

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 11, 2016 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. ELECTION OF OFFICERS AND ORGANIZATION
 - a. Chair
 - b. Vice Chair
 - c. Review and adoption of Planning Commission Rules of Procedure
 - d.
3. APPROVAL OF AGENDA
4. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. December 14, 2015 – Regular Meeting
5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a. Zoning Changes for Grand Rapids Gravel – Further Discussion
 - b.
7. NEW BUSINESS
 - a. Public Hearing – Zoning Ordinance Amendment - Breweries
 - b.
8. STAFF REPORT
9. COMMISSIONERS REMARKS
10. ADJOURNMENT

RULES OF PROCEDURE

1. AUTHORITY

These rules of procedures are adopted by the Planning Commission of the City of Lowell, Michigan (hereinafter referred to as the Commission) pursuant to Public Act 33 of Michigan Public Acts of 2008, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

- 2.1 **Selection.** At the January meeting, the Commission shall select from its membership a Chairperson and Vice-Chairperson who shall serve for a twelve month period and who shall be eligible for re-election. The City Clerk, or his/her designee, shall be appointed as the Commission's recording secretary.
- 2.2 **Duties.** The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice-Chairperson at the earliest practicable time. The recording secretary shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearing, and performing related administrative duties to assure efficient and informed Commission operations. In the event the recording secretary is absent, the Chairperson or acting chairpersons shall appoint a temporary recording secretary for such meeting.
- 2.3 **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 **Meeting Notices.** All meetings shall be posted at the Lowell City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- 3.2 **Regular Meeting.** Regular meetings of the Commission shall be held in the Lowell City Hall or other designated facility on the second Monday of each month. All meetings, unless otherwise specified, shall convene at 7:00 p.m. The dates and times shall be posted at the Lowell City Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- 3.3 **Special Meetings.** A special meeting may be called by two members of the Planning Commission upon written request to the recording secretary or by the

Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the recording secretary shall deliver written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

- 3.4 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be rescheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

- 3.5 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. Anyone wishing to address the Commission shall use a microphone connected to the recording system. The following procedure shall be used for all public hearings:

- (1) Explanation of request as received by community.
- (2) Review and recommendation by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Consideration of action by Commission.

All comments shall be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, statements shall be made as concise as possible. The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit may be established.

- 3.6 **Motions.** Motions shall be stated by the Chairperson before a vote is taken. The name of the maker and seconders of the motions shall be recorded.

- 3.7 **Voting.** An affirmative vote of the majority of the Commission present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last in a roll call vote. Any member

may abstain from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any members abstaining from a vote shall not participate in the discussion of that item.

3.8 ***Order of Business.*** A Written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

1. Call to Order; Pledge of Allegiance; Roll call of Commissioners
2. Approval of Agenda
3. Approval of Minutes
4. Public Comment and Communications Concerning Items Not on the Agenda
5. Old Business
6. New Business
7. Staff Reports
8. Commissioners Remarks
9. Adjournment

A written agenda for special meetings shall be prepared and followed, however the form above shall not be necessary.

3.9 ***Rules of Order.*** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the current edition of Robert's Rules of Order.

3.10 ***Notice of Decision.*** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

4. MINUTES

4.1 Commission minutes shall be prepared by the recording secretary. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action and recording of attendance. All communications, actions and resolutions shall be attached to the minutes. The official records shall be annually deposited with the City Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public except those permitted to be conducted in closed session by the Open Meetings Act.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting.
- 5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. **AMENDMENTS**

These Rules of Procedure may be amended by the Commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least seven (7) days prior to the meeting at which such amendments are to be considered.

Updated and Adopted: January 11, 2016
Adopted: May 13, 1996

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, DECEMBER 14, 2015, AT 7:00 P.M.**

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

The Meeting was called to order at 7:00 p.m. by Chair Shannon Hanley and the Pledge of Allegiance was recited.

Present: Commissioners Dave Cadwallader, Kelli Carney, James Zandstra, John Gerard, Jim Salzwedel, Alan Teelander and Chair Shannon Hanley.

Also Present: City Manager Mark Howe, City Clerk Susan Ullery and Williams and Works Planner Andy Moore.

3. APPROVAL OF AGENDA.

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

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 9, 2015.

IT WAS MOVED BY CADWALLADER and seconded by GERARD that the minutes of the November 9, 2015 meeting be approved as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA. No comments were received.

6. OLD BUSINESS

No old business to report.

7. NEW BUSINESS

a. Approval of 2016 Meeting Dates.

IT WAS MOVED BY SALZWEDEL and seconded by CARNEY to approve the meeting dates set for 2016.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

- b. Zoning Ordinance - Breweries. Andy Moore of Williams and Works explained the proposed zoning amendment would allow for a brewery/winery in the City. This amendment is proposed because there is an individual interested in opening a small brewing facility in the City, and currently there is nothing in the Zoning Ordinance that sufficiently addresses or regulates this land use.

A public hearing was scheduled for January, 2016 to discuss such changes to the ordinance.

- c. Zoning Changes for Grand Rapids Gravel. Moore presented a memo that summarized the steps the City must take before Grand Rapids Gravel can apply for the necessary special land use permit to extract natural resources from their property located at 2104 Bowes Street SE. Grand Rapids Gravel has expressed an interest in mining the property to create a pond, and eventually to construct a residential development adjacent to it.

The extraction of natural resources is permitted with special land use approval in the SR Suburban Residential district and in the FP Floodplain district. According to the Zoning Map, the Grand Rapids Gravel property is split-zoned, with the northern portion of the property zoned Industrial and the southern portion zoned Floodplain. Mining is not permitted in the Industrial district, but it is permitted as a special land use in the Floodplain district.

Further discussion can be held during the January, 2016 meeting with a possible public hearing in February, 2016.

8. STAFF REPORT. No comments were received.
9. COMMISSIONERS COMMENTS. No comments were received.

IT WAS MOVED BY CADWALLADER and seconded by CARNEY to adjourn at 8:01 p.m.

DATE:

APPROVED:

Shannon Hanley, Chair

Susan S. Ullery, City Clerk



MEMORANDUM

TO: Mr. Mark Howe
Lowell City Manager

FROM: Andy Moore, AICP

DATE: October 20, 2015

RE: **Grand Rapids Gravel – Initial Steps**

The purpose of this memorandum is to outline the steps the City must take before Grand Rapids Gravel can apply for the necessary special land use permit to extract natural resources from their property located at 2104 Bowes St SE. As you know, Grand Rapids Gravel has expressed interest in mining the property to create a pond, and eventually to construct a residential development adjacent to it.

The extraction of natural resources is permitted with special land use approval in the SR Suburban Residential district and in the FP Floodplain district. According to the Zoning Map, the Grand Rapids Gravel property is split-zoned, with the northern portion of the property zoned Industrial and the southern portion zoned Floodplain. Mining is not permitted in the Industrial district, but it is permitted as a special land use in the Floodplain district.

However, the Floodplain district is described clearly in Section 14.02 of the Zoning Ordinance as an overlay district that coincides with the 100-year floodplain, not as a standalone district as shown on the map. Further complicating matters is that the City's Zoning Map does not reflect the boundaries of the Floodplain district accurately. So the City has two issues to address on the Zoning Map: (1) the proper illustration of the 100-year floodplain overlay and (2) determining the appropriate underlying zoning districts for property currently zoned Floodplain.

The Floodplain Overlay also brings forward another unusual scenario that must be addressed. As you know, an overlay district typically adds an additional layer of regulation to address some special condition. Overlays are generally more restrictive than the underlying zoning district, so someone wishing to develop property within an overlay must comply with both the standards of the overlay and those of the underlying zoning district. Parts of the Grand Rapids Gravel parcel are zoned Industrial and are within the 100-year floodplain. Since the extraction of the natural resources is not allowed in the Industrial District, we will have a conflict where a land use (mining) is permitted by the overlay but prohibited in the underlying zoning district. To rectify this problem, it will likely be necessary to amend the Zoning Ordinance.

Once these two issues are resolved, the property owner could apply for a special land use permit to begin the mining process. If the special land use permit were granted, the City could then look to amend the Master Plan in the coming years to accommodate the proposed end use for the mining

operation, which would be residential homes. Once the Master Plan is amended, the City may rezone the property to permit the desired end use.

Next Steps. The following steps are recommended:

- 1. Amend the City's official zoning map to accomplish the following:**
 - a. Illustrate the 100-year floodplain as an overlay district, as stated in Section 14.02 of the Zoning Ordinance. The boundary of the overlay must coincide with the actual 100-year floodplain, as determined by FEMA. This can be accomplished using digital maps from FEMA and GIS.
 - b. Rezone the property currently zoned Floodplain to another district as deemed appropriate by the Planning Commission. This will be necessary due to item a above, and can be accomplished at the same time.
 - c. At the City's option, the map could further be edited and refined to illustrate all the rezonings that have occurred over the years that were never updated on the City's official maps. Betty Morlock and I worked on this some time ago, but I do not believe the new map was ever adopted by City Council. This would result in an accurate and up-to-date zoning map that includes all recent amendments.
- 2. Amend the Zoning Ordinance Text.** The text of the Ordinance should be amended to eliminate the conflict where the Floodplain Overlay is less restrictive than the underlying district. Depending on how the zoning map is amended in item 1 above, this could be a relatively simple process.

The approach outlined above should also be reviewed by the City Attorney, as his input will be important to insure the appropriate process is followed.

We believe that step 1 could be accomplished by the end of 2015, with the text amendment being approved by March or April, assuming there are no obstacles and that we start soon and work diligently. Once those two steps are completed, the applicant could then apply for a special land use permit once the map and text amendments are effective.

Please feel free to contact me if there are questions or concerns.

c: Ms. Sue Ullery, City Clerk
Mr. Dick Wendt, City Attorney

MEMORANDUM

TO: City of Lowell Planning Commission

FROM: Andy Moore, AICP

DATE: December 9, 2015

RE: **Zoning Amendment – Floodplain and Mineral Extraction**

The purpose of this memorandum is to review a proposed zoning amendment that addresses the City's floodplain district and allows for mineral extraction in the Industrial District in the City. As you know, this amendment is proposed because of conflicts between the Zoning Ordinance and map, particularly with regard to the property at 2104 Bowes Road owned by Grand Rapids Gravel. A summary of the amendment is below:

Section 1 of the proposed amendment allows for mineral extraction activities in the Industrial District as a special land use.

Sections 2, 3 and 4 of the proposed amendment amend the various parts of Chapter 14 of the Zoning Ordinance pertaining to the Floodplain District. The purpose of these amendments is to remove the various conflicts between the language of Chapter 14 and the zoning map, which we discussed at the November Planning Commission meeting.

- Section 2 simply changes the name of the chapter to state that it is an overlay district.
- Section 3 is a more notable change that permits all uses permitted in the underlying zoning districts, subject to the requirements of the overlay.
- Section 4 removes the "special land use" provisions for the Floodplain district, since special land uses would now be permitted in accordance with the underlying zoning district (see section 3 above). Instead, all the regulations that are currently in Section 14.04 have been retained (with some modest changes) and the title of this section has been renamed to "Additional Standards for Development."

I have also included a draft zoning map for your review. It reflects all the changes recently made to the map. Additionally, it illustrates proposed zoning for all the properties that are entirely or partially zoned "floodplain" presently (see dark blue outline). The colors within the properties zoned floodplain are my suggestions for how they should be rezoned. The map also shows the actual boundaries of the 100 year floodplain as an overlay so the underlying zoning districts are clearly visible.

I am looking forward to discussing this with you further on Monday. As always, please feel free to contact me if there are questions.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 16-__

AN ORDINANCE TO AMEND SECTION 13.03, "SPECIAL LAND USES" OF CHAPTER 13, "I – INDUSTRIAL DISTRICT," THE TITLE OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT," SECTION 14.03, "USES PERMITTED BY RIGHT" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT," AND SECTION 14.04, "SPECIAL LAND USES" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT" OF AND TO 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 Section 13.03 of Chapter 13. Section 13.03, "Special Land Uses," of Chapter 13, "I – Industrial District" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding the following subsection J:

J. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

Section 2. Amendment of Title of Chapter 14. The title of Chapter 14, "F-1 Floodplain District," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended to read as follows:

CHAPTER 14. F-1 FLOODPLAIN OVERLAY DISTRICT

Section 3. Amendment of Section 14.03 of Chapter 14. Section 14.03 “Uses permitted by right,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to as follows:

Section 14.03 Uses permitted ~~by right~~.

- A. Any use permitted in the underlying zoning district, whether by right or by special land use, shall be permitted within the Floodplain Overlay District in accordance with the standards and regulations of the underlying zoning district.
- B. The standards of this Chapter shall also apply to any use proposed in the Floodplain Overlay District. Where there is a conflict between the provisions of this Chapter and another applicable Section of this Ordinance, the more restrictive provisions shall control.

Section 4. Amendment of Section 14.04 of Chapter 14. Section 14.04 “Special Land Uses,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to as follows:

Section 14.04 Additional Standards for Development.

- A. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district ~~a flood hazard area~~ shall not occur ~~upon issuance of a zoning compliance permit~~ except in accordance with the requirements of this ordinance and the following standards:
 - 1. The requirements of this chapter shall be met.
 - 2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;
 - 3. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act ~~451 245~~, of the Public Acts of ~~1994 1929~~, as amended. Where a development permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
 - 4. The proposed use and/or structure ~~use pattern and structure proposed to accomplish said use~~ shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be ~~may be permitted when~~ designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

B. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.
2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Section 5. Publication. After its adoption, the Deputy 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 6. 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.

YEAS: Councilmembers _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____

Susan Ullery
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 _____, 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 _____, 2016, and was effective _____, 2016, ten (10) days after publication.

Dated: _____, 2016

Susan Ullery
City Clerk

MEMORANDUM

TO: City of Lowell Planning Commission

FROM: Andy Moore, AICP

DATE: December 9, 2015

RE: Zoning Amendment – Breweries

The purpose of this memorandum is to review a proposed zoning amendment to allow for a brewery/winery in the City. This amendment is proposed because there is an individual interested in opening a small brewing facility in the City, and currently there is nothing in the Zoning Ordinance that sufficiently addresses or regulates this land use.

In the attached amendment, the first two sections would create definitions for a “brewery/winery” and a “restaurant.” The definition of a “brewery/winery” only contemplates production of beer and wine, as well as limited retail sales. Currently, a restaurant is not defined in the Ordinance, and the definition I have provided includes the possibility for a brewery so something like a brew pub would be permitted as a restaurant. This does not directly apply to the pending application for a brewery, but is appropriate so land uses can be clearly defined and classified.

Sections 3 and 4 of the proposed amendment permit a brewery/winery as a special land use in the C-3 and I zoning districts.

Section 5 of the proposed amendment contains specific standards that would apply to a brewery/winery if an applicant were to apply for a special land use permit for one. The proposed brewery would have to comply with these standards, as well as meet the more general special land use approval standards of Section 17.03,A of the Zoning Ordinance in order to receive special land use approval from the Planning Commission.

Attached is a draft Ordinance for your review. Prior to recommending adoption to the City Council, the Planning Commission must hold a public hearing. This can be scheduled for the January meeting, or the Planning Commission may request edits prior to scheduling a hearing.

As always, please feel free to contact me with questions or comments.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 16-__

AN ORDINANCE TO AMEND SECTION 2.03, "DEFINITIONS-B," AND SECTION 2.18, "DEFINITIONS-R," OF CHAPTER 2, "DEFINITIONS," SECTION 12.03, "SPECIAL LAND USES" OF CHAPTER 12, "C-3 GENERAL BUSINESS DISTRICT," SECTION 13.03 "SPECIAL LAND USES" OF CHAPTER 13 "I-INDUSTRIAL DISTRICT," AND SECTION 17.04, "SITE DESIGN STANDARDS" OF CHAPTER 17, "SPECIAL LAND USES" 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 to Section 2.03 of Chapter 2. Section 2.03, "Definitions-B," of Chapter 2, "Definitions," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding the following definition in alphabetical order:

Brewery/Winery. A facility that engages in the production of beers, meads, wine, ciders, distilled spirits and similar beverages for off-premise consumption. A brewery/winery may include retail sale of beer, wine, spirits, and similar products made on-site and related items, but shall not include a restaurant.

Section 2. Amendment to Section 2.18 of Chapter 2. Section 2.14, "Definitions-R," of Chapter 2, "Definitions," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended by adding the following definition in alphabetical order:

Restaurant. A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out. A restaurant may also include a brewery/winery as an accessory use.

Section 3. Amendment to Section 12.03 of Chapter 12. Section 12.03, "Special Land Uses," of Chapter 12, "C-3 General Business District," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection Q, which reads as follows:

Q. Brewery/Winery

Section 4. Amendment of Section 13.02. Section 13.02, "Uses Permitted by Right," of Chapter 13, "I- Industrial District," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection N, which reads as follows:

N. Brewery/Winery

Section 5. Amendment to Section 17.04 of Chapter 17. Section 17.04, "Site Design Standards," of Chapter 17, "Special Land Uses," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection DD, which reads as follows:

DD. Brewery/Winery

1. A brewery/winery shall be located on a parcel at least two hundred (200) feet from any residentially zoned property.
2. Sites shall be designed and operated to minimize potential negative impacts on adjacent properties, such as odors, vibration, smoke, dust, fumes, and similar potential impacts.
3. The applicant shall demonstrate that all trucks and delivery vehicles be provided with adequate maneuvering areas on the lot. Maneuvering shall not be permitted on adjacent property or in a public right-of-way.
4. Approval may include the establishment of hours of operation for a brewery/winery.
5. A brewery/winery shall obtain and maintain all applicable federal, State, and local permits and upon request, furnish copies of applicable permits to the City.
6. The applicant shall demonstrate that adequate parking and loading areas are provided on the site.

Section 5. 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 6. 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.

YES: Councilmembers _____

NO: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2016

Susan Ullery
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 _____ 2016, 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 _____, 2016, and was effective _____, 2016, ten (10) days after publication.

Dated: _____, 2016

Susan Ullery
City Clerk

GRAPIDS 60857-994 349143v1

2015 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
02/11/2015	03/13/2015	835 W. Main	Pete Ricards	Store
02/24/2015	03/13/2015	2475 Gee Drive	Scott Bartiger	Inground pool
03/23/2015	03/30/2015	1030 Hunt	John Ingersoll	Accessory Building
03/24/2015	03/24/2015	820 N. Jefferson	Karrie Scudder	Fence
03/30/2015	03/30/2015	115 S. Broadway	King Mlling	Upgrade/Cell Tower
03/31/2015	03/31/2015	1405 Laurie Gail	Kaitlin Shive	Fence
04/01/2015	04/01/2015	806 N. Jefferson	Ron Stanford	Fence
04/08/2015	04/15/2015	741 Grindle	Thomas Read	Demo
04/28/2015		520 Spring	Cody Moore	Fence
05/04/2015	05/08/2015	325 S. Division	David Crandall	Deck
05/06/2015	05/08/2015	1320 E. Main St.	Moose Lodge	Fence
05/11/2015	5/11/2015	257 Donna	Elizabeth Sparks	Fence
05/11/2015	05/12/2015	316 North	Charles May	Addition
05/12/2015	05/12/2015	1320 Highland Hills	Allen Edwin Homes	New Home
05/13/2015	05/14/2015	168 S. Center	Eric Bouwhuis	Fence
05/14/2015	05/14/2015	2204 Gee Drive	Herb VanderBilt	Shed
05/19/2015	05/26/2015	815 N. Hudson	Anthony Hall	Unattached garage
05/19/2015	07/06/2015	1300 Highland Hill	Allen Edwin Homes	New Home
05/20/2015	07/06/2015	1281 Highland Hill	Allen Edwin Homes	New Home
05/27/2015	05/29/2015	315 Alden Nash	Tim Jankowski	Accessory Building
05/12/2015	05/28/2015	2255 Gee Drive	Tim Bruce	New Home
06/01/2015	06/24/2015	2212 Gee Drive	Brian Koetje	New Home
06/12/2015	06/12/2015	812 Grindle	Josh Peterman	Shed
06/17/2015	07/07/2015	741 Grindle	Thomas Read	Lot Split
06/18/.2015	06/23/2015	612 N. Monroe	Ronald Steffens	Repair
06/11/2015	06/23/2015	750 Hillside Ct.	Alan Hovinga	Sun Porch
06/30/2015	07/08/2015	1580 Carol Lynne	Brian Darling	Garage
07/07/2015	07/07/2015	800 Bowes	Mark Mundt	Inground Pool
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Shed
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Fence

07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Deck
07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Roof/Siding
07/20/2015	07/22/2015	2401 Bowes	William Sanborn	Shed
07/21/2015	07/22/2015	1695 Gee Drive	Kurt Holzhueter	Accessory Building
07/16/2015	08/04/2015	12142 Bowes	GR Gravel Co.	Demo
08/07/2015	08/07/2015	429 N. Washington	Tim Van Laan	Remodel
08/11/2015	08/13/2015	1462 Sibley	Dennis Walsh	Fence
08/17/2015	08/25/2015	2212 Gee Drive	Bernie Deliever	Pool
08/24/2015	08/31/2015	726 Lafayette	Ron Wells	Porch
08/27/2015	08/31/2015	609 Lafayette	Rachel DeVries	Shed
09/01/2015	09/01/2015	1015 Beech	Tina Collins	Roof
09/02/2015	09/02/2015	1301 Sibley	Luis Luna	Shed
09/02/2015	09/02/2015	1334 Highland Hills	Allen Edwin Homes	New Home
09/18/2015	09/22/2015	517 Spring	Tim Kurzhals	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Garage
09/16/2015	10/07/2015	724 Riverside	John Hruska	Roof
09/24/2015	09/24/2015	604 E. Main	John Gilbert	Deck
09/29/2015	10/16/2015	1340 Highland Hills	Allen Edwin Homes	New House
10/07/2015	10/07/2015	221/223 W. Main	LowellArts!	Roof
10/08/2015	10/08/2015	171 S. West	Diane Merriman	Roof
10/16/2015	10/16/2015	517 Spring	Tim Kurzhals	Garage/Addition
12/01/2015	12/01/2015	718 Lincoln Lake	James Miles	Addition
12/01/2015	12/01/2015	322 N. Washington	Ferman Const./Ricards	Addition
12/11/2015	12/11/2015	424 Elm	Bob Hults	Fire/Remodel

2016 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
01/06/2016	01/06/2016	106 W. Main	Jack Reedy	Deck
01/06/2016	01/06/2016	1326 Highland Hills	Allen Edwin Homes	New Home