



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

CITY OF LOWELL  
CITY COUNCIL AGENDA  
MONDAY, SEPTEMBER 18, 2017, 7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. ELECTION OF MAYOR PRO TEM
3. CONSENT AGENDA
  - Approval of the Agenda.
  - Approve and place on file the regular minutes of the September 5, 2017 City Council meeting.
  - Authorize payment of invoices in the amount of \$1,730,808.40
  - Request from Lowell Light and Power to Close Broadway Street on October 14, 2017 for the Harvest Festival
4. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

5. OLD BUSINESS
6. NEW BUSINESS
  - a. Ordinance 17-03 – Amending Chapter 4, General Provisions.
  - b. Ordinance 17-04 - Amending Chapter 2, Definitions and Chapter 17, Special Land Uses
  - c. Resolution 26-17 – To Re-Establish a Public Hearing to Consider Approving the Application of Big Boiler Brewing, LLC. for an Industrial Facilities Exemption Certificate and Approving and Authorizing Execution of a Related Property Tax Abatement Agreement.
  - d. 109 Riverside Drive – Utility Repair.
  - e. Neptune Water Meter Purchase
  - f. New Underground Utilities at James and High Streets
7. BOARD/COMMISSION REPORTS
8. MONTHLY REPORTS
9. MANAGER'S REPORT
10. APPOINTMENTS
11. COUNCIL COMMENTS
12. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.



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[www.ci.lowell.mi.us](http://www.ci.lowell.mi.us)

## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, September 18, 2017

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5. OLD BUSINESS

None.

6. NEW BUSINESS

- a. Ordinance 17-03 – Amending Chapter 4, General Provisions. Ordinance 17-03 is provided.

Recommendation: That the Lowell City Council approve Ordinance 17-03 amending Chapter 4, General Provisions.

- b. Ordinance 17-04 – Amending Chapter 2, Definitions and Chapter 17, Special Land Use. Ordinance 17-04 is provided.

Recommended Motion: That the Lowell City Council approve Ordinance 17-04 amending Chapter 2, Definitions and Chapter 17, Special Land Use.

- c. Resolution 26-17 – To Re-Establish a Public Hearing to Consider Approving the Application of Big Boiler Brewing, LLC. for an Industrial Facilities Exemption Certificate and Approving and Authorizing Execution of a Related Property Tax Abatement Agreement.

Recommended Motion: That the Lowell City Council set a public hearing for October 2, 2017 to consider approving an Industrial Facility Tax Credit for Big Boiler Brewing, LLC for five years with the option to reapply for the remaining years as well as approving and authorizing execution of a related property tax abatement agreement.

- d. 109 Riverside Drive – Utility Repair. Memo is provided by DPW Director Rich LaBombard.

Recommended Motion: That the Lowell City Council approve Groundhawg Excavating and Landscaping LLC, of Cascade Michigan, to repair the damaged utility for a cost not to exceed \$9,750.

- e. Neptune Water Meter Purchase. Memo is provided by DPW Director Rich LaBombard.

Recommended Motion: That the Lowell City Council approve the purchase of Neptune water meters from Ferguson Waterworks, at a cost not to exceed \$14,630.

- f. New Underground Utilities at James and High Streets. Memo is provided by DPW Director Rich LaBombard.

Recommended Motion: That the Lowell City Council approve Groundhawg Excavating & Landscaping LLC of Cascade, Michigan, to install underground sewer services for a cost not to exceed \$7,250.

Additionally, that the Lowell City Council approve Lee's Trenching Service, Inc. of Byron Center, Michigan to install new water services in Lowell for a cost not to exceed \$5,000.

7. BOARD/COMMISSION REPORTS

8. MONTHLY REPORTS

9. MANAGER'S REPORT

10. APPOINTMENTS

11. COUNCIL COMMENTS

12. ADJOURNMENT

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, SEPTEMBER 5, 2017, 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 Mayor Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Jim Hodges, Jeff Phillips, and Mayor DeVore.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery, and Police Sergeant Christopher Hurst.

**2. APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the closed minutes of the August 21, 2017 City Council meeting.
- Authorize payment of invoices in the amount of \$783,785.01.

Mayor DeVore advised he would like to move Council appointment to item #3 and move forward with the rest of the agenda as written.

IT WAS MOVED BY HODGES and seconded by CANFIELD to approve the consent agenda as amended.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Hodges, and Councilmember Phillips.  
NO: None. ABSENT: None. MOTION CARRIED.

**3. COUNCIL APPOINTMENT.**

IT WAS MOVED BY DEVORE and seconded by CANFIELD to appoint Marty Chambers to the City Council.

YES: Mayor DeVore, Councilmember Hodges, Councilmember Phillips, and Councilmember Canfield.  
NO: None. ABSENT: None. MOTION CARRIED.

City Clerk Susan Ullery swore in Councilmember Chambers.

**4. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

Connor Baker spoke in favor of the City opting into the Medical Marihuana Act and he advised he would be willing to sit on a committee if needed by the Council when moving forward.

**5. OLD BUSINESS.**

There was no old business.

6. **NEW BUSINESS.**

- a. Resolution 24-17 – To Set Public Hearing to Consider Approving the Application of Big Boiler Brewing LLC. for an Industrial Facilities Exemption Certificate and Approving and Authorizing Execution of a Related Property Tax Abatement Agreement.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to set a Public Hearing on September 18, 2017 to review the Tax Abatement Agreement for Big Boiler Brewing.

YES: Councilmember Hodges, Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

- b. LCTV Distribution.

At the request of the LCTV Advisory Board, Council has committed to giving them prior notice of the amount that will be available for distribution. It is recommended that Lowell City Council authorize all of the spendable balance of the LCTV Fund for the 2017-18 fiscal year to be available for recommendations from the LCTV Fund advisory committee.

IT WAS MOVED BY HODGES and seconded by PHILLIPS to authorize all of the spendable balance of the LCTV Fund for the 2017-18 fiscal year to be available for recommendations from the LCTV Fund advisory committee.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

- c. Resolution 25-17 – Proclaiming Friday, September 8, 2017 as Pink Arrow Day –Arrow Force X.

IT WAS MOVED BY CANFIELD and seconded by HODGES to approve Resolution 25-17 proclaiming Friday, September 8, 2017 as Pink Arrow Pride Day – Arrow Force X in the City of Lowell.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Hodges, and Councilmember Phillips.

NO: None. ABSENT: None. MOTION CARRIED.

7. **BOARDS AND COMISSION REPORTS.**

Councilmember Phillips stated the Historic District Commission meeting was cancelled, but advised the next meeting will be on September 26, 2017 at 6:00 p.m.

Councilmember Hodges had nothing to report.

Councilmember Canfield advised LARA had a special meeting to review the bids for the completion of the trail on Alden Nash. They are working to secure additional funding and hope to proceed, depending on the availability of funds.

Mayor DeVore had no reports, but advised the next LARA meeting will be on Wednesday, September 13, 2017 at 6:00 p.m. and DDA meets on September 7, 2017 at noon.

8. **MANAGER'S REPORT.**

City Manager Burns reported on the following:

- Chief Bukala update, noting his return will be on September 12, 2017.
- Thanked Sergeant Chris Hurst for stepping up and filling in while Chief Bukala was off.
- Met with Roger Morgan of Rockford Ambulance. They are working on a new agreement which will be brought to the Council for approval in October.
- He and DPW Director Rich LaBombard went to Grand Ledge and met with Chris Chamberlain in reference to the Showboat. An agreement is being worked on.
- Next Committee of the Whole meeting will be held on September 18, 2017 at 5:30 p.m. to discuss Airbnb's.
- Laptops should be here soon.
- Proposal for Wayfinding Signage will be placed on the next City Council agenda.
- Video presentation from Compass College Students who filmed a movie throughout downtown Lowell. All are welcome to stay and watch it after the meeting.

9. **APPOINTMENTS.**

Mayor DeVore listed the following vacancies. Applications will be accepted until September 14, 2017 at noon.

- Zoning Board of Appeals Chair (Council)
- City Council Liaison for the Downtown Development Authority
- Two vacancies on the Planning Commission
- Vacancy to serve on the Lowell Light and Power Board

10. **COUNCIL COMMENTS.**

Councilmember Phillips welcomed Marty Chambers to the Council and looks forward to working with him. Phillips also thanked City staff and departments for all their hard work and dedication. He went on to congratulate City Manager Mike Burns on his one year employment anniversary.

Councilmember Hodges welcomed Marty Chambers to the Council. Hodges also congratulated Mike Burns on his one year anniversary with the City. He mentioned he is looking forward to attending the Medical Marihuana conference that is being hosted by the Michigan Municipal League. Hodges also mentioned Pink Arrow Pride is celebrating 10 years. He is proud of our City and community.

Councilmember Canfield welcomed Marty Chambers to the Council. Canfield mentioned the Council had a citizen approach them at Coffee with Council who was concerned about a waste of taxpayer's money for

the Council to travel to Fenton. Canfield explained there was no unusual or added expense to the City or the taxpayers. Canfield also mentioned Pink Arrow and encouraged everyone to get out and support the efforts. He thanked Sergeant Chris Hurst for his time spent as the acting chief. Canfield also noted the Council is always looking for community input on multiple items that the citizens are concerned about as well as the medical marihuana laws. This is a community decision and the Council would like input.

Councilmember Chambers thanked the Council for his appointment. Chambers advised he looks forward to sitting on the Council and helping the City move forward and doing great things. He would like to see individuals step up and fill these board vacancies.

Mayor DeVore advised he is excited about the medical marihuana conference and he thinks the Council is doing as much work as they can do to get involved and to get educated. DeVore advised this is not a five person decision and they would like community input. DeVore also thanked Sergeant Chris Hurst and everyone in the department for all they did to keep things running smoothly while Chief Bukala was absent. He is looking forward to Bukala's return.

11. ADJOURNMENT.

IT WAS MOVED BY HODGES and seconded by CHAMBERS to adjourn at 7:22 p.m.

YES: 5. NO: NONE. ABSENT: NONE. MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 24-17**

**RESOLUTION SETTING PUBLIC HEARING TO CONSIDER THE  
APPLICATION OF BIG BOILER BREWING, LLC FOR AN INDUSTRIAL  
FACILITIES EXEMPTION CERTIFICATE**

Councilmember CANFIELD supported by Councilmember CHAMBERS, moved the adoption of the following resolution:

**WHEREAS**, Act 198 of the Public Acts of Michigan of 1974, as amended ("Act 198"), authorizes the City to approve applications for Industrial Facilities Exemption Certificates; and

**WHEREAS**, pursuant to Act 198 and after a duly noticed public hearing held on March 21, 2016, this City Council, by its resolution adopted March 21, 2016, established an Industrial Development District (Plant Rehabilitation District) as legally described in said resolution (the "District") for Big Boiler Brewing, LLC (the "Applicant"); and

**WHEREAS**, the Applicant has filed an application for an Industrial Facilities Exemption Certificate under the provisions of Act 198 for facilities to be located in the District (the "Application"); and

**WHEREAS**, Act 198 requires that prior to approving the Application the City Commission, after notice as provided in Act 198, hold a public hearing.

**NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:**

1. That a public hearing shall be held on Monday, September 18, 2017, at 7:00 p.m., local time, in the City Hall at 301 E. Main Street, Lowell, Michigan, to consider the Application, at which public hearing the Applicant, the City Assessor, a representative of each taxing unit which levies *ad valorem* property taxes in the City, and residents or taxpayers of the City will be given and afforded an opportunity to be heard.



2. That not less than seven days before the public hearing notice of the public hearing in the form attached hereto as Exhibit A shall be (a) mailed by certified mail to the Applicant, the City Assessor and the legislative body of each taxing unit which levies *ad valorem* property taxes in the City and (b) published in the *Lowell Ledger*, a newspaper of general circulation in the City by the City Clerk.

3. That all resolutions or parts of resolutions in conflict herewith are rescinded.

YEAS: Councilmember Hodges, Phillips, Chambers, Canfield and Mayor DeVore


NAYS: Councilmember None.

ABSTAIN: Councilmember None.

ABSENT: Councilmember None.

**RESOLUTION DECLARED ADOPTED.**

Dated: September 5, 2017

  
\_\_\_\_\_  
Susan Ullery  
City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell at a meeting held on September 5, 2017, and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: September 5, 2017

  
\_\_\_\_\_  
Susan Ullery  
City Clerk

**EXHIBIT A**

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING TO CONSIDER APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE OF BIG  
BOILER BREWING, LLC**

**PLEASE TAKE NOTICE** that the City Council of the City of Lowell has been requested to hold a public hearing to consider the application for an Industrial Facilities Exemption Certificate by Big Boiler Brewing, LLC (the "Applicant"), pursuant to Act 198 of the Public Acts of Michigan of 1974, as amended.

The facilities will be located at 318 E. Main Street, Lowell, Michigan. The application of Big Boiler Brewing, LLC, is on file and available for review in the office of the City Clerk of the City of Lowell.

**TAKE FURTHER NOTICE** that the public hearing shall be held on Monday, September 18, 2017 at 7:00 p.m., local time, at the City Hall at 301 E. Main Street in the City, at which time the City Council shall afford the Applicant, the City Assessor, a representative of each taxing unit which levies *ad valorem* property taxes in the City, and residents and taxpayers of the City an opportunity to be heard regarding the application for an Industrial Facilities Exemption Certificate for the Applicant.

Susan Ullery  
City Clerk  
City of Lowell

**CITY COUNCIL  
CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 25 - 17**

**RESOLUTION PROCLAIMING FRIDAY, SEPTEMBER 8th, 2017  
AS PINK ARROW PRIDE DAY - ARROW FORCE X  
IN THE CITY OF LOWELL**

*Councilmember CANFIELD supported by Councilmember HODGES, moved the adoption of the following resolution:*

**WHEREAS**, many have been afflicted and battling cancer and breast cancer in particular; and

**WHEREAS**, the Lowell High School football team, volleyball team, and soccer team, will once again compete against this disease with each player wearing pink for games on Friday, September 8<sup>th</sup>, 2017; and

**WHEREAS**, the Lowell community is encouraged to buy and wear Pink Arrow Force X t-shirts to support Gilda's Club of Lowell, Lowell Community Wellness for Pink Arrow Family Support, the Dr. Don Gerard Medical Scholarship and the Kathy Talus Scholarship.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lowell City Council recognize Friday, September 8, 2017 as 'Pink Arrow Pride Day Arrow Force X and further to encourage all Lowell Community residents to participate in this event by purchasing pink T-shirts and attending the game.

YES: Councilmembers Chambers, Canfield, Mayor DeVore, Councilmembers Hodges and Phillips


NO: Councilmembers None.

ABSTAIN: Councilmembers None.

ABSENT: Councilmembers None.

**RESOLUTION DECLARED ADOPTED.**

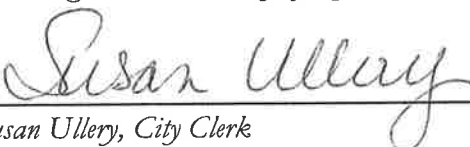
Dated: September 5, 2017

  
Susan Ullery, City Clerk

**CERTIFICATION**

I, the undersigned duly qualified and acting Clerk of the City of Lowell, Kent County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on September 5, 2017, the original of which is on file in my office and public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

**IN WITNESS WHEREOF**, I have affixed my official signature the 15<sup>th</sup> day of September, 2017.

  
Susan Ullery, City Clerk

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DB: Lowell

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 09/13/2017 - 09/14/2017  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

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| Vendor Code                             | Vendor Name                  | Description                       | Amount   |
|---|------------------------------|-----------------------------------|----------|
|   | Invoice                      |                                   |          |
| 10550                                   | 63RD DISTRICT COURT          |                                   |          |
|   | 9/12/2017                    | BOND - GREG CANFIELD              | 500.00   |
| TOTAL FOR: 63RD DISTRICT COURT          |                              |                                   | 500.00   |
| 01513                                   | ADDORIO TECHNOLOGIES, LLC    |                                   |          |
|   | 7109                         | PROFESSIONAL SERVICES             | 407.50   |
| TOTAL FOR: ADDORIO TECHNOLOGIES, LLC    |                              |                                   | 407.50   |
| 10660                                   | ARROW ENERGY, INC.           |                                   |          |
|   | 82309                        | AIRPORT AV GAS                    | 4,494.81 |
| TOTAL FOR: ARROW ENERGY, INC.           |                              |                                   | 4,494.81 |
| 10327                                   | AUTOMATED BUSINESS EQUIPMENT |                                   |          |
|   | 19007                        | SEALING SOLUTION                  | 32.00    |
| TOTAL FOR: AUTOMATED BUSINESS EQUIPMENT |                              |                                   | 32.00    |
| 01521                                   | BELDEN BRICK & SUPPLY CO.    |                                   |          |
|   | 9/13/2017                    | BRICKS FOR LIBRARY READING GARDEN | 418.90   |
| TOTAL FOR: BELDEN BRICK & SUPPLY CO.    |                              |                                   | 418.90   |
| 00050                                   | BERNARDS ACE HARDWARE        |                                   |          |
|   | AUGUST 2017                  | STATEMENT OF ACCOUNT              | 739.98   |
| TOTAL FOR: BERNARDS ACE HARDWARE        |                              |                                   | 739.98   |
| 10483                                   | BOURGETTE, BOB               |                                   |          |
|   | 9/14/2017                    | AIRPORT SUPPLIES & REPAIRS        | 168.75   |
| TOTAL FOR: BOURGETTE, BOB               |                              |                                   | 168.75   |
| 00065                                   | BOUWHUIS SUPPLY, INC.        |                                   |          |
|   | 57130                        | PAPER TOWELS                      | 99.90    |
| TOTAL FOR: BOUWHUIS SUPPLY, INC.        |                              |                                   | 99.90    |
| 10532                                   | BROWN, CASEY                 |                                   |          |
|   | 9/7/2017                     | AIRPORT GAS PAVILION              | 512.34   |
| TOTAL FOR: BROWN, CASEY                 |                              |                                   | 512.34   |
| MISC                                    | CARLSON, STEPHEN             |                                   |          |
|   | 8/26/2017                    | CREEKSIDE PARK DEPOSIT            | 50.00    |
| TOTAL FOR: CARLSON, STEPHEN             |                              |                                   | 50.00    |
| 00344                                   | CITY OF LOWELL               |                                   |          |
|   | 09/17/2017                   | SPECIAL EVENT PERMIT - FLY-IN     | 25.00    |
| TOTAL FOR: CITY OF LOWELL               |                              |                                   | 25.00    |
| 10493                                   | COMCAST CABLE                |                                   |          |
|   | 9/18 - 10/17/2017            | CITY HALL CABLE                   | 149.85   |
| TOTAL FOR: COMCAST CABLE                |                              |                                   | 149.85   |
| 10509                                   | CONSUMERS ENERGY             |                                   |          |
|   | AUGUST 2017                  | ACCOUNT STATEMENT                 | 21.25    |
| TOTAL FOR: CONSUMERS ENERGY             |                              |                                   | 21.25    |

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| Vendor Code                                 | Vendor Name                      | Description                    | Amount     |
|---|----------------------------------|--------------------------------|------------|
|   | Invoice                          |                                |            |
| 01156                                       | CURTIS CLEANERS                  |                                |            |
|   | AUGUST 2017                      | ACCOUNT STATMENT               | 274.00     |
| TOTAL FOR: CURTIS CLEANERS                  |                                  |                                | 274.00     |
| 00148                                       | DICKINSON WRIGHT PLLC            |                                |            |
|   | 1184347                          | LEGAL SVCS - AIRPORT           | 795.50     |
|   | 1191540                          | LEGAL SVCS - FOOD TRUCKS       | 1,387.50   |
|   | 1191541                          | LEGAL SVCS - KCYAA             | 55.50      |
|   | 1191542                          | LEGAL SVCS - CODE ENFORCEMENT  | 111.00     |
|   | 1191543                          | LEGAL SVCS - LYF               | 240.50     |
|   | 1191544                          | LEGAL SVCS - TAX ABATEMENT     | 111.00     |
|   | 1191545                          | LEGAL SVCS - GENERAL MUNICIPAL | 1,439.59   |
| TOTAL FOR: DICKINSON WRIGHT PLLC            |                                  |                                | 4,140.59   |
| 02089                                       | DORNBOS SIGN & SAFETY INC.       |                                |            |
|   | INV34442                         | DWP TRAFFIC SIGNS              | 703.29     |
|   | INV34570                         | DPW SIGNS                      | 637.46     |
| TOTAL FOR: DORNBOS SIGN & SAFETY INC.       |                                  |                                | 1,340.75   |
| 10670                                       | FAHEY SCHULTZ BURZYCH RHODES PLC |                                |            |
|   | 38717                            | PROFESSIONAL SERVICES          | 700.00     |
| TOTAL FOR: FAHEY SCHULTZ BURZYCH RHODES PLC |                                  |                                | 700.00     |
| 10673                                       | FERGUSON WATERWORKS              |                                |            |
|   | 0027445                          | WATER DEPT R & M               | 209.35     |
| TOTAL FOR: FERGUSON WATERWORKS              |                                  |                                | 209.35     |
| 01089                                       | FISHER DOOR & HARDWARE, INC.     |                                |            |
|   | 28328                            | LIBRARY DISPENSERS             | 122.64     |
| TOTAL FOR: FISHER DOOR & HARDWARE, INC.     |                                  |                                | 122.64     |
| 01889                                       | GARY'S MEAT MARKET               |                                |            |
|   | 9/7/2017                         | DDA LUNCH                      | 26.03      |
| TOTAL FOR: GARY'S MEAT MARKET               |                                  |                                | 26.03      |
| 00225                                       | GRAND RAPIDS COMMUNITY COLLEGE   |                                |            |
|   | 8/16 - 8/31/2017                 | TAX DISBURSEMENT               | 112,690.75 |
| TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE   |                                  |                                | 112,690.75 |
| 10455                                       | HAROLD ZEIGLER                   |                                |            |
|   | 124010/CREDIT                    | ACCOUNT STATEMENT              | 42.55      |
| TOTAL FOR: HAROLD ZEIGLER                   |                                  |                                | 42.55      |
| 02463                                       | HYDROCORP                        |                                |            |
|   | 0044192-IN                       | CROSS CONNECTION AUGUST 2017   | 937.00     |
| TOTAL FOR: HYDROCORP                        |                                  |                                | 937.00     |
| 10426                                       | KENT COUNTY ANIMAL SHELTER       |                                |            |
|   | LOWEC2017 QTR2                   | DOG LICENSES                   | 451.16     |
| TOTAL FOR: KENT COUNTY ANIMAL SHELTER       |                                  |                                | 451.16     |

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| Vendor Code                               | Vendor Name                    | Invoice                         | Description | Amount     |
|---|--------------------------------|---------------------------------|-------------|------------|
| 00300                                     | KENT COUNTY TREASURER          |                                 |             |            |
|   | 8/16 - 8/31/17                 | TAX DISBURSEMENT                |             | 261,503.70 |
|   | 8/16 -8/31                     | TAX DISBURSEMENT                |             | 370,239.68 |
| TOTAL FOR: KENT COUNTY TREASURER          |                                |                                 |             | 631,743.38 |
| 00303                                     | KENT DISTRICT LIBRARY          |                                 |             |            |
|   | 8/16 - 8/31/2017               | TAX DISBURSEMENT                |             | 4.20       |
| TOTAL FOR: KENT DISTRICT LIBRARY          |                                |                                 |             | 4.20       |
| 00302                                     | KENT INTERMEDIATE SCHOOL DIST. |                                 |             |            |
|   | 8/16 - 8/31/2017               | TAX DISBURSEMENT                |             | 382,123.68 |
| TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST. |                                |                                 |             | 382,123.68 |
| 02209                                     | KERKSTRA PORTABLE, INC.        |                                 |             |            |
|   | 107244**                       | PORTABLE RESTROOM - BURCH FIELD |             | 115.00     |
|   | 110866                         | PORTABEL RESTROOM - REC PARK    |             | 115.00     |
|   | 112543                         | PORTABEL RESTROOM - BURCH FIELD |             | 115.00     |
| TOTAL FOR: KERKSTRA PORTABLE, INC.        |                                |                                 |             | 345.00     |
| 00805                                     | LEE'S TRENCHING SERVICE, INC.  |                                 |             |            |
|   | 106343                         | TELEWISE - JAMES ST             |             | 1,040.00   |
| TOTAL FOR: LEE'S TRENCHING SERVICE, INC.  |                                |                                 |             | 1,040.00   |
| 02168                                     | LITES PLUS, INC.               |                                 |             |            |
|   | 41202                          | BALLAST - PARKS                 |             | 209.50     |
|   | 41288                          | LAMPS - CITY HALL               |             | 179.00     |
| TOTAL FOR: LITES PLUS, INC.               |                                |                                 |             | 388.50     |
| 01374                                     | LOWELL AREA HISTORICAL MUSEUM  |                                 |             |            |
|   | 8/16 - 8/31/2017               | TAX DISBURSEMENT                |             | 15,446.97  |
| TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM  |                                |                                 |             | 15,446.97  |
| 00562                                     | LOWELL AREA SCHOOLS            |                                 |             |            |
|   | 8/16 - 8/31/2017               | TAX DISBURSEMENT                |             | 499,470.29 |
| TOTAL FOR: LOWELL AREA SCHOOLS            |                                |                                 |             | 499,470.29 |
| 00330                                     | LOWELL LEDGER                  |                                 |             |            |
|   | AUGUST 2017                    | ACCOUNT STATEMENT               |             | 268.28     |
| TOTAL FOR: LOWELL LEDGER                  |                                |                                 |             | 268.28     |
| 00341                                     | LOWELL LIGHT & POWER           |                                 |             |            |
|   | AUGUST 2017                    | ELECTRIC CHARGES                |             | 19,398.42  |
| TOTAL FOR: LOWELL LIGHT & POWER           |                                |                                 |             | 19,398.42  |
| 00426                                     | MODEL COVERALL SERVICE, INC.   |                                 |             |            |
|   | AUGUST 2017                    | LIBRARY RUGS                    |             | 225.28     |
| TOTAL FOR: MODEL COVERALL SERVICE, INC.   |                                |                                 |             | 225.28     |
| 01924                                     | MSC INDUSTRIAL SUPPLY CO INC   |                                 |             |            |
|   | 44802457                       | DPW TOOLS                       |             | 161.85     |
| TOTAL FOR: MSC INDUSTRIAL SUPPLY CO INC   |                                |                                 |             | 161.85     |

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| Vendor Code                                  | Vendor Name                       | Description                | Amount   |
|--|-----------------------------------|----------------------------|----------|
|  | Invoice                           |                            |          |
| 01794  | MUNDT, THERESA                    |                            |          |
|  | 9/1/2017                          | SAM'S CLUB REIMBURSEMENT   | 41.61    |
| TOTAL FOR: MUNDT, THERESA                    |                                   |                            | 41.61    |
| 01499  | NAPA AUTO PARTS                   |                            |          |
|  | AUGUST 2017                       | ACCOUNT STATEMENT          | 576.06   |
| TOTAL FOR: NAPA AUTO PARTS                   |                                   |                            | 576.06   |
| 00468  | NYE UNIFORM COMPANY               |                            |          |
|  | 616045                            | POLICE UNIFORMS            | 373.60   |
| TOTAL FOR: NYE UNIFORM COMPANY               |                                   |                            | 373.60   |
| 01270  | PLUMMERS ENVIRONMENTAL SERVICE    |                            |          |
|  | 1755608                           | VIDEO TELEVISED - M21      | 907.70   |
|  | 1755979                           | VIDEO TELEVISED LATERALS   | 912.60   |
| TOTAL FOR: PLUMMERS ENVIRONMENTAL SERVICE    |                                   |                            | 1,820.30 |
| 10130  | RASHID, JEFFREY                   |                            |          |
|  | AUG 2017                          | ASSESSING OFFICE EXPENSES  | 33.71    |
| TOTAL FOR: RASHID, JEFFREY                   |                                   |                            | 33.71    |
| 10378  | RUESINK, KATHIE                   |                            |          |
|  | 543248/543249                     | CLEANING SERVICES          | 600.00   |
| TOTAL FOR: RUESINK, KATHIE                   |                                   |                            | 600.00   |
| 10691  | RYAN EXCAVATING LLC               |                            |          |
|  | 2017-0152                         | EXCAVATE GAS MAIN IN STORM | 1,898.00 |
| TOTAL FOR: RYAN EXCAVATING LLC               |                                   |                            | 1,898.00 |
| 00556  | RYAN'S MODERN SEWER CLEANING INC, |                            |          |
|  | 117716                            | TELEVISED ON JEFFERSON ST  | 630.00   |
| TOTAL FOR: RYAN'S MODERN SEWER CLEANING INC, |                                   |                            | 630.00   |
| 02383  | SANISWEEP, INC.                   |                            |          |
|  | 89838                             | STREET SWEEPING            | 210.00   |
| TOTAL FOR: SANISWEEP, INC.                   |                                   |                            | 210.00   |
| 10042  | SAWYER ENGINE & COMPRESSOR        |                            |          |
|  | 42281                             | WTP - SERVICE CALL         | 352.50   |
| TOTAL FOR: SAWYER ENGINE & COMPRESSOR        |                                   |                            | 352.50   |
| 02575  | SELF SERVE LUMBER                 |                            |          |
|  | AUGUST 2017                       | ACCOUNT STATEMENT          | 936.43   |
| TOTAL FOR: SELF SERVE LUMBER                 |                                   |                            | 936.43   |
| 10341  | STATE OF MICHIGAN                 |                            |          |
|  | 551-495286                        | LIVE SCAN AUGUST 2017      | 294.00   |
| TOTAL FOR: STATE OF MICHIGAN                 |                                   |                            | 294.00   |

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| Vendor Code                                 | Vendor Name                      | Description                   | Amount       |
|---|----------------------------------|-------------------------------|--------------|
|   | Invoice                          |                               |              |
| 10583                                       | SUEZ WATER ENVIRONMENTAL SVC INC |                               |              |
|   | 201731471                        | PROFESSIONAL SVCS AUGUST 2017 | 36,852.48    |
| TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC |                                  |                               | 36,852.48    |
| 00630                                       | THORNAPPLE RIVER NURSERY, INC.   |                               |              |
|   | 8/8/2017                         | WOOD CHIPS                    | 42.00        |
| TOTAL FOR: THORNAPPLE RIVER NURSERY, INC.   |                                  |                               | 42.00        |
| 10563                                       | TRACTOR SUPPLY CREDIT PLAN       |                               |              |
|   | AUGUST 2017                      | ACCOUNT STATEMENT             | 294.17       |
| TOTAL FOR: TRACTOR SUPPLY CREDIT PLAN       |                                  |                               | 294.17       |
| 02146                                       | VANSOLKEMA, SCOT                 |                               |              |
|   | 9/8/2017                         | CJIC/IT CONFERENCE            | 128.50       |
| TOTAL FOR: VANSOLKEMA, SCOT                 |                                  |                               | 128.50       |
| 02277                                       | VERIZON WIRELESS                 |                               |              |
|   | 9791851963                       | ACCOUNT STATEMENT 7/30 - 8/29 | 40.01        |
| TOTAL FOR: VERIZON WIRELESS                 |                                  |                               | 40.01        |
| 10626                                       | VISA                             |                               |              |
|   | AUGUST 2017                      | STATEMENT OF ACCOUNT          | 6,464.08     |
| TOTAL FOR: VISA                             |                                  |                               | 6,464.08     |
| MISC  | WITHERELL, SHANNON               |                               |              |
|   | 8/27/2017                        | CREEKSIDE PARK DEPOSIT        | 50.00        |
| TOTAL FOR: WITHERELL, SHANNON               |                                  |                               | 50.00        |
| TOTAL - ALL VENDORS                         |                                  |                               | 1,730,808.40 |



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| GL Number                 | Invoice Line Desc         | Vendor                    | Invoice Description       | Amount   | Check # |
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| Fund 101 GENERAL FUND     |                           |                           |                           |          |         |
| Dept 000                  |                           |                           |                           |          |         |
| 101-000-040.000           | ACCOUNTS RECEIVABLE       | 63RD DISTRICT COURT       | BOND - GREG CANFIELD      | 500.00   | 70107   |
| 101-000-040.000           | ACCOUNTS RECEIVABLE       | VISA                      | STATEMENT OF ACCOUNT      | 45.00    | 70161   |
| 101-000-084.015           | DUE FROM FIRE AUTHORITY   | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 13.98    | 70111   |
| 101-000-084.015           | DUE FROM FIRE AUTHORITY   | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT         | 8.34     | 70158   |
| 101-000-222.001           | DUE CO-DELINQ PERS PROP T | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 18.76    | 70132   |
| 101-000-222.002           | DUE TO COUNTY-DOG LICENSE | KENT COUNTY ANIMAL SHELTE | DOG LICENSES              | 451.16   | 70130   |
| 101-000-223.001           | DUE LIB-DELINQ PERS PROP  | KENT DISTRICT LIBRARY     | TAX DISBURSEMENT          | 3.96     | 70133   |
| 101-000-225.001           | DUE SCHL-DELINQ PERS PROP | LOWELL AREA SCHOOLS       | TAX DISBURSEMENT          | 43.38    | 70139   |
| 101-000-228.009           | DUE TO STATE-DELINQ S.E.T | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 18.60    | 70131   |
| 101-000-234.001           | DUE INTERMED SCHL-DELINQ  | KENT INTERMEDIATE SCHOOL  | TAX DISBURSEMENT          | 14.84    | 70134   |
| 101-000-235.001           | DUE TO COM COLLEGE-DELINQ | GRAND RAPIDS COMMUNITY CO | TAX DISBURSEMENT          | 5.53     | 70127   |
| 101-000-236.001           | DUE TO LOWELL HISTORICAL  | LOWELL AREA HISTORICAL MU | TAX DISBURSEMENT          | 0.75     | 70138   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | GRAND RAPIDS COMMUNITY CO | TAX DISBURSEMENT          | 0.66     | 70127   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 2.24     | 70131   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 1.93     | 70132   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | KENT DISTRICT LIBRARY     | TAX DISBURSEMENT          | 0.24     | 70133   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | KENT INTERMEDIATE SCHOOL  | TAX DISBURSEMENT          | 1.78     | 70134   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | LOWELL AREA HISTORICAL MU | TAX DISBURSEMENT          | 0.08     | 70138   |
| 101-000-274.000           | UNDISTRIBUTED DELINQUENT  | LOWELL AREA SCHOOLS       | TAX DISBURSEMENT          | 3.90     | 70139   |
| 101-000-285.004           | CREEKSID DEPOSIT          | CARLSON, STEPHEN          | CREEKSID PARK DEPOSIT     | 50.00    | 70116   |
| 101-000-285.004           | CREEKSID DEPOSIT          | WITHERELL, SHANNON        | CREEKSID PARK DEPOSIT     | 50.00    | 70163   |
| Total For Dept 000        |                           |                           |                           | 1,235.13 |         |
| Dept 101 COUNCIL          |                           |                           |                           |          |         |
| 101-101-880.000           | COMMUNITY PROMOTION       | VISA                      | STATEMENT OF ACCOUNT      | 70.33    | 70161   |
| Total For Dept 101 COUNCI |                           |                           |                           | 70.33    |         |
| Dept 172 MANAGER          |                           |                           |                           |          |         |
| 101-172-864.000           | CONFERENCES & CONVENTIONS | VISA                      | STATEMENT OF ACCOUNT      | 665.00   | 70161   |
| Total For Dept 172 MANAGE |                           |                           |                           | 665.00   |         |
| Dept 209 ASSESSOR         |                           |                           |                           |          |         |
| 101-209-860.000           | TRAVEL EXPENSES           | RASHID, JEFFREY           | ASSESSING OFFICE EXPENSES | 33.71    | 70148   |
| Total For Dept 209 ASSESS |                           |                           |                           | 33.71    |         |
| Dept 210 ATTORNEY         |                           |                           |                           |          |         |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - GENERAL MUNI | 1,439.59 | 70121   |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - TAX ABATEMEN | 111.00   | 70121   |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - LYF          | 240.50   | 70121   |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - CODE ENFORCE | 111.00   | 70121   |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - KCYAA        | 55.50    | 70121   |
| 101-210-801.000           | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SVCS - FOOD TRUCKS  | 1,387.50 | 70121   |
| 101-210-802.000           | LABOR RELATIONS ATTORNEY  | FAHEY SCHULTZ BURZYCH RHO | PROFESSIONAL SERVICES     | 700.00   | 70123   |
| Total For Dept 210 ATTORN |                           |                           |                           | 4,045.09 |         |
| Dept 215 CLERK            |                           |                           |                           |          |         |
| 101-215-730.000           | POSTAGE                   | VISA                      | STATEMENT OF ACCOUNT      | 41.49    | 70161   |
| 101-215-900.000           | PRINTING                  | LOWELL LEDGER             | ACCOUNT STATEMENT         | 221.03   | 70140   |
| Total For Dept 215 CLERK  |                           |                           |                           | 262.52   |         |
| Dept 265 CITY HALL        |                           |                           |                           |          |         |
| 101-265-740.000           | OPERATING SUPPLIES        | MUNDT, THERESA            | SAM'S CLUB REIMBURSEMENT  | 23.63    | 70144   |
| 101-265-802.000           | CONTRACTUAL               | RUESINK, KATHIE           | CLEANING SERVICES         | 360.00   | 70149   |
| 101-265-850.000           | COMMUNICATIONS            | COMCAST CABLE             | CITY HALL CABLE           | 149.85   | 70118   |
| 101-265-850.000           | COMMUNICATIONS            | VISA                      | STATEMENT OF ACCOUNT      | 269.20   | 70161   |
| 101-265-920.000           | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 3,450.72 | 70141   |
| 101-265-930.000           | REPAIR & MAINTENANCE      | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 6.49     | 70111   |
| 101-265-930.000           | REPAIR & MAINTENANCE      | LITES PLUS, INC.          | LAMPS - CITY HALL         | 179.00   | 70137   |
| Total For Dept 265 CITY H |                           |                           |                           | 4,438.89 |         |

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| GL Number                           | Invoice Line Desc         | Vendor                    | Invoice Description       | Amount   | Check # |
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| Fund 101 GENERAL FUND               |                           |                           |                           |          |         |
| Dept 276 CEMETERY                   |                           |                           |                           |          |         |
| 101-276-740.000                     | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 97.98    | 70111   |
| 101-276-740.000                     | OPERATING SUPPLIES        | THORNAPPLE RIVER NURSERY, | WOOD CHIPS                | 21.00    | 70157   |
| 101-276-740.000                     | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT         | 38.97    | 70158   |
| 101-276-864.000                     | CONFERENCES & CONVENTIONS | VISA                      | STATEMENT OF ACCOUNT      | 124.95   | 70161   |
| 101-276-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 53.62    | 70141   |
| Total For Dept 276 CEMETE           |                           |                           |                           | 336.52   |         |
| Dept 301 POLICE DEPARTMENT          |                           |                           |                           |          |         |
| 101-301-626.000                     | REPORTS & FINGERPRINT FEE | STATE OF MICHIGAN         | LIVE SCAN AUGUST 2017     | 294.00   | 70155   |
| 101-301-740.000                     | OPERATING SUPPLIES        | MUNDT, THERESA            | SAM'S CLUB REIMBURSEMENT  | 17.98    | 70144   |
| 101-301-740.000                     | OPERATING SUPPLIES        | VISA                      | STATEMENT OF ACCOUNT      | 139.65   | 70161   |
| 101-301-744.000                     | UNIFORMS                  | CURTIS CLEANERS           | ACCOUNT STATMENT          | 274.00   | 70120   |
| 101-301-744.000                     | UNIFORMS                  | NYE UNIFORM COMPANY       | POLICE UNIFORMS           | 373.60   | 70146   |
| 101-301-931.000                     | R & M POLICE CARS         | NAPA AUTO PARTS           | ACCOUNT STATEMENT         | 19.26    | 70145   |
| 101-301-955.000                     | MISCELLANEOUS EXPENSE     | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 4.57     | 70111   |
| 101-301-955.000                     | MISCELLANEOUS EXPENSE     | VISA                      | STATEMENT OF ACCOUNT      | 34.72    | 70161   |
| 101-301-957.000                     | TRAINING                  | VANSOLKEMA, SCOT          | CJIC/IT CONFERENCE        | 128.50   | 70159   |
| 101-301-957.000                     | TRAINING                  | VISA                      | STATEMENT OF ACCOUNT      | 325.00   | 70161   |
| Total For Dept 301 POLICE           |                           |                           |                           | 1,611.28 |         |
| Dept 441 DEPARTMENT OF PUBLIC WORKS |                           |                           |                           |          |         |
| 101-441-740.000                     | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 40.45    | 70111   |
| 101-441-740.000                     | OPERATING SUPPLIES        | BOUWHUIS SUPPLY, INC.     | PAPER TOWELS              | 99.90    | 70114   |
| 101-441-740.000                     | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT         | 7.50     | 70158   |
| 101-441-740.000                     | OPERATING SUPPLIES        | VISA                      | STATEMENT OF ACCOUNT      | 10.59    | 70161   |
| 101-441-744.000                     | UNIFORMS                  | VISA                      | STATEMENT OF ACCOUNT      | 105.00   | 70161   |
| 101-441-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 320.64   | 70141   |
| 101-441-926.000                     | STREET LIGHTING           | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 846.88   | 70141   |
| 101-441-930.000                     | REPAIR & MAINTENANCE      | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 159.59   | 70111   |
| 101-441-975.000                     | BUILDING IMPROVEMENTS     | SELF SERVE LUMBER         | ACCOUNT STATEMENT         | 13.60    | 70154   |
| 101-441-975.000                     | BUILDING IMPROVEMENTS     | VISA                      | STATEMENT OF ACCOUNT      | 2,544.60 | 70161   |
| Total For Dept 441 DEPART           |                           |                           |                           | 4,148.75 |         |
| Dept 747 CHAMBER/RIVERWALK          |                           |                           |                           |          |         |
| 101-747-920.000                     | CHAMBER UTILITIES         | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 127.78   | 70141   |
| Total For Dept 747 CHAMBE           |                           |                           |                           | 127.78   |         |
| Dept 751 PARKS                      |                           |                           |                           |          |         |
| 101-751-740.000                     | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT         | 76.93    | 70158   |
| 101-751-802.000                     | CONTRACTUAL               | KERKSTRA PORTABLE, INC.   | PORTABEL RESTROOM - REC P | 115.00   | 70135   |
| 101-751-802.000                     | CONTRACTUAL               | KERKSTRA PORTABLE, INC.   | PORTABLE RESTROOM - BURCH | 115.00   | 70135   |
| 101-751-802.000                     | CONTRACTUAL               | KERKSTRA PORTABLE, INC.   | PORTABEL RESTROOM - BURCH | 115.00   | 70135   |
| 101-751-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 774.54   | 70141   |
| 101-751-930.000                     | REPAIR & MAINTENANCE      | LITES PLUS, INC.          | BALLAST - PARKS           | 209.50   | 70137   |
| 101-751-930.000                     | REPAIR & MAINTENANCE      | SELF SERVE LUMBER         | ACCOUNT STATEMENT         | 13.58    | 70154   |
| Total For Dept 751 PARKS            |                           |                           |                           | 1,419.55 |         |
| Dept 757 SHOWBOAT                   |                           |                           |                           |          |         |
| 101-757-920.000                     | SHOWBOAT UTILITIES        | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 48.08    | 70141   |
| Total For Dept 757 SHOWBO           |                           |                           |                           | 48.08    |         |
| Dept 790 LIBRARY                    |                           |                           |                           |          |         |
| 101-790-740.000                     | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 13.99    | 70111   |
| 101-790-740.000                     | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT         | 7.98     | 70158   |
| 101-790-802.000                     | CONTRACTUAL               | RUESINK, KATHIE           | CLEANING SERVICES         | 240.00   | 70149   |
| 101-790-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 1,498.39 | 70141   |
| 101-790-930.000                     | REPAIR & MAINTENANCE      | FISHER DOOR & HARDWARE, I | LIBRARY DISPENSERS        | 122.64   | 70125   |
| 101-790-930.000                     | REPAIR & MAINTENANCE      | MODEL COVERALL SERVICE, I | LIBRARY RUGS              | 225.28   | 70142   |
| Total For Dept 790 LIBRAR           |                           |                           |                           | 2,108.28 |         |

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| Fund 101 GENERAL FUND                   |                           |  |                           |           |         |
| Dept 803 HISTORICAL DISTRICT COMMISSION |                           |  |                           |           |         |
| 101-803-727.000                         | OFFICE SUPPLIES           | LOWELL AREA HISTORICAL MU TAX DISBURSEMENT |                           | 15,446.14 | 70138   |
|   | Total For Dept 803 HISTOR |  |                           | 15,446.14 |         |
| Dept 804 MUSEUM                         |                           |  |                           |           |         |
| 101-804-920.000                         | PUBLIC UTILITIES          | LOWELL LIGHT & POWER                       | ELECTRIC CHARGES          | 408.03    | 70141   |
|   | Total For Dept 804 MUSEUM |  |                           | 408.03    |         |
|   | Total For Fund 101 GENERA |  |                           | 36,405.08 |         |
| Fund 202 MAJOR STREET FUND              |                           |  |                           |           |         |
| Dept 463 MAINTENANCE                    |                           |  |                           |           |         |
| 202-463-802.000                         | CONTRACTUAL               | SANISWEEP, INC.                            | STREET SWEEPING           | 210.00    | 70152   |
|   | Total For Dept 463 MAINT  |  |                           | 210.00    |         |
| Dept 474 TRAFFIC                        |                           |  |                           |           |         |
| 202-474-740.000                         | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE                      | STATEMENT OF ACCOUNT      | 23.98     | 70111   |
| 202-474-740.000                         | OPERATING SUPPLIES        | DORNBOS SIGN & SAFETY INC                  | DPW SIGNS                 | 637.46    | 70122   |
| 202-474-740.000                         | OPERATING SUPPLIES        | DORNBOS SIGN & SAFETY INC                  | DWP TRAFFIC SIGNS         | 351.64    | 70122   |
| 202-474-740.000                         | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA                  | ACCOUNT STATEMENT         | 16.99     | 70158   |
|   | Total For Dept 474 TRAFFI |  |                           | 1,030.07  |         |
|   | Total For Fund 202 MAJOR  |  |                           | 1,240.07  |         |
| Fund 203 LOCAL STREET FUND              |                           |  |                           |           |         |
| Dept 463 MAINTENANCE                    |                           |  |                           |           |         |
| 203-463-740.000                         | OPERATING SUPPLIES        | SELF SERVE LUMBER                          | ACCOUNT STATEMENT         | 40.93     | 70154   |
|   | Total For Dept 463 MAINT  |  |                           | 40.93     |         |
| Dept 474 TRAFFIC                        |                           |  |                           |           |         |
| 203-474-740.000                         | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE                      | STATEMENT OF ACCOUNT      | 183.38    | 70111   |
| 203-474-740.000                         | OPERATING SUPPLIES        | DORNBOS SIGN & SAFETY INC                  | DWP TRAFFIC SIGNS         | 351.65    | 70122   |
| 203-474-740.000                         | OPERATING SUPPLIES        | TRACTOR SUPPLY CREDIT PLA                  | ACCOUNT STATEMENT         | 65.48     | 70158   |
|   | Total For Dept 474 TRAFFI |  |                           | 600.51    |         |
|   | Total For Fund 203 LOCAL  |  |                           | 641.44    |         |
| Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY |                           |  |                           |           |         |
| Dept 463 MAINTENANCE                    |                           |  |                           |           |         |
| 248-463-740.000                         | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE                      | STATEMENT OF ACCOUNT      | 26.94     | 70111   |
| 248-463-740.000                         | OPERATING SUPPLIES        | SELF SERVE LUMBER                          | ACCOUNT STATEMENT         | 18.00     | 70154   |
| 248-463-740.000                         | OPERATING SUPPLIES        | THORNAPPLE RIVER NURSERY,                  | WOOD CHIPS                | 21.00     | 70157   |
| 248-463-920.000                         | PUBLIC UTILITIES          | LOWELL LIGHT & POWER                       | ELECTRIC CHARGES          | 1,029.90  | 70141   |
|   | Total For Dept 463 MAINT  |  |                           | 1,095.84  |         |
| Dept 740 COMMUNITY PROMOTIONS           |                           |  |                           |           |         |
| 248-740-880.000                         | COMMUNITY PROMOTION       | GARY'S MEAT MARKET                         | DDA LUNCH                 | 26.03     | 70126   |
| 248-740-880.000                         | COMMUNITY PROMOTION       | VISA                                       | STATEMENT OF ACCOUNT      | 63.40     | 70161   |
|   | Total For Dept 740 COMMUN |  |                           | 89.43     |         |
|   | Total For Fund 248 DOWNT  |  |                           | 1,185.27  |         |
| Fund 260 DESIGNATED CONTRIBUTIONS       |                           |  |                           |           |         |
| Dept 790 LIBRARY                        |                           |  |                           |           |         |
| 260-790-975.000                         | BUILDING IMPROVEMENTS     | BELDEN BRICK & SUPPLY CO.                  | BRICKS FOR LIBRARY READII | 418.90    | 70106   |
| 260-790-975.000                         | BUILDING IMPROVEMENTS     | SELF SERVE LUMBER                          | ACCOUNT STATEMENT         | 18.00     | 70154   |
| 260-790-975.000                         | BUILDING IMPROVEMENTS     | VISA                                       | STATEMENT OF ACCOUNT      | 161.30    | 70161   |
|   | Total For Dept 790 LIBRAR |  |                           | 598.20    |         |
|   | Total For Fund 260 DESIGN |  |                           | 598.20    |         |
| Fund 581 AIRPORT FUND                   |                           |  |                           |           |         |
| Dept 000                                |                           |  |                           |           |         |
| 581-000-740.000                         | OPERATING SUPPLIES        | ARROW ENERGY, INC.                         | AIRPORT AV GAS            | 4,494.81  | 70109   |
| 581-000-801.000                         | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC                      | LEGAL SVCS - AIRPORT      | 795.50    | 70121   |
| 581-000-920.000                         | PUBLIC UTILITIES          | CONSUMERS ENERGY                           | ACCOUNT STATEMENT         | 21.25     | 70119   |
| 581-000-930.000                         | REPAIR & MAINTENANCE      | BOURGETTE, BOB                             | AIRPORT SUPPLIES & REPAIR | 168.75    | 70113   |

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| GL Number                           | Invoice Line Desc         | Vendor                    | Invoice Description       | Amount    | Check # |
|-------------------------------------|---------------------------|---------------------------|---------------------------|-----------|---------|
| Fund 581 AIRPORT FUND               |                           |                           |                           |           |         |
| Dept 000                            |                           |                           |                           |           |         |
| 581-000-930.000                     | REPAIR & MAINTENANCE      | BROWN, CASEY              | AIRPORT GAS PAVILION      | 512.34    | 70115   |
| 581-000-930.000                     | REPAIR & MAINTENANCE      | SELF SERVE LUMBER         | ACCOUNT STATEMENT         | 819.68    | 70154   |
| 581-000-955.000                     | MISCELLANEOUS EXPENSE     | CITY OF LOWELL            | SPECIAL EVENT PERMIT - FL | 25.00     | 70117   |
| Total For Dept 000                  |                           |                           |                           | 6,837.33  |         |
| Total For Fund 581 AIRPOR           |                           |                           |                           | 6,837.33  |         |
| Fund 590 WASTEWATER FUND            |                           |                           |                           |           |         |
| Dept 000                            |                           |                           |                           |           |         |
| 590-000-043.000                     | DUE FROM EARTH TECH       | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 4,317.13  | 70141   |
| Total For Dept 000                  |                           |                           |                           | 4,317.13  |         |
| Dept 550 TREATMENT                  |                           |                           |                           |           |         |
| 590-550-802.000                     | CONTRACTUAL               | SUEZ WATER ENVIRONMENTAL  | PROFESSIONAL SVCS AUGUST  | 36,852.48 | 70156   |
| Total For Dept 550 TREATM           |                           |                           |                           | 36,852.48 |         |
| Dept 551 COLLECTION                 |                           |                           |                           |           |         |
| 590-551-850.000                     | COMMUNICATIONS            | VISA                      | STATEMENT OF ACCOUNT      | 47.69     | 70161   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | FERGUSON WATERWORKS       | WATER DEPT R & M          | 104.68    | 70124   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | LEE'S TRENCHING SERVICE,  | TELEWISE - JAMES ST       | 1,040.00  | 70136   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | PLUMMERS ENVIRONMENTAL SE | VIDEO TELEVISED LATERALS  | 912.60    | 70147   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | PLUMMERS ENVIRONMENTAL SE | VIDEO TELEVISED - M21     | 907.70    | 70147   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | RYAN EXCAVATING LLC       | EXCAVATE GAS MAIN IN STOR | 1,898.00  | 70150   |
| 590-551-930.000                     | REPAIR & MAINTENANCE      | RYAN'S MODERN SEWER CLEAN | TELEVISED ON JEFFERSON ST | 630.00    | 70151   |
| Total For Dept 551 COLLEC           |                           |                           |                           | 5,540.67  |         |
| Total For Fund 590 WASTEW           |                           |                           |                           | 46,710.28 |         |
| Fund 591 WATER FUND                 |                           |                           |                           |           |         |
| Dept 570 TREATMENT                  |                           |                           |                           |           |         |
| 591-570-740.000                     | OPERATING SUPPLIES        | SELF SERVE LUMBER         | ACCOUNT STATEMENT         | 12.64     | 70154   |
| 591-570-802.000                     | CONTRACTUAL               | SAWYER ENGINE & COMPRESSO | WTP - SERVICE CALL        | 352.50    | 70153   |
| 591-570-864.000                     | CONFERENCES & CONVENTIONS | VISA                      | STATEMENT OF ACCOUNT      | 175.00    | 70161   |
| 591-570-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 4,657.32  | 70141   |
| 591-570-955.000                     | MISCELLANEOUS EXPENSE     | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 17.97     | 70111   |
| Total For Dept 570 TREATM           |                           |                           |                           | 5,215.43  |         |
| Dept 571 DISTRIBUTION               |                           |                           |                           |           |         |
| 591-571-801.000                     | CROSS CONNECTIONS         | HYDROCORP                 | CROSS CONNECTION AUGUST 2 | 937.00    | 70129   |
| 591-571-850.000                     | COMMUNICATIONS            | VERIZON WIRELESS          | ACCOUNT STATEMENT 7/30 -  | 40.01     | 70160   |
| 591-571-850.000                     | COMMUNICATIONS            | VISA                      | STATEMENT OF ACCOUNT      | 47.70     | 70161   |
| 591-571-920.000                     | PUBLIC UTILITIES          | LOWELL LIGHT & POWER      | ELECTRIC CHARGES          | 1,865.39  | 70141   |
| 591-571-930.000                     | REPAIR & MAINTENANCE      | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 81.22     | 70111   |
| 591-571-930.000                     | REPAIR & MAINTENANCE      | FERGUSON WATERWORKS       | WATER DEPT R & M          | 104.67    | 70124   |
| 591-571-955.000                     | MISCELLANEOUS EXPENSE     | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 45.48     | 70111   |
| 591-571-955.000                     | MISCELLANEOUS EXPENSE     | LOWELL LEDGER             | ACCOUNT STATEMENT         | 47.25     | 70140   |
| Total For Dept 571 DISTRI           |                           |                           |                           | 3,168.72  |         |
| Total For Fund 591 WATER            |                           |                           |                           | 8,384.15  |         |
| Fund 636 DATA PROCESSING FUND       |                           |                           |                           |           |         |
| Dept 000                            |                           |                           |                           |           |         |
| 636-000-740.000                     | OPERATING SUPPLIES        | AUTOMATED BUSINESS EQUIPM | SEALING SOLUTION          | 32.00     | 70110   |
| 636-000-801.000                     | PROFESSIONAL SERVICES     | ADDORIO TECHNOLOGIES, LLC | PROFESSIONAL SERVICES     | 407.50    | 70108   |
| Total For Dept 000                  |                           |                           |                           | 439.50    |         |
| Total For Fund 636 DATA P           |                           |                           |                           | 439.50    |         |
| Fund 661 EQUIPMENT FUND             |                           |                           |                           |           |         |
| Dept 895 FLEET MAINT. & REPLACEMENT |                           |                           |                           |           |         |
| 661-895-740.000                     | OPERATING SUPPLIES        | BERNARDS ACE HARDWARE     | STATEMENT OF ACCOUNT      | 23.96     | 70111   |
| 661-895-740.000                     | OPERATING SUPPLIES        | MSC INDUSTRIAL SUPPLY CO  | DPW TOOLS                 | 161.85    | 70143   |
| 661-895-740.000                     | OPERATING SUPPLIES        | NAPA AUTO PARTS           | ACCOUNT STATEMENT         | 211.99    | 70145   |
| 661-895-740.000                     | OPERATING SUPPLIES        | VISA                      | STATEMENT OF ACCOUNT      | 20.14     | 70161   |

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| GL Number                            | Invoice Line Desc         | Vendor                    | Invoice Description  | Amount       | Check # |
|--------------------------------------|---------------------------|---------------------------|----------------------|--------------|---------|
| Fund 661 EQUIPMENT FUND              |                           |                           |                      |              |         |
| Dept 895 FLEET MAINT. & REPLACEMENT  |                           |                           |                      |              |         |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | HAROLD ZEIGLER            | ACCOUNT STATEMENT    | 42.55        | 70128   |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | NAPA AUTO PARTS           | ACCOUNT STATEMENT    | 344.81       | 70145   |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | TRACTOR SUPPLY CREDIT PLA | ACCOUNT STATEMENT    | 71.98        | 70158   |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | VISA                      | STATEMENT OF ACCOUNT | 1,573.32     | 70161   |
| Total For Dept 895 FLEET             |                           |                           |                      | 2,450.60     |         |
| Total For Fund 661 EQUIPM            |                           |                           |                      | 2,450.60     |         |
| Fund 703 CURRENT TAX COLLECTION FUND |                           |                           |                      |              |         |
| Dept 000                             |                           |                           |                      |              |         |
| 703-000-222.000                      | DUE TO COUNTY-CURRENT TAX | KENT COUNTY TREASURER     | TAX DISBURSEMENT     | 261,483.01   | 70132   |
| 703-000-225.000                      | DUE TO SCHOOLS            | LOWELL AREA SCHOOLS       | TAX DISBURSEMENT     | 499,423.01   | 70139   |
| 703-000-228.009                      | DUE TO STATE-S.E.T.       | KENT COUNTY TREASURER     | TAX DISBURSEMENT     | 370,218.84   | 70131   |
| 703-000-234.000                      | DUE TO INTERMED SCH DISTR | KENT INTERMEDIATE SCHOOL  | TAX DISBURSEMENT     | 382,107.06   | 70134   |
| 703-000-235.000                      | DUE TO COMMUNITY COLLEGE  | GRAND RAPIDS COMMUNITY CO | TAX DISBURSEMENT     | 112,684.56   | 70127   |
| Total For Dept 000                   |                           |                           |                      | 1,625,916.48 |         |
| Total For Fund 703 CURREN            |                           |                           |                      | 1,625,916.48 |         |

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| GL Number    | Invoice Line Desc | Vendor | Invoice Description       | Amount       | Check # |
|--------------|-------------------|--------|---------------------------|--------------|---------|
| <hr/>        |                   |        |                           |              |         |
| Fund Totals: |                   |        |                           |              |         |
|              |                   |        | Fund 101 GENERAL FUND     | 36,405.08    |         |
|              |                   |        | Fund 202 MAJOR STREET FUN | 1,240.07     |         |
|              |                   |        | Fund 203 LOCAL STREET FUN | 641.44       |         |
|              |                   |        | Fund 248 DOWNTOWN DEVELOP | 1,185.27     |         |
|              |                   |        | Fund 260 DESIGNATED CONTR | 598.20       |         |
|              |                   |        | Fund 581 AIRPORT FUND     | 6,837.33     |         |
|              |                   |        | Fund 590 WASTEWATER FUND  | 46,710.28    |         |
|              |                   |        | Fund 591 WATER FUND       | 8,384.15     |         |
|              |                   |        | Fund 636 DATA PROCESSING  | 439.50       |         |
|              |                   |        | Fund 661 EQUIPMENT FUND   | 2,450.60     |         |
|              |                   |        | Fund 703 CURRENT TAX COLL | 1,625,916.48 |         |
|              |                   |        |                           | <hr/>        |         |
|              |                   |        |                           | 1,730,808.40 |         |

## **CHAPTER 4. - GENERAL PROVISIONS**

### **CITY OF LOWELL** **KENT COUNTY, MICHIGAN**

#### **ORDINANCE NO. 17-**

**AN ORDINANCE TO AMEND CHAPTER 4, GENERAL PROVISIONS, SECTION 10.04B PERTAINING TO THE NEIGHBORHOOD BUSINESS DISTRICT; SECTION 12.04B PERTAINING TO THE GENERAL BUSINESS DISTRICT; SECTION 12A.04C PERTAINING TO THE LIGHT INDUSTRIAL DISTRICT; SECTION 13.04C PERTAINING TO THE INDUSTRIAL DISTRICT, AND SECTION 19.06 PERTAINING TO PARKING LOT LANDSCAPING OF APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL;**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_,

moved the adoption of the following ordinance:

#### **THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Chapter 4.** Chapter 4 of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

## **CHAPTER 4. - GENERAL PROVISIONS**

### **SECTION 4.01. - REQUIRED AREA, SPACE, HEIGHT, AND USE CONDITIONS AND EXCEPTIONS.**

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this ordinance. If already less than the minimum required under this ordinance, said area or dimension shall not be further divided or reduced.
- B. A lot which is platted, or otherwise lawfully of record as of the effective date of this ordinance, may be used as specified in the district in which it is located. The side yards of such lots may be reduced by the same percentage the area of such lot bears to its zoning district requirements, provided that no side yard shall be less than five (5) feet. In all cases, the minimum front and rear yard requirements of this ordinance shall be met.

**C. ~~Lots in common ownership.~~**

~~1. Except as noted in (2) below, if two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, are:~~

~~a. In common ownership;~~

~~b. a. Abutting each other or have continuous frontage, and;~~

~~c. a. Individually do not meet the lot width or lot area requirements of this ordinance;~~

~~the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this ordinance.~~

~~2.1. The planning commission may permit use of abutting nonconforming lots of record in common ownership provided that the commission finds that:~~

~~a. The nonconforming lots of record were not created by the owner of the properties; and~~

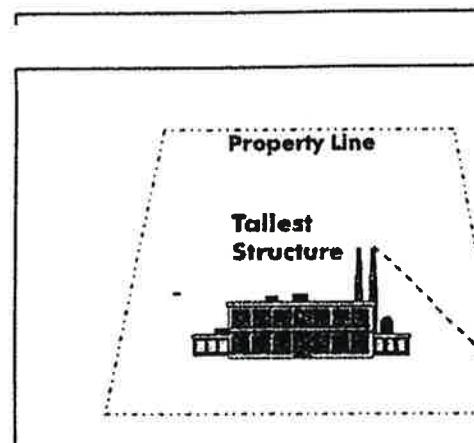
~~b. a. There is not a substantial number of vacant, nonconforming lots of record in a similar situation within the vicinity of the lot(s) proposed for use that, if used, would alter the character of the neighborhood.~~

**D.C. Height exceptions.**

**3.1.** The following buildings and structures shall be exempt from height regulations in all districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators and bins, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, wireless communication antenna, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.

**4.2.** Additions to existing buildings and structures which now exceed the height limitations of their district may be constructed to the height of the existing to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

**5.3.** In the industrial districts stack chimneys, cooling and fire towers, elevator building and bulkheads, storage tanks and other necessary structures are permitted,





provided the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

#### SECTION 4.02. - PRINCIPAL USE.

- A. No lot or parcel of land shall contain more than (1) main building or one (1) principal use, except as may be permitted otherwise in this ordinance.
- B. ~~Land and~~Multiple buildings ~~and/or multiple uses of land on a parcel~~ may be considered a principal ~~building or~~ use collectively if the following conditions are met:
1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
  2. All uses, if not the same, shall be similar in function and/or operation.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

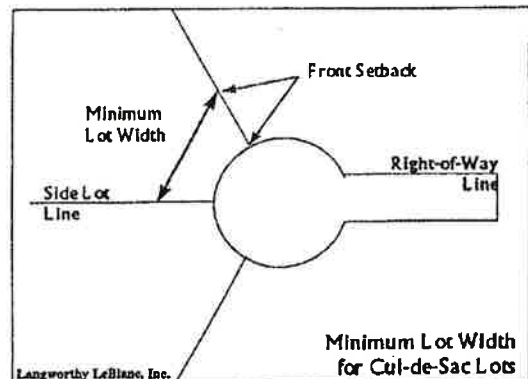
#### SECTION 4.03. - STREET ACCESS.

Any lot of record created after the effective date of this ordinance shall front upon a public or private street right-of-way for the minimum lot width required by this ordinance.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

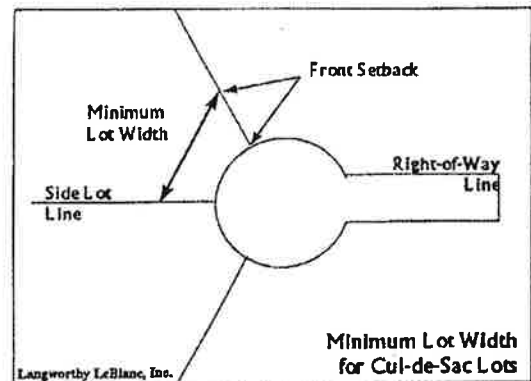
#### SECTION 4.04. - BASIS OF DETERMINING YARD AND LOT REQUIREMENTS.

- A. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the required front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum width of forty (40) feet from the front property line to the required front yard setback line.
- B. -The required front yard setback line shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, excepted as noted in C., below.



C. Where an average setback line which is less than that required by this ordinance has been established by existing buildings located within three hundred (300) feet of the proposed building, such average setback shall apply.

D. Corner and through lots. On corner and through lots, the front yard requirements shall apply on both streets. In such cases, the remaining yards shall be side yards, with no rear yard. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.



(Ord. No. 95-06, § 1, 12-27-95)

#### SECTION 4.05. - PROJECTIONS INTO YARDS.

A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:

1. May project a maximum of four (4) feet into a required front or rear yard; and
2. Shall not project into the required side yard.

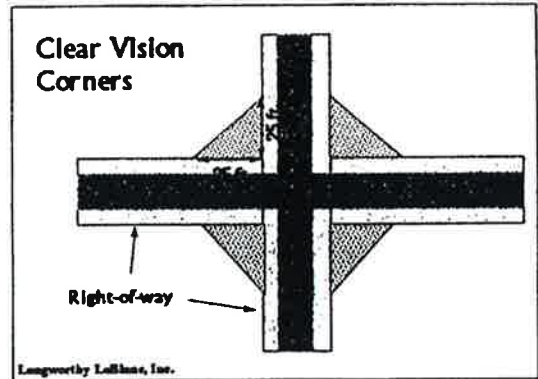
B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered:

1. May project a maximum of ten (10) feet into a required front yard;
2. May project a maximum of fifteen (15) feet into a required rear yard;
3. Shall not project into a required side yard; and
4. Shall not be placed closer than ten (10) feet to any front or rear lot line.
5. If such structures enclosed on any side or covered in any manner they shall be considered part of and subject to the same setbacks as the main building.

(Ord. No. 95-06, § 1, 12-27-95)

#### SECTION 4.06. - CLEAR VISION.

G.A. No Except for lots within the C-2 or MU districts, no plantings, fencing, or other obstruction shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



D.B. No plantings shall be established in any required front yard which, in the opinion of the zoning enforcement officer, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways.

(Ord. No. 95-06, § 1, 12-27-95)

#### SECTION 4.07. - FENCES AND WALLS.

E.A. Fences or walls shall be located on the same property as the use to which they apply.

F.B. No fences or walls may be erected or maintained within the right-of-way of any public street, alley or other public way or otherin a clear vision ~~requirements applicable in area~~ required by section 4.06 hereof.

C. The height of a fence shall be measured from the average grade elevation within thirty (30) inches of each side of the proposed fence. The artificial raising of the land on which a fence is located in order to increase the height of a fence is prohibited.

D. Unless specifically provided for elsewhere in this ordinance, a fence or wall or that portion of a fence or wall that is greater than fifty (50) percent solid may not exceed a height of thirty-six (36) inches and within any required primary front yard. A fence that is less than fifty (50) percent solid may not ~~otherwise~~ exceed a height of forty-eight (48) inches within any required primary front yard ~~or.~~

G.E. Fences shall not exceed a height of seventy-two (72) inches in any other area, except as noted in DE below. Fences shall be measured from the finished grade to the top of the fence. Posts will not be considered a part of fence height unless in the opinion of the zoning enforcement officer they obstruct vision.

H.F. No fence or wall shall contain any exposed spike, nail, barb, other pointed instrument or electrification unless necessary for security in a nonresidential district, or for the protection of

public utility buildings or improvements, or for livestock containment in agricultural areas. The exposed spike, nail, barb or other pointed instrument portion of the fence or wall shall be at least six (6) feet from the finished grade, in which case the height of the fence or wall may extend to a maximum of seven (7) feet above the finished grade.

~~I.G. Fence~~ Fences in residential districts shall be residential in appearance and intent. Farm type fences are allowed on farmland in residential districts.

~~J.H.~~ J.H. In an industrial district, an open, wire protective fence may be constructed in the required front yard, where necessary, to enclose secure areas or to prevent access to potentially hazardous areas.

~~K.I.~~ K.I. All fences located along a property line shall have exposed posts and/or bracing of the fence located so as to face the interior of the property, and the finished side shall face the outside of the property.

~~L.J.~~ L.J. Any fence or wall erected or maintained along or near a lot line or other property boundary line shall be located and maintained so that no part of the fence or wall is located upon or encroaches on or above any other adjacent lot or parcel of property.

~~M.K.~~ M.K. All fences and walls shall be kept in good repair and condition: Both sides of a fence or wall, including a fence erected along a property line, shall be maintained in good repair and condition to maintain the original aesthetic of the fence including but not limited to finish, shape and style. If not maintained as prescribed, the city may be require that the fence ~~shall be required to~~ be repaired or removed.

~~N. Privacy screens shall be permitted in side and rear yards only. The maximum allowable footage of a privacy screen per section shall not exceed twenty-seven (27) feet. Sections of privacy screens may not be contiguously installed, but shall have a minimum of twelve (12) inches per space between sections and no more than three (3) sections shall be permitted per property side and rear yard lot lines or other property boundaries. Privacy screens shall not exceed a height of eight (8) feet above the finished grade.~~

~~O.L.~~ O.L. A zoning permit shall be obtained from the zoning enforcement officer prior to the installation of a fence, or wall ~~or privacy screen~~ and the design of all fences, and walls ~~or privacy screens~~, including openings for vehicular traffic or other purpose, shall only be as permitted in this section and the permit issued by the zoning enforcement officer.

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 04-1, § 4, 3-15-04)

#### **SECTION 4.08. - ACCESSORY BUILDING AND USES.**

~~P.A.~~ P.A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this ordinance applicable to such main buildings.

~~Q.B.~~ Q.B. An accessory building or use shall only be permitted on lot which contains a principal use or main building.

~~R.C.~~ R.C. No part of an accessory building shall be used as a dwelling for residential purposes.

~~S.D.~~ On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, the accessory building or use shall be located no nearer than the required front yard setback line on the lot behind the corner lot.

~~T.E.~~ No more than two (2) detached accessory buildings may be permitted on any lot or parcel.

~~U.F.~~ Detached accessory buildings shall be located:

1. A minimum of ten (10) feet from any main building;
2. A minimum of three (3) feet to any side or rear lot line, as measured to the eave of the building;
3. No nearer than the front yard setback required for the main building.

~~V.G.~~ Detached accessory buildings -Maximum total floor areas for all such buildings:

1. For single- and two-family dwellings, including a garage:
  - a. On lots of less than nine thousand (9,000) square feet, nine hundred and sixty (960) square feet; and
  - b. On lots of nine thousand (9,000) square feet or more: one thousand two hundred (1,200) square feet.
2. Other uses:
  - a. Multiple-family developments: nine hundred sixty (960) square feet, excluding garages for the use of residents.
  - b. Manufactured home parks: as permitted by Chapter 9 hereof;
  - ~~c. e.~~—For uses in the C-3 district zoning districts: not to exceed the floor area of the main building(s); and
  - ~~d. d.~~—For uses in all other nonresidential zoning districts other than the C-3 zoning districts: not to exceed 25% the floor area of the main building(s).

~~W.H.~~ No detached accessory building in a residential district shall exceed the height of the main building located on the same lot.

~~X.I.~~ Any accessory building with a floor area greater than six hundred (600) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building codes and other similar codes and regulations that apply to such structures.

~~Y.J.~~ Accessory buildings with a floor area greater than two hundred (200) square feet shall (i) comply with applicable building codes and other similar codes and regulations that apply to such structures and (ii) be compatible in design and similar to the main building with respect to exterior finish materials, color, overall design and aesthetic quality. The following additional standards shall apply to such accessory buildings:

1. Accessory buildings covered with vinyl, canvas, nylon or other similar membrane materials shall not exceed two hundred (200) square feet in ground coverage and shall be securely attached or anchored to the ground.

2. Bright contrasting stripe or patterned covers and orange tarp covers shall not be permitted.
3. An accessory building shall be well maintained and kept in a clean and safe condition; rips in the cover, hanging cover material, leaning frames and other visual detriments that present an unkept image shall not be permitted.
4. An accessory building shall not detract from or undermine the character or quality of the surrounding neighborhood.
5. Gazebos, pergolas or other accessory buildings erected and used by a retail and commercial business for no more than one hundred eighty (180) days during any consecutive 12-month period and accessory buildings erected for no more than three (3) consecutive days during any consecutive three-month period for social events such as weddings, graduations and family reunions shall be exempt from the requirements of this subsection.

Z.K. Accessory buildings not meeting the requirements of subsection J. of this section may be permitted as a special land use in an I-L Light Industrial District and an I-Industrial District as regulated by chapter 17.

AA.L. Upon construction of a primary accessory building or the construction of an additional bay(s) to the primary accessory building, a hard surfaced driveway must be constructed from the public street or alley to the primary accessory building. The intent of this section of the ordinance is to create a dustless surface, minimize maintenance and establish an attractive pathway to garages.

M. A minimum width of ten (10) feet for a driveway and a minimum of twelve (12) feet for a new curb cut shall be established.

*(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 99-6, § 1, 8-16-99; Ord. No. 04-1, § 5, 3-15-04; Ord. No. 11-02, §§ 1—4, 1-3-11)*

#### **SECTION 4.08A. - REQUIREMENTS FOR PLACEMENT OF TEMPORARY STORAGE UNITS.**

The following shall apply to the placement of temporary storage units within the City:

- A. Temporary storage units may only be placed upon or within a driveway or parking area, or, if access exists at the side or rear of a lot, the side or rear yard.
- B. No temporary storage unit shall be placed upon or within public property or a public place including without limitation a street, sidewalk or out-lawn between a public street and sidewalk.
- C. A limit of one (1) temporary storage unit may be located upon or within a lot for a maximum of thirty (30) consecutive days, including the day of delivery and removal, within any six-month period.
- D. A temporary storage unit may not exceed eight (8) feet in height, eight (8) feet six (6) inches in width or sixteen (16) feet in length.
- E. A temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property.



- F. A temporary storage unit shall at all times, be maintained in good condition, free from evidence of deterioration, graffiti, rust, ripping, tearing, holes or breaks.
- G. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the temporary storage unit is located, or any illegal or hazardous material. Upon reasonable notice, the city may inspect the contents of any temporary storage unit at any reasonable time to confirm that it is not being used to store said materials.
- H. A temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the city, without notice, and the cost of such removal shall be a lien upon the property on which such unit was located which costs may be collected by the city in the same manner as the city collects delinquent and ad valorem property taxes.
- I. A sign advertising the company or vendor supplying a temporary storage unit located on a temporary storage unit shall not be subject to the provisions of chapter 20 hereof provided the temporary storage unit is in compliance with this section 4.08A.

(Ord. No. 07-10, § 2, 11-5-07)

#### **SECTION 4.09. - REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS.**

It is the intent of this section to establish minimum standards of appearance and construction for all single-family dwellings placed in the city, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- J.A. If the dwelling unit is a manufactured home, the manufactured home must either be:
  - 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
  - 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- K.B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the building inspector.
- L.C. The dwelling unit shall comply with all restrictions and requirements of this ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the district in which it is located.

■  
M.D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the city.

N.E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.

O.F. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet at time of manufacture, placement or construction.

P.G. The dwelling shall be provided with one (1) accessory building or garage, either attached to the dwelling unit or detached on the same lot, having minimum dimensions of ten (10) feet in width by twenty (20) feet in length.

Q.H. The dwelling unit shall be connected to public sewer and water supply systems approved by the City of Lowell.

R.I. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Mobile Home Commission and approved by the city according to the provisions contained in Chapter 12 of this ordinance except to the extent required by state or federal law.

*(Ord. No. 95-06, § 1, 12-27-95)*

#### **SECTION 4.10. - TEMPORARY USES OR BUILDINGS REQUIRING ZONING ENFORCEMENT OFFICER AUTHORIZATION.**

S.A. Upon application, the zoning enforcement officer may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than six (6) calendar months. Permits may be renewed by the zoning enforcement officer for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.

1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty (50) percent or more of the lots or units have been sold or leased.

T.B. In considering authorization for all temporary uses or buildings, the zoning enforcement officer shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met. The zoning enforcement officer shall determine that:

1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed;



- 3. The use or structure does not adversely impact the character of the surrounding neighborhood;
- 4. Access to the use area or structure is located at a safe location.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

#### **SECTION 4.11. - HOME OCCUPATIONS.**

- A. No person other than members of the resident family shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than a total of twenty-five (25) percent of the floor area of the dwelling unit and/or accessory building shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Parking areas for such home occupation shall be located off the street and other than in a required front yard.
- E. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises. Only those materials produced on the premises as a result of such home occupation may be submitted for sale.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

G. Nothing in this Section shall be construed to prohibit the instruction of a fine art or craft in a single-family residence in the City pursuant to MCL 125.3204, provided that the provisions of this Section are met.

#### **SECTION 4.12. - SATELLITE DISH ANTENNAS.**

G.A. In any nonresidential district, the following restrictions shall apply:

- 1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
- 2. The nearest part of the antenna shall be at least five (5) feet from any property line.

3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation.
5. A site plan shall be prepared and submitted to the building inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.

H.B. In any residential district, the following restrictions shall apply:

1. The dish antenna shall be permitted in the rear yard only, unless such location prohibits the antenna from receiving signals in which case the zoning enforcement officer may approve another location on the lot.
2. The nearest part of the antenna shall be at least (5) feet from any property line.
3. The unit shall be securely anchored as determined by the building inspector.
4. The maximum height measured from the ground to the top edge of the dish shall be fifteen (15) feet.
5. The antenna shall be an unobtrusive color, as approved by the building inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation.
6. A site plan shall be submitted to the building inspector for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.

*(Ord. No. 95-06, § 1, 12-27-95)*

#### **SECTION 4.13. - NONCONFORMINGNONCONFORMITIES.**

It is recognized that within the zoning districts established by this Ordinance or amendments thereto, there exist uses, buildings, structures and/or parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto.

##### A. General provisions for nonconformities.

- 1.1. Except where specifically provided to the contrary, and subject to the provisions of this section, a lawful building or structure, or the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this ordinance or any amendment thereto.
2. ~~Except where specifically provided to the contrary and subject to~~ Any lot, use of land, building or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was

established, and any lot, use of land, building or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.

3. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such lot, use of land, building or structure is in compliance with this section, a.

4. Any building or structure which is or use shall be considered existing and lawful and for purposes of this section if on the effective date of this ordinance, or, in the case of an amendment of this ordinance, then a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

5. On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done in on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the building or structure as it existed on the effective date of such or amendment, may be maintained and continued even though of this Ordinance, shall not be altered or increased except in compliance with this section.

J-6. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such building or structure does not conform with the provisions of this ordinance or any amendment thereto. official

7. The change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted

K-8. Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions may be extended, enlarged, altered, remodeled or modernized only when the following conditions are met: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions may be extended, enlarged, altered, remodeled or modernized only when the following conditions are met:

7.a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

8.b. The zoning enforcement officer shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.



~~9.c.~~ Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

~~d.~~ Legal nonconforming buildings and structures in the MU District may be extended, enlarged, remodeled or modernized only if the extension, enlargement, remodeling or modernization does not increase the degree of the nonconformity.

#### B. Nonconforming uses

~~L.~~ No nonconforming use of any land or structure shall hereafter be moved, enlarged or extended.

#### M. Restoration and repair.

~~10. Subject to the provisions of this section, nothing in this section shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.~~

~~11. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of unless such building or structure beyond its natural life except for repairs necessary to maintain public safety.~~

~~1. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof movement, enlargement or extension does not exceed sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction increase the degree of the nonconformity.~~

~~2.1. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that the cost of restoration or repair would exceed sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the board of zoning appeals. In considering such authorization, the board of zoning appeals shall consider the following standards:~~

~~a. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.~~

~~b.a. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable district.~~

~~3. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost would exceed sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored provided that all yard and requirements of the district in which it is located are met, or the necessary variances obtained from the board of zoning appeals.~~

~~4. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost is less than sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored in its original nonconforming condition.~~

~~5. If a building or structure that is considered a historic resource pursuant to Chapter 11.5 of the Code of Ordinances by the historic district commission is damaged by fire, wind, act of God or public enemy, such building or structure may be rebuilt or restored to its original nonconforming condition, regardless of the extent of the damage.~~

~~N. Change or discontinuance.~~

~~6.2.~~ The nonconforming use of a building or structure or of any land or premises shall not be:

- a. Changed to any other nonconforming use.
- b. Re-established after it has been changed to a conforming use.
- c. Re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

~~1.1)~~ Utilities, such as water, gas and electricity to the property, have been disconnected;

~~2.2)~~ The property, buildings, and grounds, have fallen into disrepair;

~~1.3)~~ Signs or other indications of the existence of the nonconforming use have been removed;

~~3.4)~~ Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;

~~4.5)~~ Other actions, which in the opinion of the zoning enforcement officer, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

3. In the event any non-residential nonconforming use is damaged by fire, wind, Act of God or public enemy such that the cost of restoration or repair would exceed sixty (60) percent of the true cash value of the improvements prior to its damage or destruction, a substantial improvement, rebuilding or restoration of the nonconforming use shall only be permitted if first authorized by the board of zoning appeals. In considering such authorization, the board of zoning appeals shall consider the following standards:

a. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.

b. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable district.



~~O. Any building or structure shall be considered existing and lawful and for purposes of section 4.13, A., to have been in use for the purpose for which constructed if on the effective date of this ordinance, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.~~

~~P. Any structures or uses which fail to conform to the previous City of Lowell Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the within zoning ordinance shall not be considered permissible nonconforming uses under the within ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this ordinance.~~

~~Q. Nonconforming Residential Structures:~~

#### C. Nonconforming buildings and structures

1. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored to its original nonconforming condition if the cost thereof does not exceed sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction. If its replacement cost would exceed sixty (60) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored only in compliance with all provisions of this Ordinance.

2. If a building or structure that is considered an historic resource pursuant to Chapter 11.5 of the Code of Ordinances by the historic district commission is damaged by fire, wind, act of God or public enemy, such building or structure may be rebuilt or restored to its original nonconforming condition, regardless of the extent of the damage.

7-3. A nonconforming residential structure may be enlarged or increased as long as the parallel line of the structure does not encroach any closer than conditions that presently exist. By doing so, they may not create any new nonconformities on any other setback requirements such enlargement does not increase the degree of nonconformance.

*(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 01-4, § 1, 10-15-01)*

#### D. Section 4.13A. Nonconforming lots of record.

R-1. In any district in which residential dwellings are permitted, notwithstanding other limitations imposed by the provisions of this zoning ordinance, a residential dwelling and permitted accessory building may be constructed or located on a single lot of record in existence at the effective date of the adoption of or applicable amendment to this zoning ordinance, provided, the lot meets at least eighty (80) percent of the required (i) lot area, (ii) lot width and (iii) side yard setback required by that district and, further, provided, that any building or structure constructed or located on the lot complies with all other yard setback requirements.

~~S. If two (2) or more lots of record or combination of lots and portions of lots of record in existence at the effective date of the adoption of or applicable amendment to this zoning ordinance with continuous frontage along a public street and under single ownership do not meet the requirements established for lot width, lot area or setbacks, the property~~

~~involved shall be considered to be an undivided parcel for the purposes of this zoning ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width, lot area and setback requirements established by this zoning ordinance.~~

~~(Ord. No. 07-03, § 1, 4-2-07)~~

2. Except as noted in (3) below, if two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, are:

a. In common ownership;

b. Abutting each other or have continuous frontage, and;

c. Individually do not meet the lot width or lot area requirements of this ordinance,

then the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this ordinance.

3. The planning commission may permit use of abutting nonconforming lots of record in common ownership provided that the commission finds that:

a. The nonconforming lots of record were not created by the owner of the properties; and

b. There is not a substantial number of vacant, nonconforming lots of record in a similar situation within the vicinity of the lot(s) proposed for use that, if used, would alter the character of the neighborhood.

#### **SECTION 4.14. - ESSENTIAL SERVICES.**

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this ordinance, except those which may be considered a danger to the community health, safety and welfare.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

#### **SECTION 4.15. - EXCAVATIONS OR HOLES.**

A. The construction, maintenance, or existence within the city of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this,

B. This section shall not prevent any excavation under a permit issued by the zoning enforcement officer, planning commission and/or building inspector where such excavations are properly



protected and warning signs posted in such manner as approved by the building inspector;  
~~and provided further, that this.~~

C. ~~This~~ section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

~~(Ord. No. 95-06, § 1, 12-27-95)~~

#### **SECTION 4.16. - RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL DISTRICTS.**

Licensed and operable recreational vehicles may be stored or parked in residential districts, provided the following regulations are complied with:

~~T.A.~~ Recreational vehicles may be stored or parked to the rear of the front building line of the primary structure.

~~U.B.~~ Recreational vehicles may be stored or parked in a driveway not less than ten (10) feet from the front lot line.

~~V.C.~~ Recreational vehicles may be used for temporary occupancy for one (1) period not to exceed nine (9) consecutive days during any six (6) consecutive calendar months as long as they are otherwise in compliance with this section ~~4.16~~.

~~(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 02-3, § 1, 7-16-02)~~

#### **SECTION 4.17. - SWIMMING POOLS.**

A. Pools used for swimming or bathing shall conform with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.

B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the zoning enforcement officer.

C. The outside edge of the pool wall shall not be located closer than six (6) feet from any rear or side lot line; provided, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, such pool shall be placed or erected not less than ten (10) feet from any lot line. No pool shall be located under any electrical wiring or in a front yard. In the case of a waterfront lot, a pool may be located between the water's edge and the dwelling, but shall not be located within a required yard.

D. Each~~Unless otherwise permitted by the State Construction Code, each~~ pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.



- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

*(Ord. No. 95-06, § 1, 12-27-95)*

#### **SECTION 4.18. - MECHANICAL WORK.**

- A. Mechanical work on trucks over one (1) ton or more, or race cars, stock cars or otherwise, owned by the occupant of a dwelling, or on any vehicles not owned by an occupant of the premises is prohibited in residential districts. Any permitted work on vehicles must be performed entirely within a building, and no parts or vehicles not in a legally operable condition shall be stored outside.
- B. In all residential districts, motor vehicles not intended for private passenger use shall be garaged at all times.

*(Ord. No. 95-06, § 1, 12-27-95)*

#### **SECTION 4.19. - KEEPING OF PETS AND OTHER ANIMALS.**

- A. No more than three (3) adult dogs or cats in combination shall be kept or housed in one (1) residential unit in any residential district.
- B. One (1) horse may be kept on a lot of not less than one and one-half (1½) acres, providing the structure containing such use is located not less than one hundred (100) feet from all adjoining residential district lot lines or residential use. An additional horse may be permitted for each one-half (½) acre over one and one-half (1½) acres.
- C. As long as applicable public health standards are met, fowl (excluding roosters), rabbits or similar animals may be kept within the living space of a residential unit in all residential zone districts. Fowl (excluding roosters), rabbits or similar animals kept outside or in an outside enclosure in any residential zone districts is (i) permitted by right if the lot is at least an acre in size and (ii) permitted by special use permit if the lot is less than an acre, but at least one-half (½) acre. Two (2) such animals are permitted for each one-half (½) acre in lot size. Roosters may not be kept either inside or outside in any residential zone district. Any outside structure housing such animals shall be located not less than fifty (50) feet from all adjoining lot lines. Setback requirements do not, however, apply to such animals housed within the living space of a residential unit.

*(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 07-08, § 1, 6-4-07)*

#### **SECTION 4.20. - PRIVATE STREETS.**

- A. Purpose. The city determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:
  - 1. Will not be detrimental to the public health, safety, or general welfare;
  - 2. Will not adversely affect the long term development policies of the city;

- 3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
  - 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural-environment of the city.
- B. Definitions. As used in this section, "safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the city.
- C. Frontage and access.
- 1. Any lot not having frontage on a public street shall have frontage upon a private street.
  - 2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.
  - 3. All private streets shall have direct access to a public street.
- D. Permits.
- 1. No individual, association, corporation, or entity, either public or private, shall construct a private street without first having obtained a private street permit from the city council.
  - 2. The building inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of the private street as approved by the city council has been completed.
  - 3. A driveway permit shall be obtained from the Michigan Department of Transportation, where applicable, or from the City of Lowell.
  - 4. A soil erosion and sedimentation control permit shall be obtained, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
  - 5. All other required State of Michigan permits shall be obtained.
  - 6. The city council may elect to have all design and construction plans reviewed by the city's attorney, fire chief, engineer, or planner prior to consideration of the application for the private street permit.
- E. Application. An application for a private street permit shall contain the following:
- 1. A completed private street permit application, provided by the city.
  - 2. A detailed written description of the development to be served by the private street.
  - 3. Seven (7) copies of a plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. However, the plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five (5) or fewer parcels or main buildings, and if the

zoning enforcement officer waives in writing the requirement for the plan to be prepared by a registered engineer.

4. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
5. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
7. The location of any other buildings and structures located, or to be located, within one hundred (100) feet of the private street right-of-way.

F. Design requirements.

1. The specifications for width, surface and base materials, curbing, drainage utility locations and method of construction of a private street shall conform to the standards set forth in sub-subsections 2. and 3. below based on the number of dwelling units served by such private streets as well as the other provisions of this subsection F.
2. Private streets serving three (3) to five (5) dwelling units shall:
  - a. Have a minimum sixty-six (66) foot right-of-way easement granted to adjacent properties principally served by such private street.
  - b. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement.
  - c. Be constructed so as to control storm water runoff and permit effective storm water drainage by such means as ditches and valley gutters constructed parallel to and on either side of the street, sloping the sides of the street from the center thereof or other effective methods.
  - d. Have a driving surface of either asphalt or concrete with a firmly compacted base consisting of the following cross sections:
    - 1) Asphalt
      - i. six (6) inches of sand in accordance with specifications as established from time to time by the City
      - ii. six (6) inches of gravel in accordance with specifications as established from time to time by the City
      - iii. three (3) inches of asphalt placed as two (2) layers in accordance with specifications as established from time to time by the City.
    - 2) Concrete -

- i. six (6) inches of sand in accordance with specifications as established from time to time by the City
    - ii. six (6) inches of concrete in accordance with specifications as established from time to time by the City.
  - e.a. Have a finished driving surface width of not less than sixteen (16) feet with a six (6) inch thick by two (2) feet wide gravel shoulder on each side of the driving surface.
  - f.b. Be constructed, when and where necessary, over adequate culverts.
  - g.c. If ending with a cul-de-sac, have a minimum turnaround radius of forty-five (45) feet.
  - h.d. Not be expanded to serve more than five (5) dwelling units without meeting the requirements of subsection 3 immediately below.
  - i.e. If in the future a determination is made to convert the private street to a public street, conform to public street specifications.
- 3. Private streets serving six (6) or more dwelling units shall:
  - a. Have a minimum sixty-six (66) foot right-of-way easement granted to adjacent properties principally served by such private street.
  - b. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement.
  - c. Have culverts placed at all natural drainage courses or other waterways; sizes and grades shall be determined using the appropriate stormwater runoff formula calculations and culvert materials shall conform to city engineer specifications.
  - d. Receive the approval of the engineer designated by the City of all designs, materials and methods of installation where the placement of underground storm sewers and valley gutters is determined necessary by the city engineer.
  - e. Shall receive the approval of the engineer designated by the City of the layout including their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, curb openings at or near intersections and other aspects as determined by the engineer designated by the City.
  - f. Have a driving surface of either asphalt or concrete with a firmly compacted base consisting of the following cross sections:
    - 1) Asphalt -
      - i. –twelve (12) inches of sand in accordance with specifications as established from time to time by the City
      - ii. –six (6) inches of gravel in accordance with specifications as established from time to time by the City
      - iii. –three (3) inches of asphalt placed as two (2) layers in accordance with specifications as established from time to time by the City.
    - 2) Concrete -

- i. –twelve (12) inches of sand in accordance with specifications as established from time to time by the City
    - ii. –six (6) inches of concrete in accordance with specifications as established from time to time by the City.
  - g. Have a finished driving surface width of not less than twenty-four (24) feet with a six (6) inch thick by two (2) feet wide gravel shoulder on each side of the driving surface.
  - h. If ending with a cul-de-sac, have a minimum turnaround radius of forty-five (45) feet.
  - i. If in the future a determination is made to convert the private street to a public street, conform to public street specifications.
4. Length of private streets.
- a. No private street shall extend for a distance of more than eight hundred (800) feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a private street access complying with this section being provided to another public street.
  - b. The maximum length of a proposed private street may be exceeded if the city council, after recommendation of the planning commission, finds that at least one (1) of the following conditions exists:
    - 1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
    - 2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the city council prior to confirming this finding.
    - 3) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the fire chief and the recommendation forwarded to the planning commission.
  - c. The city council, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed private street.
5. Right-of-way/easement width.
- a. All private streets constructed after the effective date of this ordinance shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.

- b. Private streets in existence as of the effective date of this ordinance whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements.
- 6. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the city engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one hundred and fifty (150) feet, as measured along the right-of-way line thereof.
- 7. Existing private streets.
  - a. A private street existing on the effective date of this ordinance may continue in existence and be maintained and used, though it may not comply with the provisions of this section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
  - b. Any private street existing on the effective date of this ordinance to which one (1) or more additional lots or parcels are created or otherwise permitted access, shall have the entire length of the existing private street upgraded to comply with the applicable requirements of this subsection F.
  - c. If a private street existing on the effective date of this ordinance is extended by the construction and use of an additional length of private street the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of this subsection F.

G.C. Review standards; modification of certain requirements.

- 1. Prior to approving a private street permit application, the city council shall determine the following:
  - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
  - b. The proposed private street will not adversely affect the use of land.
  - c. The private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
  - d. The private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the city.
  - e. The construction of the private street will conform to the requirements of this section.
- 2. The city council may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.



3. Upon application the city council may modify any of the private street requirements of this section after finding that all of the following conditions exist:
  - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application for any such modification;
  - b. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit;
  - c. That no other reasonable private street design alternatives are available that would comply with the requirements of this section; and
  - d. That the request for modification was reviewed by the fire chief and/or city engineer, and/or any other person or official designated by the city council and a recommendation submitted to the council.

H.D. Maintenance and repairs.

1. Private streets shall be maintained in a manner that complies with the provisions of this section.
2. All private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the city. All private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
4. Private street maintenance or restrictive covenant agreements.
  - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the city council with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the city council which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
  - b. The applicant(s) agree, by filing an application for and receiving a permit under this ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the city council prior to the issuance of the permit.

~~I.E.~~ Performance guarantee. The city council may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Act 207 of the Public Acts of Michigan of 1921, as amended.

~~J.F.~~ Inspections/certificate of compliance.

1. Upon completion of construction of the private street, the city engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this ordinance.
2. The applicant(s), at the applicant(s)'s expense, shall provide the city with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the City of Lowell.
3. If the completed private street does not satisfy the requirements of the permit or this ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this ordinance.

~~K.G.~~ Fees for the permits required hereunder shall be set by the city council from time to time by resolution. Additionally, the city council may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the city attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

~~L.H.~~ The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and hold the city harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

~~(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 04-3, § 1, 7-19-04)~~

#### **SECTION 4.21. - WIRELESS COMMUNICATION TOWERS.**

~~M.A.~~ A different use of an existing structure on the same lot shall not preclude the installation of a commercial wireless communication tower on such lot when such tower is approved in accordance with the provisions hereof.

~~N.~~ Commercial wireless communication antennas and related equipment may be permitted within any zone district if mounted on an existing commercial wireless communication tower, publicly-owned tower or other structure ~~and~~ provided the conditions in section 17.04BB have been met, and provided the height of the tower or other structure will not be increased, and provided the footprint of the related buildings, structures and supports will not be increased. If these conditions have not been met, the applicant must obtain site plan review and approval from the planning commission. The planning commission shall have the discretion of holding a public hearing on the review of the site plan.-'

~~(Ord. No. 00-4, § 7, 9-18-00)~~

#### **SECTION 4.22. - AMATEUR RADIO ANTENNAS.**

Amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in section 153(q) of title 42 of the United States Code and licensed by the federal communications commission) may be approved by the planning commission as a special land use in any zone district if it is reasonably demonstrated that the application of any of the provisions of this article would be to preclude or prevent the operation of such amateur radio antenna. In granting such special land use, the planning commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications. Such conditions, if any, shall not be more than the minimum practicable regulations necessary to accomplish the city's legitimate purposes in regulating such amateur radio antennas.

~~(Ord. No. 00-4, § 8, 9-18-00)~~

#### **SECTION 4.23. - CANOPIES AND AWNINGS.**

Canopies and awnings are permitted in C-1, C-2, C-3 and PF Districts to be placed around door or window openings in buildings and structures without limitation as to number. The height of such canopies and awnings from the lowest point on canopies and awnings shall not encroach beyond the public sidewalk into the public street. In addition, canopies and awnings are permitted over installed equipment attached to a building or structure. Such awnings shall be compatible with the building or structure. In addition to the provisions of this section, chapter 11.5 of the Code shall apply to awnings and canopies located in a historic district. Signage located on a canopy or awning shall comply with Chapter 20 of this Ordinance.

~~(Ord. No. 06-01, § 3, 2-21-06)~~

#### **SECTION 4.24. - OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS.**

- A. Purpose. The purpose of this section 4.24 is to allow for nighttime use of property through proper illumination while creating and maintaining safety for pedestrians and motorists by minimizing glare directed onto public rights-of-way. In addition, the requirements of this section 4.24 are meant to preserve the restful quality of nighttime by eliminating intrusive, artificial light and illumination that unnecessarily contributes to "sky glow," and to reduce light pollution and light trespass onto adjacent properties.
- B. Exempted lighting. Lighting commonly associated with single-family or two-family dwellings, including porch lights, low-level lawn lights, soffit-mounted facade illumination and special seasonal lights, such as holiday decorations, shall be exempted from the requirements of this section 4.24, provided, however, that flood lights, spot lights or yard lights mounted higher than ten (10) feet above grade shall be subject to the standards of section 4.24E hereof. Lighting associated with temporary or special events, may be exempted from the requirements of this section 4.24 hereof upon prior request and approval of the city manager or his or her designee.

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C. Scope and application.

1. The requirements of this section 4.24 shall apply to any new development or renovation requiring a site plan pursuant to chapter 18 of this ordinance and to the installation of any new regulated lighting as provided under section D of this section 4.24. New developments shall comply with this section 4.24, as shall existing developments under consideration for an other than minor changes in a site plan as described in section 18.09 hereof.
2. Any new development or renovation requiring a site plan pursuant to chapter 18 of this ordinance shall include detail on the design and location of all exterior lighting, including light poles, wall-mounted fixtures and illuminated signs. The planning commission or zoning enforcement officer may require submission of additional details, including lighting output, bulb type, planned lighting coverage and other elements to determine the extent of proposed lighting on the site and any potential impacts off the property subject to site plan approval.

D. Regulated lighting. The following types of outdoor lighting shall be regulated by this section 4.24:

1. Lighting intended to illuminate a site, facade and/or parking area for commercial, industrial, institutional and multiple family residential uses.
2. Private street lighting and public street lighting, including that installed by a municipality or power company.
3. All forms of neon lighting.
4. Lighting of signs.
5. Lighting not exempted under section 4.24B hereof.

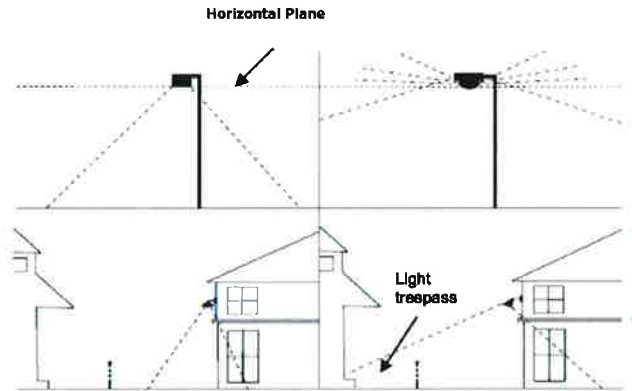
E. General standards. Outdoor lighting shall be designed, constructed and maintained in compliance with the following standards:

1. Direct light and directly-reflected light shall be confined to the subject property by screening, shielding, landscaping or other measures such that no lighting in excess of one-half (½) foot candle shall be cast on adjoining private property. This standard shall not apply to internally lit signs meant to be visible from the adjoining public right-of-way.

2. Lamps or bulbs, fixtures and other physical parts of the fixture assembly shall be shielded or hooded to prevent glare from traveling beyond the subject property and to ensure that the light source is not directly visible from beyond the boundary of the subject property.

3. Light fixture assemblies shall have one hundred (100) percent cut-off above the horizontal plane at the lowest part of the light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane as illustrated by figure 4.24.

**Figure 4.24. Fully Cut-off, Downward Facing Fixtures**



4. There shall be no lighting of a blinking, flashing or fluttering nature including changes in light intensity, brightness or color. Beacon, strobe and search lights shall be prohibited. No colored lights shall be used at any location or in any manner which might be confused with or construed as traffic control devices.
  5. In addition to the requirements of this section 4.24, parking area lighting shall comply with the standards of section 19.03C of this ordinance.
  6. The planning commission or zoning enforcement officer may impose additional conditions on site illumination to further the purpose of this section 4.24.
  7. 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 adjacent 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 ( $\frac{1}{2}$ ) foot candle measured at the property line of adjoining privately-owned property.
- F. Departures. Outdoor lighting shall comply with the requirements of this section 4.24, provided, the planning commission may, upon written application approve departures from the standards of this section 4.24 if the planning commission finds that the following standards are demonstrated by the applicant:
1. The use is a permitted or special land use in the zoning district.
  2. The applicant will undertake reasonable measures to assure that the public health, safety and welfare would not be undermined by approving the proposed departure.
  3. The proposed plan includes reasonable measures to mitigate any glare, annoyance, intrusion or distraction would be caused by the proposed lighting.
  4. The general public would benefit from the proposed lighting and the proposed lighting and related land use are consistent with the city master plan.

#### SECTION 4.25. - OUTDOOR FURNACES.

- A. Purpose. The city desires to regulate the location and operation of outdoor furnaces to secure and promote the health, safety and welfare of the public. Outdoor furnaces are an alternative to traditional home-heating methods and have increased in popularity because of rising fuel costs. This increased usage has led to the recognition that outdoor furnaces can impact health, safety and welfare if not designed and used properly and these impacts are multiplied when used in densely populated areas. Outdoor furnaces shall only be permitted under certain circumstances and only when specific requirements are met in order to broaden home-heating options for city residents while insuring regulations are in place to protect residents from, health, safety and welfare impacts.
- B. Application. An outdoor furnace shall not be installed on any property unless a certificate of zoning compliance and any required mechanical and building permits have been issued by the city. A mechanical permit application along with the applicable fee shall be submitted to the city with descriptive information that is necessary to determine compliance with the requirements of this section and any applicable building codes. In addition, the applicant shall submit a signed acknowledgement indicating that combustion in the outdoor furnace of material prohibited by this section is grounds for revocation of the certificate of zoning compliance requiring immediate discontinuance of its use.
- C. Eligibility. Outdoor furnaces are permitted in side and rear yards as an accessory use to residential dwellings (i) on parcels in a SR-Suburban Residential District and (ii) on parcels in ~~aan~~ R-1 Residential District with a parcel area of at least twenty thousand (20,000) square feet. In a R-1 Residential District the application for a mechanical permit shall include a ~~recordance~~recorded deed restriction in a form acceptable to the city signed by the property owner prohibiting the subdivision or splitting of the parcel in a manner which would result in the outdoor furnace being located on a parcel of less than twenty thousand (20,000) square feet or with isolation and setback dimensions less than those required by this section.
- D. Isolation and setback. An outdoor furnace shall be located a minimum of eighty (80) feet from any residential dwelling on an adjacent parcel and shall be located a minimum of forty (40) feet from the property line of the parcel where it is located.
- E. Stack height. Stack or chimney height of an outdoor furnace shall extend to an elevation at least two (2) feet above the roof peak of any residential dwelling within three hundred (300) feet of the outdoor furnace.
- F. Combustion materials. Only dry, seasoned wood or pellets manufactured for use in an outdoor furnace may be used in an outdoor furnace. The city may approve an alternative fuel if it is recommended by the outdoor furnace manufacturer and will result in air emissions no greater than that of dry, seasoned wood or pellets manufactured for outdoor furnace use. Combustion of toxic or other materials that generate offensive odors or excessive smoke or that are harmful to human health are prohibited. Such prohibited materials include, but are not limited to, trash, garbage, plastics of any kind, wood that is painted, varnished or treated, gasoline, oil, rubber, naphtha, materials treated with petroleum products, leaves and paper products



including cardboard. Any use of prohibited construction materials shall result in the revocation of the zoning compliance certificate requiring the immediate discontinuance of use of the outdoor furnace.

~~(Ord. No. 11-05, § 2, 4-18-11)~~

## **SECTION 4.26. - LANDSCAPING**

The intent of this section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, between uses, on the interior of sites and within parking lots. Landscaping is viewed as a critical element contributing to the aesthetics and quality of development and redevelopment within the City of Lowell.

The standards of this Article are also intended to screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, minimize negative impacts of storm-water runoff, minimize noise, air and visual pollution, and promote the preservation of healthy, desirable trees.

The landscape standards of this Section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

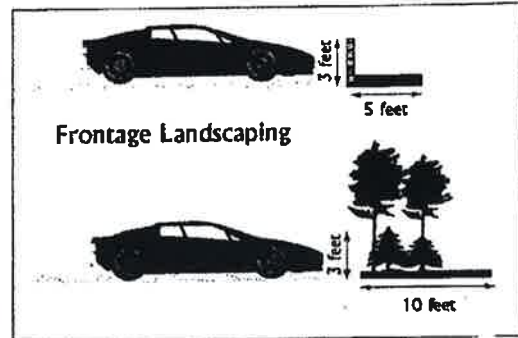
- A. Exemptions. Individual single-family dwellings, two-family dwellings, home occupations, agricultural uses and other uses not requiring site plan review are not subject to the provisions of this Section. When a site plan is required pursuant to Article 16, landscaping shall be incorporated into the site and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.
- B. Modification of Requirements. The City may modify requirements of this Section when it finds circumstances that warrant a change in the requirements of this section, or in finding that existing landscaping or screening, or existing conditions on the site, will be preserved and would meet the intent of this section.
- C. Installation. Wherever this Ordinance requires landscaping, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Zoning Enforcement Officer may allow a postponement of installation of up to six (6) months upon request of an applicant based on seasonal weather conditions, but all landscaping must be installed within one (1) year of issuance of a certificate of occupancy. Whenever possible, selection of plant and tree species and minimum installation sizes should be generally consistent with applicable guidelines and recommendations of the Lowell Arbor Board.
- D. Maintenance. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced within six (6) months of written notice from the Zoning Enforcement Officer, or within an extended time period as specified in said notice.
- E. Specific Landscaping Requirements.



1. Buffers between Uses. For non-residential uses abutting or adjacent to a residential zoning district and/or a residential use, there shall be provided and maintained on those sides a wall or wooden privacy fence six (6) feet in height, or between six (6) feet and eight (8) feet in height in industrial districts, or a landscaped buffer or berm, at least partially comprised of evergreen trees, sufficient to provide adequate screening between uses for the purpose of protecting the quality and integrity of the residential district and/or use.
2. Front Yard Landscaping. In the C-1, C-3, I-L and I districts, front yard landscaping is required as specified below:
  - a. Landscaping shall consist of a minimum of one (1) canopy tree and three (3) deciduous shrubs for each thirty (30) feet of lot width.
  - b. Additional front yard landscaping is encouraged and may be required by the City where it is found that such additional landscaping would further the intent of this section.
3. Parking Lot Landscaping.
  - a. Changes to existing parking lots. The Zoning Enforcement Officer shall review landscaping plans for major changes to an existing parking lot. Major changes to parking lots shall comply with the landscaping requirements of this section unless modifications are approved by the Planning Commission or Zoning Enforcement Officer as permitted by this Section. Major changes consist of the following:
    - 1) Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
    - 2) For any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot, the expanded area shall comply with the landscaping requirements of this Section.
    - 3) Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than twenty-five (25) percent of the existing parking lot. Instances in which a parking lot is to be resurfaced and no other modifications to the parking lot or drainage patterns are proposed shall not constitute "reconstruction" for the purposes of this subsection.
    - 4) Any other change which, in the opinion of the zoning enforcement officer, constitutes a major change. The phased expansion or replacement of parking lots and/or surfaces in order to circumvent the requirements of this section is prohibited.
    - 5) The Zoning Enforcement Officer may waive the requirements of this Section if it is determined that the parking lot landscaping requirements of this Section would unreasonably reduce the number of spaces within the parking lot. The Zoning Enforcement Officer may refer any parking lot replacement or expansion to the Planning Commission for a decision.

b. Frontage landscaping. Where any parking area abuts or faces a public street, landscaping shall be required between the parking area and the street right-of-way. Such landscaping shall consist of, at a minimum, one (1) of the following:

- 1) A strip of land at least five (5) feet in width as well as a solid screen of a hedge, fence or decorative wall, or any combination thereof, which measures at least three (3) feet in height; or
- 2) A strip of land at least ten (10) feet in width containing at least one (1) canopy tree for each thirty (30) feet of lot width.



The required strip of land specified in items 1 and 2 above shall also be covered with grass or other approved ground cover.

c. Interior parking lot landscaping. In addition to frontage landscaping, parking lots shall also contain landscaping within the interior of the parking lots as specified below:

- 1) Interior landscaping shall be provided for any parking area containing twenty (20) or more parking spaces.
- 1) The interior of the parking lot shall be considered as any point from the outside boundary of the parking area.
- 2) The interior area of any parking lot shall incorporate planting islands at a minimum ratio of one (1) island per each twenty (20) parking spaces, or part thereof.
- 3) Each planting island shall be at least ninety (90) square feet in area with a minimum horizontal dimension of nine (9) feet.
- 4) Landscaped islands shall be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and shall be used to separate pedestrian areas, maneuvering areas, and drives whenever possible.
- 5) A minimum of one (1) approved canopy tree shall be provided for each planting island, with the balance of the island covered with grass, or approved shrubs or ground cover.
- 6) Fifty (50) percent of the required trees shall be installed in the interior of the parking area and fifty (50) percent on the perimeter. The required trees shall be in addition to those which may otherwise be required by this section.



■

**Section 2. Amendment of Section 10.04).** Section 10.04B, of Chapter 10 – C-1 Neighborhood Business District of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

**B. Landscaping shall be provided as required in Section 4.26.**

**Section 3. Amendment of Section 12.04B.** Section 12.04B, of Chapter 12 – C-3 General Business District of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

**B. Landscaping shall be provided as required in Section 4.26.**

**Section 4. Amendment of Section 12A.04C.** Section 12.04C, of Chapter 12 – I-L Light Industrial District of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

**C. Landscaping shall be provided as required in Section 4.26.**

**Section 5. Amendment of Section 13.04C.** Section 13.04C, of Chapter 13 – I Industrial District of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

**C. Landscaping shall be provided as required in Section 4.26.**

**Section 6. Amendment of Section 19.06.** Section 19.06 of Chapter 19 - Off Street Parking and Loading, of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read in its entirety as follows:

**19.06. Landscaping and Design**

A. Parking lot landscaping shall be installed in accordance with Section 4.26 of this Ordinance.

B. Parking spaces and drive aisles shall be designed in accordance with the following dimensional minimum specifications:

| Parking Pattern  | Aisle Width |        | Parking Space      |                     | Total Aisle Width<br>Two Tiers of Spaces<br>Plus Maneuvering Lane |        |
|------------------|-------------|--------|--------------------|---------------------|---|--------|
|                  | 2 Way       | 1 Way  | Width <sup>1</sup> | Length <sup>2</sup> | 1 Way   | 2 Way  |
| Parallel Parking | 18 Ft.      | 12 Ft. | 9 Ft.              | 25 Ft.              | 30 Ft.  | 36 Ft. |
| 30-75 degree     | 24 Ft.      | 12 Ft. | 9 Ft.              | 21 Ft.              | 48 Ft.  | 60 Ft. |
| 76-90 degree     | 24 Ft.      | 15 Ft. | 9 Ft.              | 18 Ft.              | 55 Ft.  | 64 Ft. |

<sup>1</sup> Measured perpendicular to the longitudinal space centerline.  
<sup>2</sup> Measured along the longitudinal space centerline.

**Parking Space Dimensions**

The diagram illustrates the dimensions for a parking space and its associated aisle. It shows a vertical line representing the space width, labeled '9 FT.'. To the right of this, a horizontal line represents the aisle length, labeled '64 FT.'. The diagram is part of a larger set of specifications for parking lot design.

Design Plus, Inc.

**Section 7. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 8. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.



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YES: \_\_\_\_\_ Councilmembers \_\_\_\_\_

NO: \_\_\_\_\_ Councilmembers \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ Councilmembers \_\_\_\_\_

ABSENT: \_\_\_\_\_ Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2017 \_\_\_\_\_

\_\_\_\_\_  
Susan Uilery

\_\_\_\_\_  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_, 2017, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on \_\_\_\_\_, 2016. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2017, and was effective \_\_\_\_\_, 2017, ten (10) days after publication.

Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
Susan Ullery

\_\_\_\_\_  
City Clerk