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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 9, 2017 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
3. APPROVAL OF AGENDA
4. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. November 14, 2016 – Regular Meeting
5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a. Zoning Ordinance Revisions – Chapter 4
7. NEW BUSINESS
 - a. Approval of 2017 meeting dates
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, NOVEMBER 14, 2016, 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 Vice Chair Cadwallader and the Pledge of Allegiance was recited.

Present: Commissioners Marty Chambers, Bruce Barker, John Gerard, Jim Salzwedel, Alan Teclander and Vice Chair Dave Cadwallader.

Absent: Commissioner Chair Zandstra

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

2. **APPROVAL OF ABSENCES.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve the absence of Chair Zandstra.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

IT WAS MOVED BY SALZWEDEL and seconded by GERARD to approve the agenda as revised placing "New Business" in front of "Old Business".

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

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

IT WAS MOVED BY BARKER and seconded by GERARD that the minutes of the September 12, 2016 regular meeting be approved as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the minutes of the October 24, 2016 joint meeting be approved as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

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

No comments were received.

6. **NEW BUSINESS.**

a. **Site Plan Review – Lake Michigan Credit Union – 2384 West Main Street.**

Nederveld, Inc. on behalf of Lake Michigan Credit Union, submitted an application for site plan review for the establishment of a Lake Michigan Credit Union branch office, located at 2384 West Main Street.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the site plan with the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall submit lighting details to be reviewed and approved by the City Zoning Administrator.
4. The applicant shall comply with additional requirements from the City's Department of Public Works.
5. The applicant shall comply with the following requirements of the City Engineer:
 - a) It should be determined whether the 100-year floodplain impacts the property and if so, it shall be illustrated on the plans.
 - b) Evidence of approval by the Kent County Health Department shall be provided prior to issuance of a building permit.
 - c) The public water main is under the jurisdiction of the City of Lowell. The proposed public water main connection shall be coordinated with City personnel prior to construction and all permit fees shall be paid.
 - d) The site plan shall be revised to comply with the following Kent County Storm Water Design Criteria:
 - 1) The provided drainage calculations indicate the use of four leaching basins. Only CB#1 is indicated as a leaching structure on the plans. Clarification is required.
 - 2) A detail of the proposed leaching basins shall be included on the plans.
 - 3) The infiltration rate cannot be utilized to reduce the required volume of a retention basin. It can only be used to determine that the retention basin will drain within the required 72 hours.
 - 4) The design infiltration rate shall be 0.5 times the rate determined by a geotechnical investigation or 0.52 inches/hour. In no case shall the infiltration rate exceed 2 inches/hour.
6. The applicant shall construct a walkway connecting the sidewalk along Main Street to the front entrance of the building.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

b. **Site Plan Review – Curtis Cleaners – 1410 West Main Street.**

Mr. John Curtis on behalf of Curtis Cleaners, has submitted an application for site plan review for the expansion of a building owned by Curtis Cleaners, located at 1410 W. Main Street SE, which has

primary frontage along Valley Vista Drive. The applicant is requesting site plan approval for a 4,200 square foot addition to an existing 1-story building.

IT WAS MOVED BY SALZWEDEL and seconded by GERARD to approve the site plan with the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any city permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The Planning commission may require an updated landscaping plan showing both front yard landscaping and parking lot landscaping that meets the standards of the Zoning Ordinance.
4. The Planning Commission may require a pedestrian connection from the public sidewalk to the front of the building for enhanced pedestrian access.
5. The applicant shall submit lighting details to be reviewed and approved by the City Zoning Administrator.
6. The applicant shall comply with additional requirements from the City's Department of Public Works and/or City Engineer.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

7. **OLD BUSINESS.**

a. **Zoning Ordinance Revisions – Chapter 4.**

Andy Moore with Williams and Works reviewed various changes of “Chapter 4 – General Provisions” as discussed previously by the Commission. Further revisions will be presented at the next meeting.

By general consensus, the Commission agreed to review Chapter 17 next.

8. **COMMISSIONERS REMARKS**

Commissioner Chambers questioned why the Commission received information on a new tower in Vergennes Township. City Clerk Susan Ullery stated this was addressed to the Planning Commission and was passed on as a courtesy.

Commissioner Barker questioned when the meeting dates for 2017 would be established. City Clerk Susan Ullery explained the dates would be included in their next agenda for adoption.

IT WAS MOVED BY GERARD and seconded by SALZWEDEL to adjourn at 7:56 p.m.

DATE:

APPROVED:

James Zandstra, Chair

Susan S. Ullery, City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: January 5, 2017
From: Andy Moore, AICP
RE: Revisions to Chapter 4 – General Provisions

As you know, we are working on revisions to Chapter 4 – General Provisions of the City's Zoning Ordinance. Over the past few weeks we have added additional language in an effort to consolidate regulations in the Ordinance so it is more user-friendly. Most of the attached chapter is unchanged from when it was last reviewed and discussed in November 2016. However, we have added an additional section pertaining to landscaping that should be carefully reviewed by the Planning Commission. This memo summarizes the proposed changes to the landscaping requirements.

1. We added an intent statement, and also added subsections A through D, which are not present in the existing Ordinance. Section A allows for certain uses to be exempt from landscaping requirements, and section B allows the City to modify or reduce the landscaping requirements if it feels that the intent of the Ordinance would nevertheless be achieved.
2. Subsections C and D contain requirements for the installation and maintenance of landscaping to ensure that landscaping is installed in a timely manner and maintained in good condition.
3. Subsection E, 1 requires additional landscaping or screening between nonresidential and residential land uses or districts. This is intended to help protect neighboring residential uses from some of the adverse effects that are associated with commercial or industrial uses, such as noise and glare. Note that buffers are not required for nonresidential land uses within the same zoning district.
4. Subsection E, 2 was relocated from four different locations within the district chapters. The standards are otherwise the same except that we have proposed decreasing the number of required trees to one per 30 feet instead of one per 20 feet. This suggestion is made to be consistent with the Arbor Board's tree spacing recommendations, which is 30 feet.
5. Subsection E, 3 was relocated from section 19.06 and addresses parking lot landscaping. The language is generally unchanged except for where we have text highlighted in yellow.
6. One item that the Planning Commission should discuss is subsection E, 3, a, which requires that interior landscaping be added to a parking lot when it is replaced,

expanded, resurfaced etc. This has been a challenging provision to deal with at times in the past when a property owner is looking to simply replace the parking lot surface and is surprised to learn that the Ordinance requires additional landscaping. This landscaping requirement can involve a significant and unforeseen expense to the applicant, and can also result in the parking losing a number of otherwise usable spaces due to the required islands. If the number of required spaces can no longer be provided, the parking lot would become nonconforming.

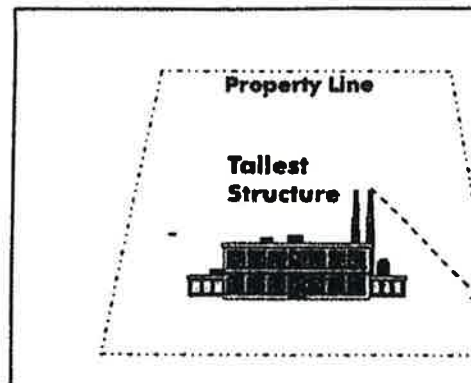
The question for the Planning Commission here is whether or not this is a reasonable requirement, and if not, what steps should be taken to encourage or require owners of existing parking lots with no landscaping to install landscaping in order to bring it more into compliance with the Zoning Ordinance.

Feel free to contact us if there are questions or comments.

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. Height exceptions.
 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, 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.
 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.
 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. 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)

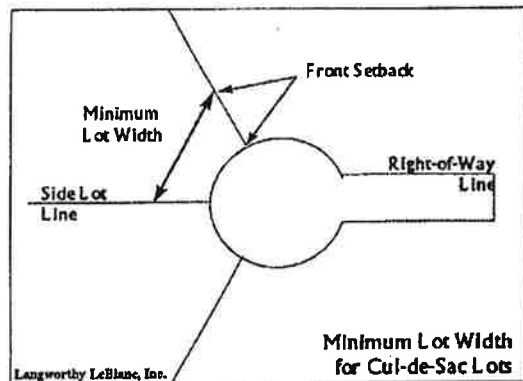
SECTION 4.03. - STREET ACCESS.

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.

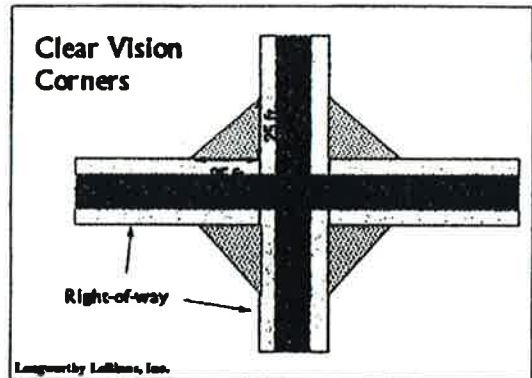
- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
1. May project a maximum of four (4) feet into a required front or rear yard; and
 2. Shall not project into the required side yard.
- B. Porches, terraces, 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.

- A. 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.
- 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.

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

- 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 in a clear vision 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 within any required primary front yard. A fence that is less than fifty (50) percent solid may not exceed a height of forty-eight (48) inches within any required primary front yard.
- E. Fences shall not exceed a height of seventy-two (72) inches in any other area, except as noted in F. 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.
- 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.
- G. Fences in residential districts shall be residential in appearance and intent. Farm type fences are allowed on farmland in residential districts.
- 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.
- 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.
- 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.
- 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 require that the fence be repaired or removed.
- L. A zoning permit shall be obtained from the zoning enforcement officer prior to the installation of a fence or wall and the design of all fences and walls, 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.

- 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.
- B. An accessory building or use shall only be permitted on lot which contains a principal use or main building.
- C. No part of an accessory building shall be used as a dwelling for residential purposes.
- 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.
- E. No more than two (2) detached accessory buildings may be permitted on any lot or parcel.
- 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.
- 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. For uses in the C-3 district zoning districts: not to exceed the floor area of the main building(s); and
 - 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).
- H. No detached accessory building in a residential district shall exceed the height of the main building located on the same lot.

- 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.
- 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.
- 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.
- 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:

- 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.

- C. 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.
- D. 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.
- E. 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.
- F. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- G. 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.
- H. 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.
- I. The dwelling unit shall be connected to public sewer and water supply systems approved by the City of Lowell.
- J. 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.

- 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.

- 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.

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.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 4.12. - SATELLITE DISH ANTENNAS.

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.

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. - NONCONFORMITIES.

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. It is the intent of this section to permit these nonconformities to continue until they are removed.

A. General provisions for nonconformities.

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. 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.
4. Any building, structure or use shall be considered existing and lawful and for purposes of this section 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.
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 or amendment of this Ordinance, shall not be altered or increased except in compliance with this section.
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 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
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:
 - 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.
 - 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.
 - 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

1. No nonconforming use of any land or structure shall hereafter be moved, enlarged or extended unless such movement, enlargement or extension does not increase the degree of the nonconformity.
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) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - 2) The property, buildings, and grounds, have fallen into disrepair;
 - 3) Signs or other indications of the existence of the nonconforming use have been removed;

- 4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - 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.

C. Nonconforming buildings and structures

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 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.
2. 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 only in compliance with all provisions of this Ordinance.
3. 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.
4. A nonconforming residential structure may be enlarged or increased as long as such enlargement does not increase the degree of nonconformance.

D. Nonconforming lots of record

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 lot area, lot width and 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.

2. 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. 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.

(Ord. No. 07-03, § 1, 4-2-07)

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.
- 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.
- 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:

- A. Recreational vehicles may be stored or parked to the rear of the front building line of the primary structure.
- B. Recreational vehicles may be stored or parked in a driveway not less than ten (10) feet from the front lot line.
- 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. 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 buy the City.

- 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.
 - b. Be constructed, when and where necessary, over adequate culverts.
 - c. If ending with a cul-de-sac, have a minimum turnaround radius of forty-five (45) feet.
 - d. Not be expanded to serve more than five (5) dwelling units without meeting the requirements of subsection 3 immediately below.
 - 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.

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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

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.
- 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.

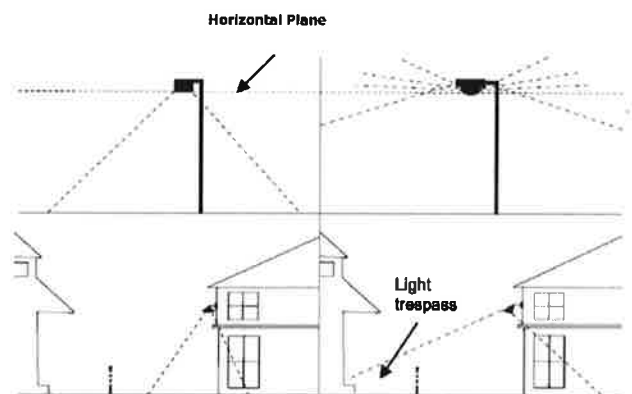
D. Regulated lighting. The following types of outdoor lighting shall be regulated by this section:

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 ($\frac{1}{2}$) 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.
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.

Figure 4.24. Fully Cut-off, Downward Facing Fixtures



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 (½) 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.

(Ord. No. 11-01, § 2, 1-3-11)

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 a 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 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 Administrator 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.

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 use.

2. Front Yard Landscaping. In the C-1, C-3, I-L and I districts, front yard landscaping is required as specified below: ~~relocated from district chapters so as not to be repetitive~~

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. Upon approval of the City, the equivalent landscaping may be located in areas other than the front yard and the street side of a corner lot. 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.

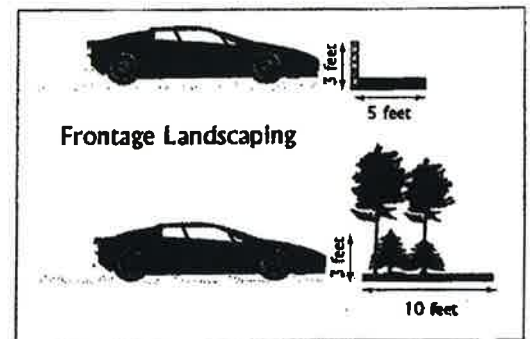
3. Parking Lot Landscaping. ~~most of this is relocated from Section 19.06~~

a. Changes to existing parking lots. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this ordinance. A major change consists of one (1) or more of the following: (PC should discuss this requirement)

- 1) Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
- 2) 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.
- 3) Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
- 4) Any other change which, in the opinion of the zoning enforcement officer, constitutes a major change. The phased expansions or replacement of parking lots and/or surfaces in order to circumvent the requirements of this section is prohibited.

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 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 and three (3) deciduous shrubs 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 twelve (12) or more parking spaces.
- 2) The interior of the parking lot shall be considered as any point from the outside boundary of the parking area.
- 3) The interior area of any parking lot shall incorporate planting islands at a minimum ratio of one (1) island per each twelve (12) parking spaces, or part thereof.
- 4) Each planting island shall be at least ninety (90) square feet in area with a minimum horizontal dimension of nine (9) feet.

- 5) Landscaped islands shall be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and may be used to separate pedestrian areas, maneuvering areas, and drives.
- 6) 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.
- 7) 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.



301 East Main Street
Lowell, Michigan 49331
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2017 PLANNING-CITIZEN ADVISORY COMMISSION MEETING DATES
7:00 P.M.
CITY COUNCIL CHAMBERS – SECOND FLOOR

January	9	July	10
February	13	August	14
March	13	September	11
April	10	October	9
May	8	November	13
June	12	December	11 (Work Session)

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
01/15/2016	01/15/2016	800 Bowes	Mark Muntt	Remodel
02/09/2016	02/12/2016	624 Lafayette	Scheidel Pool & Spa	Pool
02/19/2016	02/19/2016	517 Front	Jamie Marentette	Repair/Remodel
03/01/2016	03/10/2016	201 E. Main	Flat River Grill	Roof
03/14/2016	03/14/2016	340 Donna	Scott Abboud	Fence
03/14/2016	03/14/2016	505 W. Main	Mark Tomasik	Nail Salon
03/03/2016	03/03/2016	1288 Highland Hills	Allen Edwin Homes	New Home
03/03/2016	03/16/2016	1294 Highland Hills	Allen Edwin Homes	New Home
03/22/2016	03/28/2016	316 Spring	Thomas Grimm	Roof
03/22/2016	03/22/2016	901 Heffron	Mr. Roof Grand Rapids	Roof
03/22/2016		135 S. Center St.	Steven Caverly	Fence
04/06/2016		419 N. Monroe St.	My Home Renovations	Roof
04/12/2016	06/07/2016	796 Hunt St. SE	Dan Banks	Garden Shed
04/13/2016	04/15/2016	1004 W. Main St.	Village Floral West	Temporary Sign
04/25/2016	04/26/2016	400 W. Main	Union Beer Co.	Brewery
04/25/2016	04/26/2016	725 Grindle	Frank/Cheryl Rusche	New Home
04/27/2016	04/29/2016	211 N. Washington	Church of Nazarene	Deck
05/06/2016	05/10/2016	505 W. Main	Johnsons Thrift-Foods	Roof
05/11/2016		796 Hunt Street	Dan Banks	Fence
05/16/2016	05/16/2016	713 N. Washington	Christopher Reynolds	Fence
05/17/2016	05/17/2016	903 N. Hudson	Lauren Pnazek	Fence
05/23/2016	05/23/2016	1232 Highland Hills	Allen Edwin Homes	New Home
05/23/2016	05/23/2016	1299 Highland Hills	Allen Edwin Homes	New Home

05/24/2016	05/24/2016	820 N. Washington	Terry Tarchala	Fence
05/20/2016	05/25/2016	1402 Laurie Gail	Loretta Durkin	Fence
06/02/2016	06/02/2016	812 Grindle	Josh Peterman	Deck
06/01/2016	06/02/2016	701 Amity	Greg Carlson	Pool
05/17/2016	06/06/2016	2195 Gee Drive	Tim Bruce	New Home
06/03/2016	06/03/2016	1270 Sibley	David Roskamp	Fence
06/08/2016	06/08/2016	1270 Sibley	David Roskamp	Roof
06/08/2016	06/08/2016	317 North	Gary Fredline	Shed
06/15/2016	06/15/2016	675 Alden Nash	Phil Dykstra	Garage/Bath Addition
06/21/2016	06/21/2016	221/223 W. Main	LowellArtsI	Renovation
06/22/2016	06/22/2016	1238 Highland Hill	Allen Edwin	New Home
06/22/2016	06/22/2016	1244 Highland Hill	Allen Edwin	New Home
06/28/2016	06/28/2016	2143 W. Main	Arbys	Remodel
07/15/2016	07/15/2016	624 Riverside Drive	Lukas van Rensburg	Fence
07/27/2016	07/27/2016	318 Lincoln Lake	Charles Morgan	New Home
08/01/2016	08/01/2016	818 Grindle	Donald Lafler	Sheds
08/05/2016	08/05/2016	211 N. Division	211 N. Division	New Home
08/24/2016	08/24/2016	Highland Hills	Highland Hills	New Home
08/24/2016	08/24/2016	Highland Hills	Highland Hills	New Home
08/30/2016	09/06/2016	1610 Sibley	Dustin Burke	Garage
09/26/2016	09/26/2016	1010 Grindle	Ron Bloom	New Home
09/26/2016	09/26/2016	419 N. Monroe	Karen Saunders	Remodel
09/15/2016	10/03/2016	1274 Highland Hill	Allen Edwin Homes	New Home
10/03/2016	10/03/2016	1299 Highland Hill	Allen Edwin Homes	Deck
10/04/2016	10/17/2016	1256 Fun	Ron Washburn	Accessory Building
10/06/2016	10/06/2016	149 S. Broadway	King Milling	Demo
10/17/2016	10/18/2016	1701 Faith	Dan Millstead	Porch Addition
10/06/2016	10/26/2016	1256 Highland Hill	Allen Edwin Homes	New Home
10/24/2016	11/04/2016	2195 Gee Drive	Tim Bruce	Pole Barn

11/15/2016	11/16/2016	806 N. Hudson	River Valley Const.	Demo/Rebuild Garage
11/16/2016	11/17/2016	1022 E. Main	Malcolm Chambers	Re-Roof
11/02/2016	11/22/2016	805 Grindle	Mayberry Homes	New Home
11/29/2016	11/29/2016	1061 N. Hudson	Melvin Cooke	Remodel - Bath
12/06/2016	12/20/2016	1262 Highland Hill	Allen Edwin	New Home