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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, JUNE 12, 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. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. May 8, 2017 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a. Zoning Ordinance Revisions – Chapter 4
  - b. Zoning Ordinance Revisions – Chapter 17
6. NEW BUSINESS
  - a. Master Plan Review – Initial Discussion
  - b. Feather Signs - Discussion
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, MAY 8, 2017, AT 7:00 P.M.**

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

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

Present: Commissioners David Cadwallader, Marty Chambers, James Zandstra, Jim Salzwedel, Alan Teelander, and Chair Barker.

Absent: Commissioner John Gerard.

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

**2. EXCUSE OF ABSENCES**

IT WAS MOVED BY SALZWEDEL and seconded by CADWALLADER to excuse the absence of Commissioner Gerard.

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

**3. APPROVAL OF AGENDA.**

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

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

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

IT WAS MOVED BY CHAMBERS and seconded by TEELANDER that the minutes of the April 10, 2017 regular 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 public comments.

**6. OLD BUSINESS.**

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

Chair Barker advised the Commission will accept Chapter 4 as written. The Commission will review Chapter 17 and hold a public hearing when both Chapters can be approved together.

b. Zoning Ordinance Revisions – Chapter 17.

Andy Moore of Williams and Works reviewed the revisions of Chapter 17.

Chair Barker hoped to finalize a clean version at the June meeting.

There was a discussion in reference to the Master Plan that needs to be reviewed. Because Barker is unable to attend the July meeting, he suggested the Commission review the plan in August. Moore believed there would be few changes, noting it is consistent with zoning.

Barker advised he would like to finalize Chapters 4 and 17 in June and set a public hearing sometime in August. He also believed the public hearing would be better served if a special meeting were held. The Master Plan could be reviewed at their regular scheduled meeting in August.

7. NEW BUSINESS

a. Review 2017 Goals and Priorities – Audit Report Attached.

Williams and Works Planner Andy Moore reviewed the Zoning Ordinance Audit. The notes are intended as a place to begin discussion on revisions to the Zoning Ordinance.

Item #2 through item #5 can be reviewed as we review the districts. Item #6 can be dealt with if we open up the parking chapter. The Commission can look for direction from Moore and Burns on items #6a through item #8, we can look for direction from Andy Moore and City Manager Mike Burns.

8. STAFF REPORT

Nothing further to report.

9. COMMISSIONERS REMARKS

Commissioner Salzwedel noted the decision he made at the last meeting was not swayed after having discussion with a couple residents.

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to adjourn at 7:57 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan S. Ullery, City Clerk

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

**ORDINANCE NO. 17-\_\_**

**AN ORDINANCE TO AMEND CHAPTER 2, DEFINITIONS AND CHAPTER 17, SPECIAL LAND USES, OF APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

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

moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Chapter 2.** Chapter 2 of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended add the following definitions in alphabetical order:

**Airport.** An area of land designated, used, or intended for use, for the landing and take-off of aircraft, and any areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

**Banks, credit unions, savings and loan associations.** A financial institution that is generally open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and similar fiduciary activities.

**Campground.** An area that is occupied or intended for occupancy by transients using recreational vehicles, motor homes, or tents for temporary dwelling, lodging, and/or sleeping purposes. A manufactured housing community shall not be considered a campground.

**Commercial Greenhouse or Nursery.** A retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display of such plants and related landscape materials or products.

**Community Center.** A facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Funeral Home or Mortuary.** A building or part thereof used for human funeral services and related activities such as embalming and the performance of other services used in the preparation of the deceased for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for cremation.

Landing or take-off areas for rotocraft. An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Petroleum Storage. A building, structure or facility used for the storage of fuels or other volatile products.

Radio and television transmitting buildings or towers. A tower, pole, or similar structure and related buildings or structures that supports a radio and/or television antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources. The removal, loading, processing and/or transporting of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources on, to, or from a lot, and including the incidental maintenance of machinery or equipment used in connection with such removal and processing. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a lot for construction, shall not constitute removal and processing of mineral resources for the purposes of this Ordinance. .

Retail building supplies. A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building and related products are stored and sold at retail. Retail building supplies may also process lumber by performing millwork, planing, cutting, and other customizing processes.

Theater or Concert Hall. A building or part thereof devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Utility and public service buildings. Public buildings used for the provision of services traditionally provided by local government, such as including water and sewer, roads, parks, schools, and police and fire protection.

Vehicle Wash establishment. A building or structure used for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. A vehicle wash establishment may be considered a principal use, or an accessory use when located on the same lot as a vehicle service station or similar uses.

Veterinary Hospital. An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**Section 2. Amendment of Chapter 17.** Chapter 17 of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended in its entirety to read as follows:

## **CHAPTER 17. - SPECIAL LAND USES**

### **SECTION 17.01. - SCOPE.**

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the city. For purposes of this ordinance, all special land uses within the various districts are subject to the conditions and standards of this chapter. In addition, the following uses shall conform to the specific standards cited in section 17.04, as applicable.

### **SECTION 17.02. - APPLICATION AND REVIEW PROCEDURES.**

- A. Required Information. An application for special land use approval shall be submitted to the zoning enforcement officer. Each application shall be accompanied by:
  - 1. The payment of a fee as established by the city council;
  - 2. A completed application form, as provided by the city;
  - 3. Complete site plans pursuant to Chapter 18; and
  - 4. A written statement indicating compliance with section 17.03, A., and the applicable provisions of section 17.04.
- B. Applications. Applications for a special land use shall be submitted to the zoning enforcement officer at least twenty-one (21) days prior to the next regular planning commission meeting. Upon receiving all materials required in Section 17.02(A), the application and accompanying materials shall be forwarded to the planning commission at its next scheduled meeting for a public hearing.
- C. Public Hearing Required. The planning commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
- D. Planning Commission Review and Decision. Following the public hearing, the planning commission shall review the application materials, comments received at the public hearing and any other information related to the application, including recommendations or reports from the city planner, engineer, or other party, and shall approve, approve with conditions, or deny the request for special land use approval. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Chapter and any other standards in this Ordinance that are applicable to the proposed

special land use. The Planning Commission shall incorporate the basis for the decision and any conditions to be imposed into its decision.

- E. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the zoning enforcement officer upon approval of the special land use by the Planning Commission. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The zoning enforcement officer shall forward a copy of the special land use permit to the applicant and the City Clerk. A site plan submitted as an attachment to a special land use application may be considered and reviewed in conjunction with said special land use application and shall be processed according to the procedures of Chapter 18.
- F. Appeals. No decision or condition related to a special land use application shall be taken to the Board of Zoning Appeals.
- G. Amendments. Amendments to a special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Zoning Administrator.
- H. Transfers. The special land use permit, with any and all associated benefits, conditions and required security shall run with the land and may be transferred to a new owner upon the sale or transfer of the property in question. The prior owner, upon transferring the special land use permit, shall advise the zoning enforcement officer of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.
- I. Reapplication. No petition for special land use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmission.
- J. Expiration. A special land use approved pursuant to this chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction and proceeding meaningfully toward completion within one (1) year after the date of approval of the special land use, except as noted below.
  - 1. The planning commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the special land use approval shall be null and void.

- K. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if the zoning enforcement officer finds that any of the following conditions apply:
1. The owner declares or otherwise makes evident an intent to discontinue such use.
  2. When the use has been replaced by a different use.
  3. If the use has been abandoned for more than one (1) year, and the zoning enforcement officer finds that one or more of the following conditions exist:
    - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
    - b. The property, Buildings, and grounds, have fallen into disrepair.
    - c. Signs or other indications of the existence of the use have been removed.
    - d. Removal of equipment or fixtures that are necessary for the operation of the special land use.
    - e. 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 use.
- L. Violations. The planning commission shall have the authority to suspend or revoke any special land use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this chapter, other applicable sections of this ordinance, or conditions of the special land use approval. Prior to any action, the planning commission shall conduct a public hearing as required by this chapter. The permit holder shall be provided with a reasonable opportunity to correct the violation(s).
- M. Conditions of Approval. The planning commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to section 17.02, G. Conditions imposed shall be those necessary to:
1. Meet the intent and purpose of the zoning ordinance;
  2. Relate to the standards established in the ordinance for the land use or activity under consideration;
  3. Insure compliance with those standards;
  4. Protect the general welfare;
  5. Protect individual property rights; and
  6. Ensure that the intent and objectives of this ordinance will be observed.
- N. Performance Guarantees. As a condition of approval of a special land use, the planning commission may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components may include,



but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items. Performance guarantees shall be processed as required in section 22.03, B.

#### **SECTION 17.03. - SPECIAL LAND USE REVIEW STANDARDS.**

The Planning Commission shall approve a special land use upon finding that the proposed special land use meets all applicable regulations of this Ordinance and complies with each of the of the following standards, in addition to those specific standards in this Chapter that are established for certain uses:.

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards:
  1. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
  2. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;
  3. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
  4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services; and
  5. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  6. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

#### **SECTION 17.04. - SITE DESIGN STANDARDS.**

The general standards and requirements of Sections 17.01-17.03 apply to all special land uses. The specific and detailed requirements set forth in this section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

Those uses specified in this ordinance as permitted by right or as special land uses shall be subject to the requirements of the district in which the use is located. In addition, all applicable conditions, standards, and regulations shall apply as set forth below:

- A. Country clubs, golf courses, riding stables, and public and private athletic grounds and parks, and other similar uses, including related uses, such as snack bars or small retail shops selling goods directly related to the primary use.

1. The use shall be located on property with direct access to a public street.
  2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential district or use.
  3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
  4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
  5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. Minimum lot area shall be one (1) acre.
  2. Minimum lot width shall be two hundred (200) feet.
  3. The planning commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
  4. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
  5. The lot area used for parking for customers shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  7. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
  8. All loading activities and parking areas shall be provided on the same premises (off-street).
  9. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
  10. No display area shall be located within ten (10) feet of a street right-of-way line.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. Exceptions. No soil, sand, gravel, or other earth material shall be removed from any land within the city without special land use approval, with the following exceptions:
    - a. When the earth removal is incidental to an operation for which a building or other permit has been issued by the city;

- b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. The earth removal involves less than one hundred (100) cubic yards;
  - d. The earth removal is for the purpose of construction of a swimming pool.
  - e. The soil removal will not be in violation of any other section of this ordinance, other city ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
2. Application Requirements. A site plan conforming to the requirements of Chapter 18 of this Ordinance, and also containing the following:
- a. The location and construction details of proposed access drives and service roads on the parcel, together with proposed scrub pads;
  - b. The boundaries of the area proposed for the mining activities. If such activities are to be conducted in phases or in separate mining cells, such phases or cells shall be numbered and the phase or cell boundaries shall be depicted with the acreage of each indicated. Each phase or cell shall be labeled as completed, active or future as the case may be;
  - c. The location and details of proposed fences, berms, landscaping, gates, signs and parking areas;
  - d. The location of proposed structures and fixed equipment to be placed on the site for mining and related activities;
  - e. Setback lines as required by this section;
  - f. The boundaries, surface areas and bottom contours of any lake or pond to be created or modified by the mining activity.
  - g. A written plan narrative containing the following information:
    - 1) The time period proposed for the mining activity;
    - 2) A description of the type of natural resources and the quantity (in cubic yards) involved in the proposed mining;
    - 3) Methods of mining, moving, storing, processing, loading and transporting of the natural resources on and from the site;
    - 4) Identification of and proposed sequence of which phases or cells will be mined and restored, including projected dates for completion of restoration and reuse of each phase or cell;
  - h. Measures to be taken to:
    - 1) control noise and vibration beyond the boundaries of the parcel;
    - 2) control erosion and wind-blown sand, dust, dirt or other materials;
    - 3) control access and prevent trespass on the site;
    - 4) prevent waste accumulation;
    - 5) prevent stagnant water and control surface water erosion;
    - 6) preserve existing vegetation and topsoil.

- i. A description of the proposed hours of operation;
  - j. If Natural Resources are to be removed from the Parcel:
    - 1) A description of the type and the loaded weight of trucks to be used;
    - 2) The proposed number of trucks leaving the site per day;
    - 3) The proposed route through the City to be used by such trucks.
  - k. A description of Ancillary Activities proposed for the site;
  - l. Identification of wells on adjacent properties and the area water tables and a description of the impact of the proposed Natural Resource Extraction on such wells and water table.
  - m. A current wetland identification and/or delineation reports detailing the presence of wetland conditions on the Parcel and their status as regulated or unregulated, together with copies of any permits or applications for permits issued by or filed with the MDEQ.
  - n. Copies of all other federal, state or County permits or approvals that relate to and are required for the proposed Earth Change.
  - o. A preliminary sketch plan of the proposed end use of the property to inform the Planning Commission of the intended long-term use of the site. Such sketch plan shall contain the information required in Section 18.04(A)(2) of this Ordinance. Planning Commission approval of the special land use request for the earth removal shall not constitute approval of the proposed end use.
  - p. The planning commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
  - q. If the planning commission determines that the mining may have an effect on adjacent wells and/or on the water table in the area, it may require the applicant to submit a current hydrogeological report, prepared and certified by a registered professional engineer and/or environmental consultant
3. In reviewing an application for mining, the Planning Commission shall also determine whether or not the applicant has satisfied his/her burden in demonstrating that no very serious consequences would result from the extraction. In making this determination, the Planning Commission may consider the following factors in accordance with MCL 125.3205:
- a. The relationship of extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

- f. The overall public interest in the extraction of the specific natural resource on the property.
4. Operational Requirements. All mining activities shall comply with the following operational requirements:
- a. All uses shall be established and maintained in accordance with all applicable State of Michigan, County or City statutes, ordinances and regulations. In cases where there is a conflict between state and local statutes, the more restrictive regulations shall control.
  - b. All earth removal operations shall be conducted in a manner such that the earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties.
  - c. No machinery shall be erected or maintained within fifty (50) feet of any property or street right-of-way. Further, no cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The planning commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any residential district or use.
  - d. Where it is determined by the planning commission to be a public hazard, all uses shall be enclosed by a fence, berm or other acceptable screening at least six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
  - e. No building shall be erected on the premises except as may otherwise be permitted in this ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the planning commission.
  - f. The planning commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road within the site shall be hard surfaced for a distance established by the planning commission to minimize dust, mud, and debris being carried onto the public street.
  - g. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.
  - h. The conduct and operations of the mining shall not result in:
    - 1) wind-blown sand, dust or soil that would migrate off-site;
    - 2) the collection of surface water or the run-off of water onto adjoining lands contrary to normal and natural drainage patterns;
    - 3) the removal or disturbance of existing trees and vegetation on the site in areas on which the Natural Resource Extraction for a specific phase or cell is not commenced or continuing or that is not used for drives or Ancillary Activities;

- 4) the failure to promptly reclaim any area of a phase or cell when the mining for that phase or cell is completed.
- i. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients is disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the zoning enforcement officer, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the planning commission.
- j. Where excavation operation results in a body of water five (5) feet deep or greater, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
- k. The planning commission may require, as a condition of approval, the annual review of a mining project and/or an annual report to be presented to the planning commission by the applicant. Such report would summarize progress on the site, the amount of material removed, any complaints received and their resolution, and other items deemed necessary by the planning commission.

D. Veterinary hospitals, animal clinics, and kennels.

1. The minimum lot size shall be one (1) acre.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
3. All principal use activities shall be conducted within a totally enclosed main building.

E. Radio and television transmitting buildings and towers.

1. Minimum site size shall be two (2) acres.
2. Individual setbacks for any tower or other similar structure shall be equal to one-half ( $\frac{1}{2}$ ) the height of any such structure.

F. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public street.
3. Such uses shall only be established in a single-family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The lot on which the establishment is located shall meet the minimum lot area requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction

thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of seven (7) guest rooms in any case.

7. Exterior refuse storage facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
8. One (1) sign shall be allowed for identification purposes. Such sign shall be non-illuminated and un-animated, be mounted flat against the wall of the principal building and not exceed four (4) square feet in area.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
11. Breakfast may be served only to the operator's family, employees, and overnight guests.

G. Schools, churches, libraries, and community center buildings.

1. Main buildings shall be set back a minimum of fifty (50) feet from the nearest property line of any residential district or use.
2. For uses exceeding a seating capacity of two hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.

I. State licensed residential group care facilities.

1. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
2. The applicant shall provide evidence of the ability to comply with all applicable state licensing requirements.

J. Group and commercial day care homes and facilities.

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.

2. The outdoor recreation area shall be fenced and screened from any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable state licensing requirements.

K. Multiple-family dwellings.

1. All dwelling units in the building shall have a minimum of seven hundred fifty (750) square feet per unit.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

L. Public or private campgrounds.

1. Minimum lot area shall be three (3) acres. The lot shall provide direct vehicular access to a public street. The term lot shall mean a campground or travel trailer park.
2. Public stations containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping/service facility, campground office, or building containing similar accessory uses intended primarily for use by guests may be provided. Such buildings shall not exceed a maximum floor area of one thousand (1,000) square feet.
4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private street right-of-way or property line.
6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any roadway.
7. Any open drainage ways must have seeded banks sloped at least 3:1 (horizontal-vertical) and designed to properly drain all surface waters into a public drainage system, subject to approval by the Drain Commission of Kent County and the City of Lowell.



8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable county health regulations.
9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

M. Funeral homes and mortuary establishments.

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.

N. Commercial storage warehouses.

1. Minimum lot area shall be one (1) acre.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.
3. Parking and circulation:
  - a. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
  - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
  - d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
4. A ten-foot wide buffer strip along the side and rear lot lines shall be provided

O. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning enforcement officer, with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of five (5) stacking spaces for each outdoor teller or automatic teller device shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest street right-of-way line to the nearest edge of said access.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
4. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring properties and uses.

P. Hotels and motels.

Q. Theaters, concert halls, or similar places of public assembly, as determined by the zoning enforcement officer.

1. Main buildings shall be set back a minimum of one hundred (100) feet from any residential district or use.
2. For uses exceeding a seating capacity of two hundred and fifty (250) persons, a traffic impact study may be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on abutting and nearby streets which are likely to provide access to the site.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

R. Residential dwellings, in the same building with commercial uses.

1. All commercial uses, excluding storage, shall not be located on the same story of the building as the dwelling unit.
2. Dwelling units shall comply with the applicable requirements of the R-3 District for multiple-family dwellings.

S. Off-street parking lots.

1. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.
3. Public access to the site shall be located as far as practicable any intersection as measured from the nearest street right-of-way line to the nearest edge of said access.
4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.

T. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
5. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

U. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be thirty two thousand (32,000) square feet.
2. Minimum lot width shall be one hundred and fifty (150) feet.
3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any street right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a residential district.
4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage along any street, with a maximum of one (1) per street when located on a corner lot.
5. No driveway or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential district property line. No driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the planning commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
7. The entire lot used for vehicular activities, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline

or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed on all sides by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding three (3) days (seventy two (72) hours).
11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the planning commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the planning commission.
12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
13. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

V. Vehicle wash establishments, either self-serve or automatic.

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted within any required yard.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

W. Open air businesses.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The planning commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable city and county regulations regarding sanitation and general health conditions.
5. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.

7. All lighting shall be shielded from adjacent residential districts or uses.
8. In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be contained to prevent any adverse effect upon adjacent properties.
5. No display area shall be located within twenty (20) feet of a street right-of-way line.

X. Retail building supplies.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The planning commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the district.

Y. Landing and take-off areas for rotocraft, and airports.

1. The lot area used for vehicle and aircraft parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
2. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
3. Vehicle and aircraft parking areas and any landing area shall have setback a minimum of fifty (50) feet from any lot line, or as required by appropriate federal or state regulations, whichever is greater.
4. Approval from all applicable local, State and federal agencies shall be required and submitted to the City.

Z. Petroleum storage located at least five hundred (500) feet from any residentially zoned property.

1. The minimum lot area shall be five (5) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent residential district or use.

4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures are contained on the site and will not cause the contamination of any water source.

AA. Sexually Oriented Business. Sexually oriented businesses shall comply with the requirements of Chapter 17A.

BB. Commercial wireless communication towers.

In addition to the standards of Section 17.03, the Planning Commission shall find that a proposed Commercial Wireless Communication Tower meets the following specific Special Land Use standards.

1. Purpose and Intent. The Telecommunications Act of 1996, as amended, sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Commercial Wireless Communication Towers, which include antenna structures. In order that such towers not cause visual pollution or create a safety hazard on adjacent properties, reasonable regulations for the location, use of existing structures, and design of new structures and towers, are appropriate. Commercial Wireless Communication Towers are specifically determined to NOT be essential services as defined in this Ordinance. The intent of these provisions is to encourage users of towers to:
  - a. Protect land uses from potential adverse impacts of towers.
  - b. Place the location of new towers in appropriately-zoned areas.
  - c. Minimize the total number of towers throughout the community.
  - d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
  - e. Locate and configure towers in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
  - f. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
  - g. Consider the public health and safety of personal wireless service facilities.
  - h. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
  - i. It is not the intent to regulate ham radio antennae under this section.
2. Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
  - a. Antennas on Existing Structures: Compact platform-type, omni directional, or singular-type antenna which is not attached to a new Commercial Wireless Communication Tower may be approved by the Zoning Administrator as a co-

location or as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure, provided:

- 1) The antenna does not extend more than ten (10) feet above the highest point of the structure;
  - 2) The antenna complies with all applicable FCC and FAA regulations;
  - 3) The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and
  - 4) The antenna complies with all applicable building codes.
- b. Microcell Networks: Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
3. Additional Information Required for Review. In addition to the requirements of Chapter 17 and Section 17.03, Commercial Wireless Communication Tower applications shall include:
- a. Name and address of the proposed operator of the site.
  - b. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
  - c. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
  - d. A statement by a registered professional engineer licensed to practice in Michigan that the proposed commercial wireless communications tower will be installed in accordance with the manufacturer's specifications and all applicable City codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided. Such statement shall set forth the fall zone area for the proposed tower. If the fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such statement shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination.
  - e. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - f. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
  - g. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the City of Lowell or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure.

- ## Chapter 17 Special Land Uses



the tower or antenna at the owner's expense.

- d. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
  - e. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
  - f. Monopole tower design shall be required. Guyed towers are prohibited.
  - g. The Planning Commission may require landscape screening of the service building and fencing.
  - h. Strobe lights shall not be allowed except as required by FAA or other applicable agency.
  - i. No signs shall be allowed on an antenna or tower. The service building or fence surrounding the service building and tower may contain not more than two signs of not more than two (2) square feet, listing the name, address and contact telephone number of the operator. Additionally, not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing" may also be placed on the fence or service building.
  - j. Towers shall be enclosed by a locked gate and security fencing 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
  - k. The Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
  - l. Notwithstanding the provisions of this section, the maximum height for a Commercial Wireless Communication Towers in the City of Lowell shall be 199 feet.
  - m. Proposed towers shall be at least one-half mile from existing towers except for towers dedicated to essential municipal services.
7. Removal of Abandoned Antennas and Towers. A Telecommunication Tower that is unused for a period of twelve (12) months shall be removed. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient cause for the City to cause the removal of the Tower at the owner's expense.
8. Bonds. The owner of a Telecommunications Tower; including equipment/accessory buildings, shall post an unconditional and irrevocable letter of credit or bond acceptable to the City Attorney with the City of Lowell to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. The amount of the bond shall be established by the Planning Commission, and may be adjusted from time to time to reflect changing costs and expenses of dismantling

and removing the facility.

9. Nonconforming Uses.

- a. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.
- b. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

CC. Vehicle towing service.

1. All buildings, structures and parking areas shall be arranged so as to allow all maneuvering of tow trucks, flatbed trucks and other equipment transporting or towing motor vehicles to conduct operations entirely on the site of the vehicle towing service property without encroaching onto the public right-of-way except when entering and exiting the site.
2. A vehicle towing service shall not engage in salvage operations, sale of parts or dismantling of motor vehicles.
3. A vehicle towing service shall not engage in motor vehicle repair activities unless it is also approved as a vehicle repair facility.
4. Motor vehicles stored at a vehicle towing service site shall (a) be kept within an enclosed building or structure or outdoors in a secure fenced-in area screened from view with appropriate approved landscaping and (b) not be stored outdoors for more than thirty (30) days.
5. All surfaces for maneuvering and storage of motor vehicles shall be paved with asphalt or concrete and shall be graded to conduct stormwater to a collection system approved by the city.
6. Motor vehicles stored on a vehicle towing service site shall be stored within or upon containment equipment intended to capture any fluids which may leak from the motor vehicles.
7. All hazardous or toxic wastes accumulated on a vehicle towing service site shall be stored and disposed of in accordance with applicable state and federal requirements. No hazardous or toxic substances shall be discharged to the public sanitary sewer or stormwater systems or to groundwater or surface water features.
8. Any outdoor storage area shall be illuminated and comply with the standards of section 4.24.

DD. Brewery/Winery

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

**Section 3. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 4. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YES: Councilmembers \_\_\_\_\_  
NO: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2017  
\_\_\_\_\_  
Susan Ullery  
City Clerk

## CERTIFICATION

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

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

Susan Ullery

City Clerk

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** June 7, 2017  
**From:** Andy Moore, AICP  
**RE:** Master Plan Review

The City of Lowell Master Plan is a broad policy document that sets Lowell's community vision for land use and development, capital investment and growth management. It is a vision that articulates what community desires to become, and it establishes a framework for achieving that vision through a series of specific strategies and tasks.

The existing City of Lowell Master Plan was adopted in late 2007. It was developed over the course of several months and required significant work by City staff, Planning Commission, and elected officials. The Michigan Planning Enabling Act, (Act 33 of 2008, as amended) requires that a Master Plan be "reviewed" every five years after adoption. The Planning Commission reviewed the Master Plan in 2012 and determined that the 2007 Plan was appropriate, so no changes were made at that time. At a minimum, a similar review is required in 2017.

The purpose of this memorandum is to review each chapter of the 2007 Master Plan in order to facilitate the Commission's review of the document. It is intended to aid in determining if changes to the Plan needed. This memorandum is not intended to criticize existing policies or to find possible shortcomings in the document; rather, it highlights areas where changes could be appropriate to guide the Planning Commission's review.

**Chapter 1. Demographics and Housing.** A review of existing conditions is an important component of any long-range plan as it identifies current conditions and trends that are required to effectively plan for future changes in the City. In general, Chapter 1 of the 2007 Master Plan could be updated to include more recent data from the 2010 Census.

As an example, 2010 Census data shows that the City's population decreased from its 2000 population of 4,013 to a 2010 population of 3,783. The City's 2010 median age increased from 34 to 37.1. Additionally, the number of households decreased from 1,492 in 2000 to 1,457 in 2010, and the average household size decreased from 2.69 in 2000 to 2.50 in 2010.

These trends are common in small cities in throughout Michigan and are reflective of a few larger national trends. First, as the "baby boomer" generation nears retirement age, and as young families have fewer children than their ancestors, the median age has been increasing for some time. This also contributes to smaller average household sizes and a smaller number of households.

Page 8 of the Master Plan lists several conclusions relative to the City's demographics and housing data. While much of the data on the preceding pages of the plan could be updated, the conclusions generally remain valid.

**Chapter 2. Existing Conditions.** This Chapter primarily addresses existing conditions in three general areas: (1) physical geography and land use, (2) public facilities and services, and (3) public input.

For the most part, the city's physical conditions have not changed appreciably since 2007. Land use patterns are generally the same (although there are few changes), and the City's physical geography in terms of wetlands, steep slopes, soils, floodplains also has not changed much since 2007.

However, there may be some edits to make related to City services such as water, wastewater, light and power, cable, parks, etc. as it is likely that conditions have changed somewhat during the last ten years. Obviously, no changes to the public survey summary would be made since that was a specific survey related to the 2007 Master Plan.

**Chapter 3. Goals and Objectives.** Goals and Objectives comprise the policy foundation of the Master Plan. More than any other section, Goals and Objectives state the community's vision for the long-term (20 - 30 years or more) and establishes what the community desires how it will realize its vision. The 2007 Master Plan sets forth goals and policies related to growth and development, community image, land use, transportation, housing, and community services.

The Planning Commission should carefully review this Chapter and discuss whether or not these goals are still relevant, if they reflect the desires of the community, and/or if there are additional goal and objectives that should be included.

**Chapter 4. Future Land Use.** The future land use plan of the City of Lowell is contained in Chapter 4. The future land use plan describes the City's neighborhoods, districts and corridors. It also presents a future land use map which establish the City's land use policy. Each designation on the future land use map is described in the chapter in terms of land use, density and character. The future land use plan does not necessarily have to reflect the zoning map, but it should generally reflect land uses that are expected or desired to remain over the long term. However, as new development or redevelopment occurs, the City should refer to the future land use map to ensure that development is consistent with the Plan. The future land use map is frequently consulted when the City makes special land use and rezoning decisions, so its accuracy is very important in day-to-day zoning administration as well.

In its review of the Master Plan, the Planning Commission also should carefully study the future land use map and text and note whether or not it represents the desired development form long-range land use policy of the City.

Downtown Design Guidelines. Beginning on page 44, after the future land use map, there is a discussion related to urban design and how it affects a community. Many of these topics were

utilized in the development of language for the Mixed Use zoning district that was enacted a few years ago. There is also discussion relating to parking and energy efficient development.

**Chapter 5. Implementation.** This chapter outlines several specific tasks that should be completed by the City and, if these tasks are completed, the vision outlined in Chapters 3 and 4 will be more likely to be realized. Of the tasks listed in this Chapter, several have been completed, as outlined below:

1. Adopt New Downtown Zoning Standards / Mixed Use Zoning District. A few years ago the City approved a new Mixed Use zoning district that enables a variety of land uses and requires building design consistent with the guidelines discussed in Chapter 4. There may be further steps needed to fully implement this task.
2. Landscaping, Parking and Lighting. Landscaping provisions were revised as part of the review of the zoning ordinance in 2017. Further, a parking study was completed in 2015/2016, although few changes have been made to the City's parking requirements. Lighting standards were reviewed in 2011.
3. Review the Master Plan. This has been done in accordance with the MPEA.
4. Review and Update the Parks and Recreation Plan. This was done in 2008, amended in 2012 and is being drafted again in 2017.

The following items have not been addressed (to my knowledge):

1. Green Building Incentives.
2. Review of Site Condo and Subdivision Control Ordinances
3. Conditional Rezoning. (It should be noted that the Zoning Enabling Act allows for conditional rezoning presently, so this is a tool that can be used by a landowner in the City even if the Zoning Ordinance does not specifically address it. In my experience, however, it is an option rarely exercised by landowners).

**Conclusion.** It is up to the Planning Commission and City Council to determine if the Master Plan should be updated in 2017/2018. In several sections of the Plan, there is an opportunity to update the data and maps relating to demographics, housing, city services and existing land use. In our opinion, there is some benefit to an update of the 2007 Plan. It would be beneficial to the City's staff and elected and appointed officials, as there are many new council members, planning commissioners and staff members whose ideas should be reflected in an updated plan. However, we also believe the majority of policies of the existing plan remain relevant and appropriate for the foreseeable future. A significant overhaul is probably not needed.

Most importantly is if the City feels that an update to the goals and objectives, future land use plan, and/or implementation strategies is warranted. If the Commission and City Council believes so, then it may be appropriate to develop a supplement to the 2007 plan to present additional data, articulate additional policies, and define additional strategies for implementation.

This memorandum is intended to serve as a tool for the Planning Commission to facilitate the discussion and review of the 2007 Master Plan when it is scheduled later this summer.

As always, please let me know if I can be of any further assistance.