent, office, generator, restrooms, etc.) shall be installed consistent with the approved site plan.
9. Temporary signage proposed for the site shall comply with Chapter 20 of the Zoning Ordinance.

As always, please contact us if you have any questions.

Request Number: _____

Filing Fee: _____



RECEIVED

MAY 11 2011

CITY OF LOWELL
LOWELL, MICHIGAN

301-East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
Fax (616) 897-4085

APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: Tractor Supply Parking Lot - 2153 West Main Street

2. Parcel Identification Number (Tax I.D. No.): #41-20-03-326-032

3. Applicant's Name: Aaron Prymula on behalf of West Michigan Auto Xchange Phone Number (616) 292-4145

Address: 4822 S. Division Ave. Grand Rapids MI 49548
Street City State Zip

Fax Number _____ Email Address Aaron.Prymula@gmail.com

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder ** Temporary Lessee

5. Applicant is being represented by: Renee Pieper Phone Number Renee@elitedealersolutions.org

Address: 8887 Galecrest Dr., Maineville, OH 45039

6. Present Zoning of Parcel C3 - General Business Present Use of Parcel Retail Sales / Shopping Center

7. Description of proposed development (attach additional materials if needed):
See attached

The facts presented above are true and correct to the best of my knowledge.

Signature: [Signature] Date: 5-11-2011

Type or Print Your Name Here: Aaron Prymula

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner _____

Date _____

Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

3. Not create excessive additional requirements at public cost for public facilities and services; and

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

May 4, 2023

City of Lowell
301 East Main Street
Lowell, MI 49331
(616) 897-8457

RE: Vehicle Sales Event for
West Michigan Auto Xchange
4822 S. Division Ave.
Grand Rapids, MI 49548

To whom it may concern:

West Michigan Auto Xchange would like to host a used vehicle sales event.

Date of Event

Sale: Thursday, July 20, 2023 through Saturday, July 29, 2023

Sale Hours: Monday thru Saturday 9:00 AM-8:00 PM and closed on Sunday

Set Up: Wednesday, July 19, 2023

Tear down: Monday, July 31, 2023

Location of Sales Event

Tractor Supply Parking Lot
2153 West Main Street
Lowell, MI 49331

On-site during event

50-60 Used Vehicles

20x60 Tent with tables, chair, and lights inside (for customers)

2- Portable Toilets (1 regular and 1 handicap accessible)

This sales event will be open to the general public at no cost. This event shall not require the use of any additional public services or public facilities.

We can/will supply the City of Lowell a Permit Bond in the amount of \$10,000 and also a Certificate of Insurance naming City of Lowell as additional insured upon request.

If you have any questions about this event, please feel free to contact me.

Thank you!

Renee Pieper
Off-Site Event Director
Cell: (513) 382-3700
Renee@elitedealersolutions.org

Temporary Use Agreement

Dated: Thursday, May 4, 2023

Between: **NORTHWARD DEVELOPMENT LLC** (PROPERTY OWNER)
333 BRIDGE ST. NW
GRAND RAPIDS, MI 49504

And: **WEST MICHIGAN AUTO XCHANGE** (TEMPORARY TENANT)
4822 DIVISION AVE S.
GRAND RAPIDS, MI 49548

WEST MICHIGAN AUTO XCHANGE has been given temporary right to use a portion of the parking lot located at **2153 West Main Street, Lowell, MI** as outlined in **Exhibit A** marked by 2 blue boxes, for the purpose of displaying and selling cars for the period of July 20th to July 29th 2023. (The "Property")

The Property will be used for the purpose of **TEMPORARY AUTO SALES**.

NORTHWARD DEVELOPMENT LLC is willing to allow this use on the following terms:

1. The term of occupancy shall commence on **July 19, 2023** and shall terminate on **July 31, 2023**. (Sale dates of: July 20th through July 29th, 2023)
2. The rent will be **\$7,500** for **PARKING LOT**. **WEST MICHIGAN AUTO XCHANGE** will pay \$1,000 non-refundable deposit to **NORTHWARD DEVELOPMENT LLC** upon execution of this agreement. The remaining \$6,500 will be due once permits have been obtained.
3. **WEST MICHIGAN AUTO XCHANGE** will be responsible for obtaining any and all permits or approvals that may be necessary for their use of the Property.
4. **WEST MICHIGAN AUTO XCHANGE** assumes all risk or injury to its employees, invitees and volunteers, and to any goods, materials, or other property entering onto the Property under this Agreement. **WEST MICHIGAN AUTO XCHANGE** agrees that **NORTHWARD DEVELOPMENT LLC** has no duty whatsoever with respect to the condition or maintenance of the Property or any improvements thereon. **WEST MICHIGAN AUTO XCHANGE** will comply with all applicable laws and regulations relating to **WEST MICHIGAN AUTO XCHANGE** possession of the property. **NORTHWARD DEVELOPMENT LLC** assumes no responsibility for security. Upon termination of its occupancy, **WEST MICHIGAN AUTO XCHANGE** shall remove its property and refuse and shall leave the property broom clean and in the same or better condition as when leased.
5. **WEST MICHIGAN AUTO XCHANGE** agrees to defend, indemnify, and hold **NORTHWARD DEVELOPMENT LLC** and its officers, directors and employees harmless from any claim, loss, lien, or liability (including attorneys' fees) arising out of or in connection with this Agreement, or any use or occupancy of the Property by **WEST MICHIGAN AUTO XCHANGE** or their agents or invitees.
6. **WEST MICHIGAN AUTO XCHANGE** will furnish **NORTHWARD DEVELOPMENT LLC** with a certificate of insurance showing comprehensive general liability insurance in the amount of not less than 1 MILLION per occurrence. The policy shall name **NORTHWARD DEVELOPMENT LLC** and its subsidiaries as an additional insured.

EXECUTED effective the date first written above.

CO: NORTHWARD DEVELOPMENT LLC CO: WEST MICHIGAN AUTO XCHANGE

Signed: 

Signed: Nipun Nath

Name: Aaron Paga-17

Name: Nipun Nath

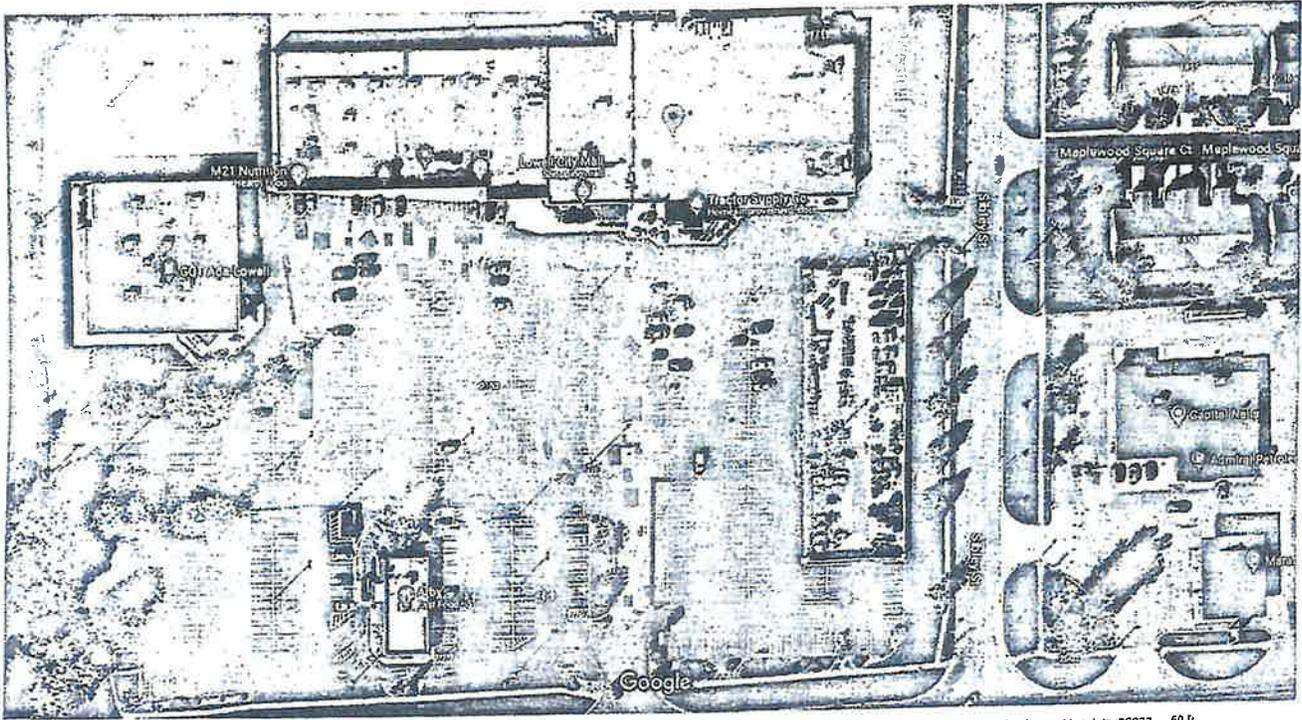
Title: owner

Title: Principal

Dated: 5-8-23

Dated: 05/05/2023

2111 W Main St



Imagery ©2023 CNES / Airbus, Kent County, Maxar Technologies, Map data ©2023 60 ft



2111 W Main St



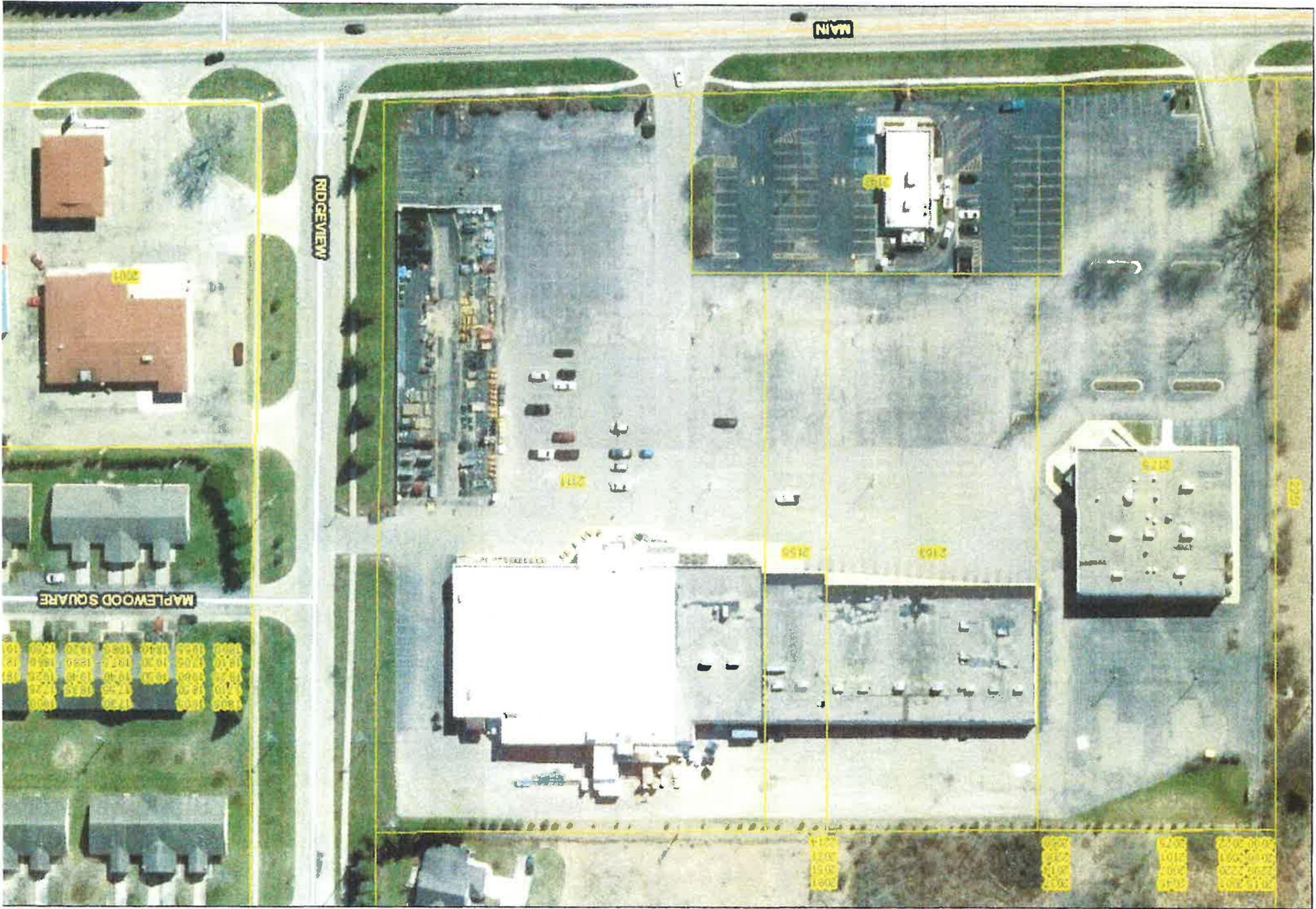
Imagery ©2023 CNES / Airbus, Kent County, Maxar Technologies, Map data ©2023 50 ft



rent County-Lowell tractor supply

May 04, 2022

rent County - Lowell tractor supply



Tractor Supply Lot

2153 West Main St.
Lowell, MI 49331



2111 W MAIN ST SE LOWELL, MI 49331 (Property Address)

Parcel Number: 41-20-03-326-032



Item 1 of 3 1 Image / 2 Sketches

Property Owner: NORTHWARD DEVELOPMENT LLC

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: 1988
 - # of Buildings: 3
 - Total Sq Ft: 42,847
 - > Property Tax information found
- > Assessed Value: \$631,600 | Taxable Value: \$619,500

Owner and Taxpayer Information

Owner	NORTHWARD DEVELOPMENT LLC PO BOX 1060 BARNSTABLE, MA 02630	Taxpayer	SEE OWNER INFORMATION
--------------	--	-----------------	-----------------------

General Information for Tax Year 2023

Property Class	201 COMMERCIAL-IMPROVED	Unit	72 CITY OF LOWELL
School District	LOWELL AREA SCHOOL DISTRICT	Assessed Value	\$631,600
MAP #	TRACTOR SUPPLY STORE	Taxable Value	\$619,500
SPLIT	0	State Equalized Value	\$631,600
RIVER FRONTAGE	Not Available	Date of Last Name Change	09/12/2022
MEP ZONING	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2022	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2022	\$590,000	\$590,000	\$590,000
2021	\$590,000	\$590,000	\$590,000
2020	\$590,000	\$590,000	\$590,000

Land Information

Zoning Code	Not Available	Total Acres	4.100
Land Value	\$354,894	Land Improvements	\$82,450
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	COMMERCIAL - WEST END	Mortgage Code	No Data to Display
Lot Dimensions/Comments	Not Available	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

PART OF SW 1/4 COM 795 FT N N 0D 07M 00S W ALONG N&S 1/4 LINE FROM S 1/4 COR TH S 89D 05M 37S W ALONG NLY LINE STL M-21 (100 FT WIDE) 255.12 FT TH N 0D 07M 00S W 145 FT TH S 89D 53M 00S W 60 FT TH N 0D 07M 00S W 452.97 FT TH N 89D 53M 00S E 315 FT TO N/S 1/4 LINE TH S 0D 07M 00S E ALONG SD N/S 1/4 LINE 590 FT TO BEG - SEC 3 T6W R9W 4.1 A.

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Pacie
04/11/2006	\$4,125,000.00	WD	RIDGEVIEW SHOPPING CTR LLC	RIDGEVIEW CAPITAL LLC	03-ARM'S LENGTH	417/43170
10/02/1995	\$215,000.00	LC	A&C CO	R&D CO	21-NOT USED/OTHER	3724/1249
12/18/1986	\$1.00	WD	A&C CO	R&D CO	21-NOT USED/OTHER	2514/777

Building Information - 33,328 sq ft Stores - Warehouse Showroom (Commercial)

Floor Area	33,328 sq ft	Estimated TCV	Not Available
Occupancy	Stores - Warehouse Showroom	Class	C
Stories Above Ground	1	Average Story Height	15 ft
Remodeled	0	Identical Units	Not Available
Year Remodeled		Year Remodeled	2004
Heat		Heat	Package Heating & Cooling

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Physical Percent Good	45%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	26 yrs

Building Information - 8925 sq ft Stores - Retail (Commercial)

Floor Area	8,925 sq ft	Estimated TCV	<i>Not Available</i>
Occupancy	Stores - Retail	Class	C
Stories Above Ground	1	Average Story Height	15 ft
Basement Wall Height	0 ft	Identical Units	<i>Not Available</i>
Year Built	<i>No Data to Display</i>	Year Remodeled	2019
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	47%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	30 yrs

Building Information - 594 sq ft Office Buildings - Refinement Atrium/Vestibules (Commercial)

Floor Area	594 sq ft	Estimated TCV	<i>Not Available</i>
Occupancy	Office Buildings - Refinement Atrium/Vestibules	Class	C
Stories Above Ground	1	Average Story Height	8 ft
Basement Wall Height	0 ft	Identical Units	<i>Not Available</i>
Year Built	<i>No Data to Display</i>	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	No Heating or Cooling
Physical Percent Good	66%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	18 yrs

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