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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, FEBRUARY 12, 2018 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. January 8, 2018 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Zoning Ordinance Text Amendments
6. NEW BUSINESS
 - a. Chapter 19 - Parking
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, JANUARY 8, 2018 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 Commissioner Cadwallader.

Present: Commissioners David Cadwallader, Marty Chambers, Colin Plank, and Amanda Schrauben.

Absent: Chair Bruce Barker.

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

2. APPROVAL OF ABSENCES.

IT WAS MOVED BY CHAMBERS and seconded by SCHRAUBEN to excuse the absence of Chair Barker.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

3. APPROVAL OF AGENDA.

IT WAS MOVED BY CHAMBERS and seconded by SCHRAUBEN to approve the agenda as written.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CHAMBERS and seconded by PLANK to approve the minutes of the December 11, 2017 regular meeting as written.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

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

There were no comments.

6. OLD BUSINESS.

There was none.

7. **NEW BUSINESS.**

a. **Public Hearing – Ordinance 18-01.**

The Public Hearing was opened and Andy Moore of Williams and Works reviewed the changes to amend Chapter 22, Administration and Enforcement of Appendix A, "Zoning", of the Code of Ordinances of the City of Lowell.

The Public Hearing was then closed.

IT WAS MOVED BY CHAMBERS and seconded by SCHRAUBEN to approve Ordinance 18-01 as presented and submit to City Council for approval.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

b. **Public Hearing – Ordinance 18-02.**

The Public Hearing was opened and Andy Moore of Williams and Works reviewed the changes to Chapter 2, "Definitions", "Special Land Uses" of Chapter 4, "SR-Suburban Residential District", Section 6.03 "Special Land Uses" of Chapter 6 "R-1 Residential District", "Section 11.03 "Special Land Uses" of Chapter 11 "C-2 Central Business District" and Section 17.04, "Site Design Standards" of Chapter 17, "Special Land Uses" of Appendix A, "Zoning" of the Code of Ordinances of the City of Lowell.

The Public Hearing was then closed.

IT WAS MOVED BY CHAMBERS and seconded by PLANK to approve Ordinance 18-02 as presented and submit to the City Council for approval.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

c. **Zoning Amendments.**

Moore then reviewed the recommended changes to the residential zoning districts in the City of Lowell Zoning Ordinance in Chapter 5, SR-Suburban Residential District, Description and Purpose, and District Regulations.

Moore reviewed the recommended changes to Chapter 6, R-1 Residential District, Description and Purpose and District Regulations.

Moore reviewed the recommended changes to Chapter 7, R-2 Residential District, Description and Purpose and District Regulations.

Moore reviewed the recommended changes to Chapter 8, R-3 Residential District, Description and Purpose and District Regulations.

Moore reviewed the Off-Street Parking Standards such as Location of Parking, and Parking Restrictions.

Moore reviewed Chapter 20-Signs, Intent and Purpose, Scope, Definitions, Prohibited Signs, General Sign Provisions, Signs Not Requiring Permits, Supplementary Signs, Signs permitted by Zoning District, Construction and Maintenance, Nonconforming Signs, and Discontinuance or Abandonment.

8. **STAFF REPORT**

City Clerk Susan Ullery mentioned there is a Planning and Zoning and Officials class that will be held on March 15th in Grand Rapids.

9. **COMMISSIONERS REMARKS**

There were no remarks by the Commission.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to adjourn at 8:02 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan S. Ullery, City Clerk

a. Profession Services Agreement and Contracts.

At the January 2, 2018 City Council meeting, City Manager Michael Burns presented a number of City Agreements as requested for the City Council to review. The Council asked for more detailed cost information for our consultants we work with regularly. Burns requested that the Council vote on a direction for this if they wish to bid out services.

Councilmember Canfield asked about Inspection Services.

Burns explained that we don't really spend a lot of cost on them and they provide the City with a portion of the fees they collect and we don't really pay them. Burns stated that their contract expires later this year and we could look at them.

Councilmember Chambers asked if Burns could get a couple different providers for Inspection Services and the Council could look at.

Burns stated that he could have a couple members of the staff and a couple Councilmembers look at this and maybe come up with a recommendation together.

There was a consensus by the Council to put a task force together for Inspection Services and bring it back for the next meeting.

b. Ordinance 18-01 and 18-02 –Zoning Ordinance Text Amendments – Tabled from previous meeting.

The City Council reviewed the attached zoning ordinance amendments providing updates to Chapter 22-Administration and Enforcement and draft language to regulate short-term rentals as a special land use in the City. Both amendments were recommended for approval by the Planning Commission at their January 8, 2018 meeting.

After review, there was a consensus by the Council to table the amendments in order to review a red lined copy of the previous ordinance showing the changes. Please note, there is no red lined copy for Ordinance 18-02, as this is entirely new language.

The recommendation is the City Council approve Ordinance 18-01 and 18-02.

Councilmember Canfield advised he came in this week to put up a wall in the basement and he was told he needed a site plan. Canfield commented that the wording needs to be changed for only outside work and no site plan is needed to put a wall up in a basement.

City Manager Burns advised he would talk to Andy Moore to clarify this and get back with the Council.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to table Ordinance 18-01 and 18-02 and vote on them at the next Council meeting.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Salzwedel.

NO: None.

ABSENT:

1 (Phillips).

MOTION CARRIED.

6. NEW BUSINESS.

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: January 12, 2018
From: Andy Moore, AICP
RE: **Zoning Ordinance Text Amendments**

With this memorandum, please find proposed zoning amendments to update Chapter 22 – Administration and Enforcement and draft language to regulate short-term rentals as a special land use in the City. Both amendments were recommend approval by the Planning Commission at their meeting on January 8.

Administration and Enforcement

The amendment to Chapter 22 includes a new subsection C within Section 22.02 that addresses zoning compliance permits. The City has issued zoning permits for some time, so these permits should be supported by enabling language within the Zoning Ordinance. We also clarified the language for zoning amendments and provided review criteria for the Planning Commission and City Council when reviewing amendment requests.

We have also included a new section on public hearing and notice requirements that comply with the Michigan Zoning Enabling Act and a new section which provides a basis for fees and escrow accounts for all zoning applications and appeals. These practices have been ongoing for some time and should have supporting language in the Zoning Ordinance.

Short-Term Rentals

Also included is an amendment regulating short-term rentals. It includes a proposed definition for “short-term rental” and adds short-term rentals as a special land use to the SR Suburban Residential, R-1 Residential, and C-2 Central Business districts. We have also included site design standards for short-term rentals in Chapter 17 – Special Land Uses, which address a number of regulatory concerns. These standards include length of stay, maximum occupancy, parking requirements, public safety notification, host contact information, and in-unit postings.

Please note that this amendment language does not address “homestays,” or the renting out of a single room or rooms within an owner-occupied dwelling while the owner is present. In conjunction with addressing short-term rentals, the Planning Commission adjusted the definition for “bed and breakfast” to clarify that bed and breakfasts are owner-occupied. This will help to avoid confusion and regulatory conflict with short-term rentals in the City.

As always, please feel free to contact us if there are questions or comments.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 18-01

**AN ORDINANCE TO AMEND CHAPTER 22, "ADMINISTRATION AND
ENFORCEMENT," 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 22. Chapter 22 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended in its entirety to read as follows:

CHAPTER 22. - ADMINISTRATION AND ENFORCEMENT

SECTION 22.01. - ZONING ENFORCEMENT OFFICER.

- A. Authority. Except where herein otherwise stated, the provisions of this ordinance shall be administered by the zoning enforcement officer, or such other official or officials as may be designated by the city council. The zoning enforcement officer shall have the power to:
1. issue certificates of occupancy;
 2. make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance;
 3. issue and serve appearance tickets on any person with respect to any violation of this ordinance where there is reasonable cause to believe that the person has committed such an offense;
 4. maintain and safely keep copies of all plans other than for single-family dwellings and fees submitted with such application, and the same shall form a part of the records of his office and shall be available to the council and all other officials of the city; and
 5. perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

SECTION 22.02. - PERMITS.

- A. Building permits.

1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a building permit shall have been first issued for such work.
2. No building permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land which is not in accordance with all provisions of this ordinance.
3. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building or structure shall notify the building inspector immediately upon completion of the work authorized by the permit for a final inspection.

B. Certificate of occupancy.

1. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a certificate of occupancy is first obtained for the new or different use.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
3. Certificates of occupancy, as required by the currently adopted Building Code for the city, shall also constitute certification of compliance with the zoning ordinance.
4. A record of all certificates of occupancy issued shall be kept on file in the office of the zoning enforcement officer and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
5. Applications for certificates of occupancy shall be made in writing to the building inspector on a form furnished by the city. Certificates shall be issued within ten (10) days after receipt of such application if the building or structure or use of land is in accordance with the provisions of this ordinance and the other applicable ordinances of the city.

C. Zoning Compliance Permits.

1. No permit or approval shall be issued for any use, building, construction, work, alteration, addition, or improvement to land or land division, until a zoning compliance permit has been issued by the zoning enforcement officer under the terms and provisions of this ordinance.
2. The issuance of any other approval or certification of a site plan, variance, special land use permit, planned unit development, or other discretionary permit by any board or body under this ordinance, shall not supersede or lessen compliance with this ordinance and that any use, development, construction, improvement or work allowed under the discretionary permit, shall in all cases be further conditioned on compliance with this ordinance and shall not be allowed until the issuance of the zoning compliance permit in accordance with this chapter.

3. An application for a zoning compliance permit shall be signed by the owner of the land, or the owner's duly authorized agent and be accompanied by a site plan, where required under other provisions of this ordinance, or a drawing, that provides the following information:
 - a. scale, date and north point;
 - b. location, shape and dimensions of the lot;
 - c. legal description, tax parcel number and address of the lot;
 - d. location, outline and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures;
 - e. a clear description of existing and intended uses of all structures; and
 - f. additional information as required by the zoning enforcement officer for purposes of determining compliance with this ordinance.
4. A zoning compliance permit shall be signed and issued by the zoning enforcement officer.
 - a. The application and all supporting documentation shall be considered a part of the permit.
 - b. Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void.
 - c. Any change, variation or alteration of the application and supporting documents, shall require resubmission to the zoning enforcement officer and the re-issuance of a new zoning compliance permit.
5. All fees due under this ordinance, or under other ordinances or policies of the City for municipal services and development of the work, must be paid in full prior to the issuance of the zoning compliance permit, unless exception is made by the appropriate board authorized to waive or delay the payment of the fees. The applicant shall furnish to the zoning enforcement officer, upon request, a title insurance policy or other acceptable evidence of ownership.
6. The zoning enforcement officer is authorized to prepare and furnish to the public, from time to time forms for application for a zoning compliance permit.
7. The zoning enforcement officer is authorized to affix to the face of any zoning compliance permit any condition authorized by this ordinance or under any discretionary permit issued by any board under this ordinance, or under other ordinances or promulgated policies of the city, pertaining to the use, work or occupancy of the land and premises. Failure to comply with any condition shall render the zoning compliance permit null and void.

- D. Fees for the inspection and issuance of building permits, certificates of occupancy, zoning compliance permits, or copies required or issued under the provisions of this ordinance, may be collected by the city in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

SECTION 22.03. - ENFORCEMENT.

A. Violations.

1. A violation of this ordinance shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. The civil fine for a first offense is fifty dollars (\$50.00). The civil fine for the first repeat offense is two hundred and fifty dollars (\$250.00). The civil fine for the second repeat offense is five hundred dollars (\$500.00). The city shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the city pursuant to chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.
2. Each day on which any violation of this ordinance occurs shall constitute a separate offense.

- B. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 22.04. - PERFORMANCE GUARANTEES.

- A. As a condition of approval of a site plan review, special land use, or planned unit development, the planning commission or zoning enforcement officer, whichever is designated as the approving authority, 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, hereafter referred to as "improvements," may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the zoning enforcement officer. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing of materials and installation of the required

improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city.
3. Upon receipt of the required performance guarantee, the zoning enforcement officer shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the city.
4. The zoning enforcement officer, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the zoning enforcement officer of completion of said improvements. Thereupon, the zoning enforcement officer shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the zoning enforcement officer.

SECTION 22.05. - ZONING AMENDMENTS

A. Procedure.

1. Written applications for the adoption of a rezoning or amendment to this ordinance may be initiated by:
 - a. any public agency;
 - b. any interested person;
 - c. the planning commission; or
 - d. the city council.
2. If said application is for a rezoning, an "interested person" shall either be the city or the owner of the property which will be considered for the rezoning, or, if not the owner of the property, the applicant shall submit a written statement from the property owner indicating his or her permission to submit such application.
3. Application for a zoning amendment shall consist of:

- a. a written statement from the property owner indicating his or her permission to submit such application, if applicable;
 - b. payment of a fee, as established from time to time by the city council;
 - c. a map clearly showing the property to be considered for the zoning change, including all properties within one quarter (¼) mile of the subject property and the current zoning of all such properties; and
 - d. a legal description of the property to be considered for the zoning change.
4. Following receipt of the completed application, the planning commission shall hold a public hearing. Notice of the public hearing shall be provided pursuant to Section 22.05 of this ordinance and Act 110 of the Public Acts of Michigan of 2006, as amended.
5. Following the public hearing, the planning commission shall forward the application, along with its recommendation, to the city council for a final decision.
6. Review Criteria. In making a decision on a zoning amendment, the planning commission and city council shall consider the following standards:
 - a. if the proposed zoning amendment is consistent with the goals, policies, and future land use map of the city's master plan; or, if conditions have changed significantly since the master plan was adopted, if the zoning amendment is consistent with recent development trends in the area;
 - b. if the zoning amendment is compatible with existing or future land uses in the vicinity; and
 - c. if the site is capable of accommodating all uses allowed by the zoning change, considering existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting.
7. The city's decision of a zoning amendment may not be appealed to the board of zoning appeals.

SECTION 22.06. – PUBLIC HEARING AND NOTICE REQUIREMENTS.

- A. Where this ordinance requires the City to provide notice of a public hearing for any decision or action permitted, authorized or required by this ordinance or under Act 110 of the Public Acts of Michigan of 2006, as amended, notice of the public hearing shall be given as follows:
- B. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the city.
- C. Except as provided in subsection E below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
 1. the applicant;

2. the owner or owners of the subject property;
 3. all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application or request, even if the three hundred (300) feet extends outside of the city's boundaries; and
 4. the occupants of all structures within three hundred (300) feet of the property that is the subject of the application or request, even if the three hundred (300) feet extends outside of the city's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- D. The notice of public hearing shall include the following information:
1. A description of the nature of the proposed amendment, application or request.
 2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection E below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
 3. When and where the application or request will be considered.
 4. When and where written comments will be received concerning the application or request.
- E. When a proposed zoning amendment involves the text of the Zoning Ordinance or if a rezoning involves eleven (11) or more adjacent properties, or when a petition to the board of zoning appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections C(2), C(3) and C(4), of this section are not required, and the listing of individual property addresses under subsection D(2) is not required.
- F. With respect to a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the city for the purpose of receiving the notice of public hearing.
- G. After providing the notice required under this section and without further notice, except that as required under the Act 267 of the Public Acts of Michigan of 1976, as amended, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

SECTION 22.07. FEES AND APPLICANT ESCROW ACCOUNTS

- A. The city council may establish, fees for appeals, application for amendments, special uses, site plan reviews, zoning compliance permits, signs, and other matters pertaining to this ordinance. The schedule of fees shall be posted in city hall and may be altered only by resolution of the city council. Until all applicable fees, charges and expenses have been paid in full, no permits shall be issued related to any application or appeal.
- B. If the planning commission or board of zoning appeals determines that the basic fees provided under subsection A above will not cover the actual costs of the application review or appeal, or if the planning commission or board of zoning appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the planning commission or board of zoning appeals may require the applicant to deposit with the city treasurer such additional fees in an amount sufficient to cover the estimated additional costs.
- C. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the zoning enforcement officer may require the applicant to deposit additional fees into escrow in an amount determined by the zoning enforcement officer to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the city in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 2. 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 3. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers _____

NAYS : Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: January 16, 2018

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 January 16, 2018, 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 _____, 2018. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2018, and was effective _____, 2016, ten (10) days after publication.

Dated: January 16, 2018

Susan Ullery
City Clerk

GRAPIDS 60857-994 484108v4

CHAPTER 22. - ADMINISTRATION AND ENFORCEMENT

SECTION 22.01. - ZONING ENFORCEMENT OFFICER.

A. Authority. Except where herein otherwise stated, the provisions of this ordinance shall be administered by the zoning enforcement officer, or such other official or officials as may be designated by the city council. The zoning enforcement officer shall have the power to:

1. ~~i~~ssue certificates of occupancy;
2. ~~m~~Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance;
3. ~~i~~ssue and serve appearance tickets on any person with respect to any violation of this ordinance where there is reasonable cause to believe that the person has committed such an offense;
4. ~~M~~aintain and safely keep copies of all plans other than for single-family dwellings and fees submitted with such application, and the same shall form a part of the records of his office and shall be available to the council and all other officials of the city.
5. ~~P~~perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 22.02. - PERMITS.

A. Building permits.

1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a building permit shall have been first issued for such work.
2. No building permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land which is not in accordance with all provisions of this ordinance.
3. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building or structure shall notify the building inspector immediately upon completion of the work authorized by the permit for a final inspection.

B. Certificate of occupancy.

1. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a certificate of occupancy is first obtained for the new or different use.

As recommended by the planning commission

2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
3. Certificates of occupancy, as required by the currently adopted Building Code for the ~~city~~City of Lowell, shall also constitute certification of compliance with the zoning ordinance.
4. A record of all certificates of occupancy issued shall be kept on file in the office of the zoning enforcement officer and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
5. Applications for certificates of occupancy shall be made in writing to the building inspector on a form furnished by the ~~City of Lowell~~city. Certificates shall be issued within ten (10) days after receipt of such application if the building or structure or use of land is in accordance with the provisions of this ordinance and the other applicable ordinances of the ~~city~~City of Lowell.

C. Zoning Compliance Permits.

1. No permit or approval shall be issued for any use, building, construction, work, alteration, addition, or improvement to land or land division, until a zoning compliance permit has been issued by the zoning enforcement officer under the terms and provisions of this ordinance.
2. The issuance of any other approval or certification of a site plan, variance, special land use permit, planned unit development, or other discretionary permit by any board or body under this ordinance, shall not supersede or lessen compliance with this ordinance and that any use, development, construction, improvement or work allowed under the discretionary permit, shall in all cases be further conditioned on compliance with this ordinance and shall not be allowed until the issuance of the zoning compliance permit in accordance with this chapter.
3. An application for a zoning compliance permit shall be signed by the owner of the land, or the owner's duly authorized agent and be accompanied by a site plan, where required under other provisions of this ordinance, or a drawing, that provides the following information:
 - a. scale, date and north point;
 - b. location, shape and dimensions of the lot;
 - c. legal description, tax parcel number and address of the lot;
 - d. location, outline and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures;
 - e. a clear description of existing and intended uses of all structures, and;
 - f. additional information as required by the zoning enforcement officer for purposes of determining compliance with this ordinance;

As recommended by the planning commission

4. A zoning compliance permit shall be signed and issued by the zoning enforcement officer.
 - a. The application and all supporting documentation shall be considered a part of the permit.
 - b. Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void.
 - c. Any change, variation or alteration of the application and supporting documents, shall require resubmission to the zoning enforcement officer and the re-issuance of a new zoning compliance permit.
5. All fees due under this ordinance, or under other ordinances or policies of the city for municipal services and development of the work, must be paid in full prior to the issuance of the zoning compliance permit, unless exception is made by the appropriate board authorized to waive or delay the payment of the fees. The applicant shall furnish to the zoning enforcement officer, upon request, a title insurance policy or other acceptable evidence of ownership.
6. The zoning enforcement officer is authorized to prepare and furnish to the public, from time to time forms for application for a zoning compliance permit.
7. The zoning enforcement officer is authorized to affix to the face of any zoning compliance permit any condition authorized by this ordinance or under any discretionary permit issued by any board under this ordinance, or under other ordinances or promulgated policies of the city, pertaining to the use, work or occupancy of the land and premises. Failure to comply with any condition shall render the zoning compliance permit null and void.

G-D. Fees for the inspection and issuance of building permits, certificates of occupancy, zoning compliance permits, or copies required or issued under the provisions of this ordinance, may be collected by the city in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 22.03. - ENFORCEMENT.

A. Violations.

1. A violation of this ordinance shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. The civil fine for a first offense is fifty dollars (\$50.00). The civil fine for the first repeat offense is two hundred and fifty dollars (\$250.00). The civil fine for the second repeat offense is five hundred dollars (\$500.00). The city shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the city

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pursuant to chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.

2. Each day on which any violation of this ordinance occurs shall constitute a separate offense.
- B. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 22.04. - PERFORMANCE GUARANTEES.

- A. As a condition of approval of a site plan review, special land use, or planned unit development, the planning commission or zoning enforcement officer, whichever is designated as the approving authority, 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, hereafter referred to as "improvements," may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
 1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the zoning enforcement officer. The amount of the performance guarantee shall be one hundred ~~(100)~~ percent (100%) of the cost of purchasing of materials and installation of the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city.
 3. Upon receipt of the required performance guarantee, the zoning enforcement officer shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the city.
 4. The zoning enforcement officer, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 5. When all of the required improvements have been completed, the obligor shall send written notice to the zoning enforcement officer of completion of said improvements.

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Thereupon, the zoning enforcement officer shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

6. A record of authorized performance guarantees shall be maintained by the zoning enforcement officer.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 22.0405. - ~~ADOPTION AND ZONING~~ AMENDMENTS.

A. Procedure.

1. Written applications for the adoption of a ~~zoning change~~rezoning or amendment to this Ordinance may be initiated by:
 - a. ~~Any~~any public agency;
 - b. ~~Any~~any interested person;
 - c. ~~The~~the planning commission; or
 - d. ~~The~~the city council.
2. If said application is for a ~~rezoning change~~, an "interested person" shall either be the ~~city or the~~ owner of the property which will be considered for the ~~rezoning change~~, or, if not the owner of the property, the applicant shall submit a written statement from the property owner indicating his or her permission to submit such application.
3. Application for a zoning ~~change amendment~~ shall consist of:
 - a. ~~a~~A written statement from the property owner indicating his or her permission to submit such application, if applicable~~;~~.
 - b. ~~p~~Payment of a fee, as established from time to time by the city council~~;~~.
 - c. ~~a~~A map clearly showing the property to be considered for the zoning change, including all properties within one quarter (¼) mile of the subject property and the current zoning of all such properties, ~~and~~.
 - d. ~~a~~A legal description of the property to be considered for the zoning change.
4. Following receipt of the completed application, the planning commission shall hold a public hearing. Notice of the public hearing shall be provided pursuant to Section 22.05 of this ordinance and Act 110 of the Public Acts of 2006, as amended.
5. Following the public hearing, the planning commission shall forward the application, along with its recommendation, to the city council for a final decision.

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6. Review Criteria. In making a decision on a zoning amendment, the planning commission and city council shall consider the following standards:
 - a. if the proposed zoning amendment is consistent with the goals, policies, and future land use map of the city's master plan; or, if conditions have changed significantly since the master plan was adopted, if the zoning amendment is consistent with recent development trends in the area;
 - b. if the zoning amendment is compatible with existing or future land uses in the vicinity; and
 - c. if the site is capable of accommodating all uses allowed by the zoning change, considering existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting.
7. The city's decision of a zoning amendment may not be appealed to the board of zoning appeals.

SECTION 22.06. – PUBLIC HEARING AND NOTICE REQUIREMENTS.

- A. Where this ordinance requires the city to provide notice of a public hearing for any decision or ACTION permitted, authorized or required by this ordinance or under Act 110 of the Public Acts of Michigan of 2006, as amended, notice of the public hearing shall be given as follows:
- B. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the city.
- C. Except as provided in subsection E below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
 1. the applicant;
 2. the owner or owners of the subject property;
 3. all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application or request, even if the three hundred (300) feet extends outside of the city's boundaries; and
 4. the occupants of all structures within three hundred (300) feet of the property that is the subject of the application or request, even if the three hundred (300) feet extends outside of the city's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- D. The notice of public hearing shall include the following information:
 1. a description of the nature of the proposed amendment, application or request.
 2. an identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection E below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not

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need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.

3. when and where the application or request will be considered.

4. when and where written comments will be received concerning the application or request.

E. When a proposed zoning amendment involves the text of the Zoning Ordinance or if a rezoning involves eleven (11) or more adjacent properties, or when a petition to the board of zoning appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections C(2), C(3) and C(4), of this section are not required, and the listing of individual property addresses under subsection D(2) is not required.

F. With respect to a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the city for the purpose of receiving the notice of public hearing.

G. After providing the notice required under this section and without further notice, except that as required under Act 267 of the Public Acts of Michigan of 1976, as amended, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

SECTION 22.07. FEES AND APPLICANT ESCROW ACCOUNTS

A. The city council may establish, fees for appeals, application for amendments, special uses, site plan reviews, zoning compliance permits, signs, and other matters pertaining to this ordinance. The schedule of fees shall be posted in city hall and may be altered only by resolution of the city council. Until all applicable fees, charges and expenses have been paid in full, no permits shall be issued related to any application or appeal.

B. If the planning commission or board of zoning appeals determines that the basic fees provided under subsection A above will not cover the actual costs of the application review or appeal, or if the planning commission or board of zoning appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the planning commission or board of zoning appeals may require the applicant to deposit with the city treasurer such additional fees in an amount sufficient to cover the estimated additional costs.

C. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten

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percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the zoning enforcement officer may require the applicant to deposit additional fees into escrow in an amount determined by the zoning enforcement officer to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the city in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

~~SECTION 22.05. -- EFFECTIVE DATE.~~

~~Public hearing having been held hereon, the provisions of this ordinance are hereby adopted, and this ordinance shall take effect on the 26th day of January, 1996.~~

~~(Ord. No. 95-06, § 1, 12-27-95)~~

~~SECTION 22.06. -- REPEAL OF PRIOR ORDINANCE.~~

~~The zoning ordinance adopted by the City of Lowell, known as Ordinance No. 87, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder.~~

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: February 9, 2018
From: Andy Moore, AICP
RE: Chapter 19 - Parking

Included with this memorandum is a draft of Chapter 19 related to parking. Our suggested edits are included in the chapter, though we specifically note the following sections for your consideration and discussion:

- Section 19.03(B) requires that parking lots be surfaced with either asphalt or concrete, or "such surfaces approved by the Planning Commission." This language is acceptable, though the commission should also consider alternative surface materials such as pervious pavements, asphalt millings, and similar materials and discuss what would be acceptable.
- Section 19.03(D) requires that any parking lot adjacent to a residential district (even if it is across the street) to be setback at least twenty feet from its property line. This is a difficult provision to enforce in most of the City where there exists a traditional grid pattern of streets and blocks. By applying a 20' setback around the perimeter of these areas, plus the required landscape islands, the potential amount of parking is significantly reduced. The Commission should consider revising this provision.
- Sections 19.03(J) would allow for the amount of required parking to be reduced in instances where parking lots are shared and peak parking demand overlaps.
- Section 19.03(L) would allow for up to five parking spaces to be replaced with bicycle racks.
- Section 19.03(M) permits the Planning Commission or Zoning Enforcement officer to adjust the parking requirements of the Ordinance, if the applicant sufficiently demonstrates that fewer spaces are needed.

I look forward to reviewing this information with you on February 12. As always, please contact me if there are any questions.

CHAPTER 19. - OFF-STREET PARKING AND LOADING

SECTION 19.01. - SCOPE.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 19.02. - LOCATION OF PARKING.

A. Residential districts and uses.

1. The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this chapter. Such parking shall only be permitted in a driveway apron in the front yard or in an enclosed garage. Parking on any other portion of the front yard is not permitted.
2. The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this chapter.
3. The off-street parking required for manufactured home parks may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements of this ordinance.

B. Nonresidential districts and uses.

~~B.1. Except for the C-2 District and the MU District, the off-street parking required for nonresidential districts and uses shall be located on each site or in parking lots within four hundred (400) feet of and readily accessible to each site.~~

~~C.2. In the C-2 District and the MU District, parking shall be provided on the same lot as the use, unless the property adjoins or has access to a community parking lot or a common parking area maintained by participating property owners. In the C-2 and MU districts, on-street or off-street public parking within 400 feet of the use may be counted toward the minimum parking requirement.~~

SECTION 19.03. - PARKING AREA APPLICATION AND DESIGN.

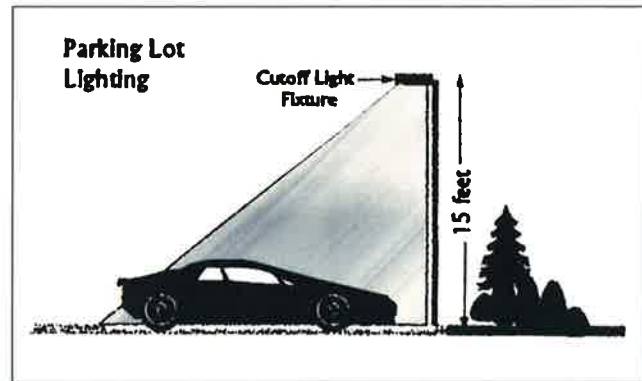
A. Plan submission and approval.

1. The construction of any parking lot shall be in accordance with the requirements of the provisions of this ordinance and such construction shall be completed and approved by the zoning enforcement officer and building inspector before actual use of the property as a parking lot and before a certificate of occupancy is issued.
2. Plans for the development of any parking lot must be submitted to the zoning enforcement officer, prepared at a scale of not less than one (1) inch equals fifty (50)

feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of this ordinance.

- B. All parking facilities, access driveways and commercial storage areas shall be hard surfaced with a pavement of poured cement or rolled asphalt or such surfaces approved by the Planning Commission, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued.

- C. All illumination for all parking lots in nonresidential districts shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day.



1. The source of illumination in all parking lots abutting a residential district or use shall not be higher than ~~fifteen~~ twenty (1520) feet above the parking lot surface.
 2. All light fixtures shall be of a cutoff design, so as to maximize the direction of the light toward the ground, and comply with Section 4.24 of this Ordinance.
- D. When a required nonresidential parking lot is situated on a parcel which adjoins a residential district, either abutting directly or across a street, the respective parking area shall be setback a minimum of twenty (20) feet, excluding any parking or drives, from any lot line unless a greater setback is required by any other provision of this ordinance.
- E. ~~Required nonresidential~~ Nonresidential parking lots abutting a residential district or use shall be effectively screened from neighboring residential districts and uses by a decorative fence or wall, or a landscaped equivalent. All parking lots shall contain landscaping in accordance with Section 4.26.E.3.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and streets, but in no case shall be located nearer than twenty-five (25) feet to any public street intersection, as measured from the nearest edge of the driveway to the nearest edge of the public street pavement.
- G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.

- H. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 04-1, § 6, 3-15-04)

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

¹ Measured perpendicular to the longitudinal space centerline.

² Measured along the longitudinal space centerline.

Parking Space Dimensions

Design Plus, Inc.

SECTION 19.04. - PARKING RESTRICTIONS.

- A. **Compliance.** Off-street parking existing at the effective date of this ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this ordinance.
- B. **Fractions.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, the fraction shall be considered one (1) required parking space.
- C. **Unlisted uses.** Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed, as determined by the zoning enforcement officer.
- D. **Building and use changes.** Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity or change of use.
- E. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. However, in no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed vehicle sales lots. It shall be unlawful to use any of the off-street parking or loading area established to meet the requirements of this ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service vehicles.
- F. After the effective date of this ordinance it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a residential district to permit or allow the open storage or parking, either day or night, thereon of all vehicles (over one (1) ton rated capacity), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes.
- G. No vehicle parking, storage, or display shall be permitted within any street right-of-way, except that, on-street parking is permitted in location's specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use, unless authorized elsewhere in this Ordinance.
- H. In hospitals, bassinets shall not be counted as beds.
- I. Where benches, pews, or other similar seating facilities are used as seats, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.

~~J. In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for each individual use computed separately.~~

~~K-J. Shared parking. Joint or collective provision of off-street parking for mixed uses in the same building or buildings or uses on two (2) or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately. However, for buildings or uses where the peak parking demand does not overlap, the zoning enforcement officer or Planning Commission may authorize up to 50% reduction in the collective number of off-street parking spaces required by Section 19.07.~~

~~K. Where parking requirements are determined by usable floor area, such area may be calculated exactly or may be calculated by subtracting twenty (20) percent from the gross floor area.~~

~~L. Supplemental bike parking. For buildings and uses with twenty (20) or more off-street parking spaces, up to five (5) off-street parking spaces may be replaced with bicycle parking or bicycle racks equal to at least the number of off-street parking spaces being replaced.~~

~~L-M. Adjustment of standards. The Planning Commission may authorize an increase or decrease in off-street parking requirements when it is demonstrated that parking demand is expected to be lower or greater than the requirements of Section 19.07. In making this determination, the Commission must be provided with satisfactory evidence by the applicant justifying the proposed deviation.~~

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 00-7, § 1, 12-18-00)

SECTION 19.05. - ~~NONRESIDENTIAL~~ PARKING DEFERMENT.

The planning commission may allow an applicant to defer construction of the required number of parking spaces for nonresidential-permitted or special land uses if the following conditions are met:

- A. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the total number of parking spaces required in accordance with the standards of this ordinance.
- B. Alterations to the deferred parking area may be initiated by the owner or required by the zoning enforcement officer, and shall require the approval of an amended site plan, submitted by the applicant and accompanied by evidence documenting the justification for the alteration.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 19.06. – LANDSCAPING AND DESIGN.

- A. Parking lot landscaping shall be installed in accordance with Section 4.26 of this Ordinance.
- B. Parking spaces and drive aisles shall be designed in accordance with the following dimensional minimum specifications:

SECTION 19.07. - TABLE OF OFF-STREET PARKING REQUIREMENTS.

Use	Parking Space per Unit of Measurement as Follows:	
Residential		
Single and Two-family	2	Dwelling Unit
Multiple-Family		
Manufactured Home Parks		
Community Facilities		
Child Care Center, day nurseries, or nursery schools	1	four (4) persons based on licensed capacity, plus
	6	Off-street queuing spaces
Churches	1	Three (3) seats based on maximum seating capacity in the main place of assembly therein.
Convalescent homes, nursing homes, children's homes	1	Two (2) beds
Elementary and junior high schools	1.5	Classroom, plus
		Amount required for auditorium or assembly hall therein
High Schools, Colleges and trade schools	1.5	Classroom, plus
		Each eight (8) students, based on maximum occupancy load established by local, county, state, fire, health, or building codes, plus
Hospitals	2	Each bed
Libraries	1	500 square feet UFA
Private clubs and lodges	1	Two (2) persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Private tennis club, swim club, golf club or other similar uses	1	Two (2) persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
		Amount required for accessory uses
Senior independent living units	2	Living unit
Senior "interim care" units, homes for the aged, retirement community housing, etc.	1	Bed
Stadium and sports arenas with fixed seating	1	Four (4) seats
Theaters, auditoriums, and assembly halls	1	Four (4) seats based on maximum seating capacity in the main place of assembly therein
Commercial		
Animal hospitals and kennels	1	400 square feet GFA
Barber shops	2	Chair
Beauty shops	3	Chair

Bed and breakfast	1	Room rented, provided on-site, plus
	2	For operator's dwelling unit
Bowling lanes <u>alley</u>	5	Bowling land <u>lane</u> , plus
		Amount required for accessory uses
Convenience stores	1	200 square feet UFA
Furniture, appliances, and household equipment repair shops, hardware stores, and other similar uses	1	800 square feet of UFA
Laundromats, coin operated dry cleaning establishment	1	Two (2) washing or dry cleaning machines
Miniature of "Par 3" golf courses	3	Hole, plus
		Amount required for accessory uses
Mortuary establishment, funeral homes, undertaking parlors	1	200 square feet of GFA, plus
		Forty (40) spaces
Motels, hotels, tourist homes	3	Two (2) guest bedrooms plus
		Amount required for accessory uses
Open air businesses (not otherwise provided for herein)	1	800 square feet of lot area used for said business
Personal served establishment (not otherwise provided for therein)	1	300 square feet of UFA
Restaurants and other establishment (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverage, or refreshments	1	Two (2) persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building code OR
		100 square feet UFA (whichever is greater)
Restaurants (drive-in) or similar drive-in uses for the sale of food, beverages, or refreshments	1	75 <u>100</u> square feet GFA
Retail stores except as otherwise specified herein	1	Each 200 square feet of GFA
Vehicle repair shops, including body shops, and other similar uses	1	800 square feet GFA, plus
	3	Stall or service area
Vehicle salesrooms, machinery sales and other similar uses	1	200 square feet for accessory uses
Vehicle service stations	3	Service stall
	1	Service vehicle, plus
		Amount required for convenience store, car wash <u>wash</u> , or tother <u>other</u> applicable accessory use

Vehicle wash establishment	5	Unit which represents the establishment's maximum capacity as computed by dividing the length of the mechanical wash/dry area by twenty (20) feet
Wholesale stores	1	200 square feet of GFA
Offices		
Banks (drive-in)	4	Drive-in window, plus requirement for bank
Banks Banks (other than drive-through banks), post offices	1	200 250 square feet UFAGFA , plus
Business and professional offices	1	300 square feet GFA
Medical clinic and dental clinic	3	Examining room
Industrial		
Industrial or manufacturing establishing, research establishment	1	2,000 square feet GFA, plus amount required for accessory uses, with a minimum of five (5) spaces
Warehouses and storage buildings	1	2,000 square feet GFA, with a minimum of four (4) spaces

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 19.08. - OFF-STREET LOADING REQUIREMENTS.

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning, or others similarly involving the receipt or distribution of vehicles, material, or merchandise there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking areas.

- A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of twelve (12) feet by forty (40) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

<i>Gross Floor Area (Sq. Ft.)</i>	<i>Loading and Unloading Spaces Required</i>
0—2,000	None
2,000—20,000	One (1) Space
20,000—100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet
100,000—500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet

- B. Off-street loading space areas shall not be construed as, or counted towards, the area required as off-street parking space area.

- C. Unless fully enclosed, a required loading space shall not face, or be visible from the frontage street, and shall not be located in a required front yard, or a side or rear yard adjoining a residential district.
- D. All maneuvering areas for loading spaces shall be located off-street and shall be designed such that no vehicle maneuvering takes place on any public street.

(Ord. No. 95-06, § 1, 12-27-95)

[illegible][illegible]



Vergennes Township

10381 Bailey Dr. • Lowell, MI 49331 • (616) 897-5671

A Place Where People Like to Live

City of Lowell Planning Commission
301 East Main Street
Lowell, MI 49331

January 22, 2018

RE: Master Plan Distribution for Comments

Dear Commission:

Vergennes Township is in the process of updating their Master Plan, which guides future land use and development in the Township. The purpose of this letter is to transmit a draft of that Plan and to formally invite your cooperation, comments and participation in our process in accord with Act 33 of 2008, of the Planning Enabling Act, as amended.

The Plan will be available for review on the Township's website: <http://www.vergennestwp.org>.

If you have any questions or comments on our process or on the Plan document, please write to the Planning Commission to the address below or the email below within 42 days, in compliance with the Michigan Planning Enabling Act, as amended:

Vergennes Township Planning Commission
10381 Bailey Drive
PO Box 208
Lowell, MI 49331

Email:

zoning@vergennestwp.org

Thank you for your interest.

Sincerely,

Jeanne Vandersloot
Zoning Administrator
616-897-5671

Staff for the Vergennes Township Planning Commission