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JOINT PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
AND LOWELL CITY COUNCIL MEETING
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, NOVEMBER 14, 2022 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. October 10, 2022 Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Master Plan Review with City Council
6. NEW BUSINESS
 - a. Revisions to Chapters 14 and 14A (Floodplain and Rivers Edge)
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, OCTOBER 10, 2022 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 Amanda Schrauben, Dave Cadwallader, Marty Chambers, Michael Gadula, Tony Ellis and Chair Bruce Barker.

Absent: Commissioner Collin Plank

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

2. **EXCUSE OF ABSENCE.**

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to excuse the absence of Commissioner Collin Plank.

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

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

3. **APPROVAL OF AGENDA.**

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

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

NO: None. ABSENT: Commissioners Plank. MOTION CARRIED.

4. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS.**

IT WAS MOVED BY GADULA and seconded by ELLIS to approve minutes of the September 12, 2022 regular meeting as written.

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

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

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

There were no comments.

6. **OLD BUSINESS.**

There is no old business.

7. **NEW BUSINESS**

a.) **2020 Master Plan Review.**

Andy Moore with Williams & Works explained the City of Lowell Master Plan is a broad policy document that articulates Lowell's vision for land use, development, redevelopment, and capital investment. It is a visionary document that states what the community desires to become, and it establishes a framework for achieving that vision through a series of specific strategies and tasks. The existing City of Lowell Master Plan was adopted in late 2007. It was developed over several months and required significant work by City staff, Planning Commission, and elected officials. The Michigan Planning Enabling Act, (Act 33 of 2008, as amended) requires that a Master Plan be "reviewed" every five years after adoption. The Planning Commission reviewed the Master Plan in 2012 and again in 2017, determining both times that the 2007 Plan was appropriate, so an update was not performed. At a minimum, a similar review is required in 2022.

Moore then went through the tasks that have been completed and the items that have not been yet addressed.

Chair Barker stated he would like solar and wind added.

Moore feels like the City is ready for an update. Planning Commission makes that decision but Council will have a role, it is expensive (meetings, surveys for residents, etc.), so the City will have to budget for it.

Chair Barker and Chambers suggested a combined meeting or a Committee of the Whole meeting and asked City Clerk Sue Ullery to add it as an agenda item on the City Councils October 17, 2022 agenda to set a meeting date.

Commissioner Chambers requested Andy Moore come to the City Council October 17, 2022 meeting.

8. **STAFF REPORT.**

Moore stated with regard to short term rentals, we may need to have some changes with the zoning ordinance in the future, he will keep a watch on it and let us know.

9. **COMMISSIONERS REMARKS.**

Commissioner Chamber will be going to MML Conferences next week, and he recommends anyone on the Planning Commission Board go to Planning educational classes.

Commissioner Ellis asked whether we have had any complaints about Grand Rapids Gravel.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 7:45 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

MEMORANDUM

To: City of Lowell Planning Commission
Date: November 10, 2022
From: Andy Moore, AICP
RE: **Revisions to Chapters 14 and 14A (Floodplain and Rivers Edge)**

Recently, the Flood Emergency Management Agency (FEMA) updated the Flood Insurance Rate Maps (FIRMs) for Kent County. These maps are important to the City and its residents because they illustrate the boundary of the 100-year floodplain within the City, which as you know, covers a substantial amount of Lowell.

The City of Lowell is also a participant in the National Flood Insurance Program (NFIP). The City's participation in the NFIP gives City residents the ability to purchase flood insurance, which is required by lenders for any loans in the mapped floodplain - regardless of whether or not a community participates in the NFIP. Insurance is purchased through many insurance companies, but the rates are set by FEMA. Without the City's participation in the NFIP, FEMA flood insurance would not be available to anyone in the City.

In October the City Council recently adopted a general law ordinance that addresses the floodplain management provisions of the state construction code, which was recommended by EGLE and enables the City to continue participation in the NFIP. Without the adoption of this Ordinance by February 2023, the City would be suspended from participating in the NFIP.

EGLE also recommended that the City amend two chapters of its Zoning Ordinance, Chapters 14 (Floodplain Overlay) and 14A (Rivers Edge). We have attached EGLE's proposed markups for review and discussion at our upcoming meeting on November 15. Subject to any edits from the Commission, we anticipate holding a public hearing on these proposed amendments at the December Planning Commission meeting.

As always, feel free to contact us if there are any questions.

CHAPTER 14. - F-1 FLOODPLAIN OVERLAY DISTRICT²¹

Footnotes:

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Editor's note— Ord. No. 16-02, § 3, adopted May 16, 2016, amended the title of Chapter 14 from "F-1 Floodplain District" to "F-1 Floodplain Overlay District".

Section 14.01. - Purpose.

This district is intended primarily to protect those undeveloped areas of the city which are subject to predictable flooding in the floodplain area ~~of the Grand River~~ so that the reservoir capacity will not be reduced or to impede, retard, accelerate or change the direction of flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses and reduce the cost to the public in time of emergency through public aid or relief efforts occasioned by the unwise occupancy of such flood areas.

(Ord. No. 95-06, § 1, 12-27-95)

Section 14.02. - Delineation of the flood hazard overlay zone.

- A. The flood hazard area zone shall overlay existing zoning districts delineated on the official City of Lowell Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The Flood Insurance Study, ~~City of Lowell,~~" dated ~~May 16, 1983 with accompanying flood insurance rate maps and flood boundary and floodway maps for Kent County, All Jurisdictions~~ and dated February 23, 2023 and the Flood Insurance Rate Map (FIRM) panel numbers shown on the index panels: 26081CIND1A and 26081CIND2A, effective February 23, 2023. Within the flood hazard area zone a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated ~~on the flood boundary and floodway map on the FIRM~~. The study and accompanying maps are adopted by reference, appended, and declared to be part of this ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone and the term floodway shall mean the designated regulatory floodway.
- B. Where there are disputes as to the location of a flood hazard area zone boundary, the zoning board of appeals shall resolve the dispute.
- C. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this chapter shall be necessary for all development occurring within the flood hazard area zone.

(Ord. No. 95-06, § 1, 12-27-95)

Section 14.03 - Uses permitted.

- A. Any use permitted in the underlying zoning district, whether by right or by special land use, shall be permitted within the Floodplain Overlay district in accordance with the standards and regulations of the underlying zoning district.

- B. The standards and regulations of this chapter shall also apply to any use proposed in the Floodplain Overlay district. Where there is a conflict between the provisions of this chapter and another applicable section of this ordinance, the more restrictive provisions shall control.

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 16-02, § 4, 5-16-16)

Section 14.04 - Additional standards for development.

- A. Development, including the erection of structures, ~~and~~ placement of manufactured homes, filling, grading, mining, dredging, paving, or storage of equipment or materials within the floodplain overlay district shall not occur except in accordance with the requirements of this ordinance and the following standards:
1. The requirements of this chapter shall be met.
 2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;
 3. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources Environment Great Lakes and Energy, under authority of Act 451, of the Public Acts of 1994, as amended. ~~Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.~~
 4. The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.
 5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.
- B. Specific base flood elevation standards:
1. On the basis of the ~~most recent available base flood elevation data~~ Flood Insurance Rate Maps (FIRMs), all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; ~~or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.~~
 2. The most recent flood elevation data received from the Federal ~~Insurance and Mitigation Administration (FIMA)~~ Emergency Management Agency (FEMA) shall take precedence over data from other sources.

(Ord. No. 95-06, § 1, 12-27-95 Ord. No. 16-02, § 4, 5-16-16)

Section 14.05. - Data submission.

Prior to the issuance of building permit for structures on or adjacent floodplain areas, the city manager shall require the applicant for such permit to submit an approved permit by the Michigan Department of Environment Great Lakes and Energy ~~Natural Resources~~, topographic data, engineering studies, proposed

site plan and/or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a registered professional civil engineer.

(Ord. No. 95-06, § 1, 12-27-95)

Section 14.06. - City liability.

The City of Lowell shall incur no liability whatsoever by permitting any use of building within the floodplain within the city.

(Ord. No. 95-06, § 1, 12-27-95)

Section 14.07. - General standards for flood hazard reduction.

- A. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and manufactured homes, shall:
 1. Have the lowest floor, including basement elevated 1 foot above the base flood elevation.
 2. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 3. Be constructed with materials and utility equipment resistance to flood damage; and
 4. Be constructed by methods and practices that minimize flood damage.
- B. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- D. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. The zoning enforcement officer or his representative shall review development proposals to determine compliance with the standards of this section.
- G. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this chapter.
- H. The flood carrying capacity of any altered or relocated watercourses not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained.
- I. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this chapter. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

(Ord. No. 95-06, § 1, 12-27-95)

Section 14.08. - Manufactured home standards.

- A. All manufactured homes shall be elevated a minimum of 1 foot above the base flood elevation, anchored to resist flotation, collapse, or lateral movement by meeting the following specifications:

1. Over the top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, except that on manufactured homes less than fifty (50) feet in length one (1) tie per side shall be required.
 2. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that on manufactured homes less than fifty (50) feet in length four (4) ties per side shall be required.
 3. All components of the anchoring systems shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 4. All additions to a manufactured home shall be similarly elevated and anchored.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the City of Lowell for manufactured home parks and subdivisions.
- C. Manufactured homes within ~~zones A1—30~~the 100-year floodplain on the flood insurance rate map shall be located in accordance with the following standards:
1. All manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one (1) foot above the base flood level.
 2. Adequate surface drainage away from all structures and access for a manufactured home hauler shall be provided.
 3. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
 4. In manufactured home parks and subdivisions which exist at the time of the adoption of this chapter is adopted, where repair, reconstruction or improvement of streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, the standards of this chapter shall be met.

(Ord. No. 95-06, § 1, 12-27-95)

CHAPTER 14A. - RIVER'S EDGE DISTRICT

Section 14A.01. - Purpose.

This district is intended primarily to protect those undeveloped areas in the city that are subject to predictable and regular flooding, and therefore are generally unsuitable for permanent development. These areas are within the 100-year floodplain and are generally adjacent to the Grand River. It is the intent of this district to allow for limited activities and development that does not require the placement of buildings intended for human habitation. It is further the intent of this chapter to discourage development that would reduce reservoir capacity or would otherwise impede, retard, accelerate or change the direction of the flow of water.

(Ord. No. 16-02, § 6, 5-16-16)

Section 14A.02. - Uses permitted.

Land in the River's Edge district may be used for the following purposes as uses permitted by right:

- A. Open space uses such as farms, nurseries, parks, playgrounds, golf courses, nature preserves, horse trails, natural trails, and recreational uses, provided no alteration is made to the existing level of the floodplain or the erection of a structure which may interfere with the flow of the river or floodplain capacity.
- B. Accessory buildings and uses, provided that the standards of section 4.08 are met.

(Ord. No. 16-02, § 6, 5-16-16)

Section 14A.03 - Special land uses.

- A. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- B. Adult use marihuana establishments.

(Ord. No. 16-02, § 6, 5-16-16; Ord. No. 19-06, § 6, 10-21-19)

Section 14A.04 - District regulations.

Front yard	30 feet
Side yard	20 feet
Rear yard	35 feet
Building height	35 feet or 2½ stories
Minimum lot area	20,000 square feet
Minimum lot width	125 feet

(Ord. No. 16-02, § 6, 5-16-16)

Section 14A.05 - Additional standards for development.

A. Development permitted by sections 14B.02 and 14B.03 above shall only be permitted in accordance with the requirements of this chapter, including all applicable overlay districts, and the following standards:

1. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environment, Great Lakes, and Energy ~~Natural Resources~~ under authority of Act 451, of the Public Acts of 1994, as amended. Where a development permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance may be acceptable.
2. Utilities, streets, off-street parking, structures, and buildings for public or recreational uses and any other proposed uses and/or structure(s) shall be designed as not to reduce the water impoundment capacity of the floodplain, significantly change the volume or speed of the flow of water or be otherwise detrimental to the public health, safety and welfare.

(Ord. No. 16-02, § 6, 5-16-16)

2022				
Open Date	Close Date	Address	Name/Business	Subject
01/19/2022	01/19/2022	204 W. Main	Richard Craig	Remodel
04/06/2022	04/06/2022	825 Hunt Street	Angela Ingram	Re-roof
04/14/2022	04/19/2022	510 Kent Street	Ridgeline Construction	Deck
04/20/2022	04/21/2022	671 Birchwood Ct	Max Hilton Builders	Deck
04/21/2022	05/02/2022	755 Alden Nash	Dan Godinez	Shed
04/26/2022	05/10/2022	151 S. Center	Paul Dykema	New Home
05/10/2022	05/11/2022	506 Avery	Paul Schramm	Deck
05/17/2022	05/18/2022	1150 Sibley	Todd West	Basement Finish
06/08/2022	06/08/2022	2523 Gee Drive	Glen Groeneweg	Pool
06/13/2022	06/13/2022	249 Elizabeth Dean	Stacy VandenAkker	Roof
06/27/2022	06/27/2022	2111 W. Main	Tractor Supply	Inside Remodel
07/08/2022	07/08/2022	1300 Jane Ellen	Isaac Towner	Deck
07/19/2022	07/19/2022	2420 Gee Drive	John and Lori Gerard	Re-roof
08/03/2022	08/03/2022	1625 Sibley	Shane Chidester	Reside and Re-roof
08/10/2022	08/15/2022	147 N. Center	Straight Line Fence	Fence
08/19/2022	08/23/2022	429 N. Jefferson	Heidi Lynne	Renovation
08/17/2022	08/24/2022	421 N. Jefferson	Margaret Hoats	Pool demolition
09/08/2022	09/08/2022	901 W. Main	DCK Leasing	Parking lot replacement
10/08/2022	10/18/2022	770 Hunt	Thomas McBride	Accessory Building
10/25/2022	10/26/2022	632 Birchwood Ct.	Thomas McClurg	Remodel Inside
10/26/2022	10/26/2022	1150 Bowes	City of Lowell – Dog Park	Shelter – Small Dog