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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, MAY 14, 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. April 9, 2018 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Chapter 19
 - b. Chapter 20
6. NEW BUSINESS
 - a. Public Hearing – John Baar – Short Term Rental – Special Land Use – 2179 Gee Drive
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, APRIL 9, 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 Chair Bruce Barker.

Present: Commissioners David Cadwallader, Marty Chambers, Tony Ellis, Amanda Schrauben and Chair Bruce Barker.

Absent: Commissioner Colin Plank.

Also Present: City Clerk Susan Ullery and City Manager Mike Burns.

2. APPROVAL OF ABSENCES.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to excuse the absence of Commissioner Plank.

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

3. APPROVAL OF AGENDA.

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

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the March 12, 2018 regular meeting as written.

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

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

There were none.

6. OLD BUSINESS.

There was none.

7. NEW BUSINESS.

a. Public Hearing – Eric Bartkus-Special Land Use-215 W. Main Street

Erik Bartkus who owns the building at 215 W. Main spoke regarding the two apartments upstairs, that he and his wife would like to restore. The ten year vacant apartments are currently in a state of disrepair. They would like to restore them much like they used to be and for the purpose of renting out or possibly living in one. Bartkus wanted to mention he found that renovating a historic building requires certain rehabilitation codes, which many architects are not familiar with but building inspectors are very strict with, so that has been a bit of a struggle for them as well as expensive. Bartkus wishes there was an easier process.

Chair Bruce Barker thanked him for his advice.

Andy Moore with William & works explained the Bartkus's are requesting to have residential use on the upper floor of a building with commercial activity so the City Zoning Ordinance requires them to request a special land use. Moore went on to review the special land use application pursuant to Chapter 17 of the City's Zoning Ordinance and the Sections that are applicable.

Special Land Use Review Standards requires the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses.

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.

Remarks: All the commission agreed these standards are met.

2. The proposed special land use shall be generally consistent with the City of Lowell Master plan.

Remarks: All the Commission agreed these standards are met.

3. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities.

Remarks: All the Commission agreed these standards are met with conditions, once approved, double check all the different departments sign off on it.

4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services.

Remarks: All the Commission agreed these standards are met.

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;

Remarks: All the Commission agreed these standards are met.

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.

Remarks: All the Commission agreed these standards are met.

Special Land Use Review Standards requires the Planning Commission must find that the use satisfies the general standards of Section 17.07, R applying to this special land use. Following are the standards:

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.

Remarks: All the Commission agreed these standards are met with the condition the square footage requirements are met for each apartment.

At the April 9 public hearing, Andy Moore with Williams & works recommends the approval of the Special Land Use request with five special conditions which are as follows:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. The applicant shall indicate the total area of each unit on the site plan. (1,100 sq. ft. for each unit).

By general consensus all the commission agreed that all the requirements had been met.

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve the special land use at 215 W. Main as presented with the stated five special conditions.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS, COMMISSIONER ELLIS, COMMISSIONER SCHRAUBEN, CHAIR BARKER.

ABSENT: COMMISSIONER PLANK.

MOTION CARRIED.

b. Public Hearing – Betten Baker Auto Group- Special Land Use- 930 W. Main

Mike Bowman from Pioneer Construction represented Betten Baker stating their intent is to revitalize the property they purchased with the proposed plan to demolish the three existing old buildings on site and build a new building that would include a new car facility for Chrysler, Dodge, Jeep and Ram, a pre-owned sales facility and a service facility. Revamping the site includes improvement to the access drives and landscaping.

Pete Ricards who resides at 322 N. Washington spoke in favor of the special land use site plan review.

Sue Ullery read email from Melissa Spino who resides at 131 S. Center St. who is not in favor of the special land use site plan review.

Kelly Taylor who resides at 142 South Center St., is not in favor of the special land use site plan review.

Mike Taylor who also resides at 142 South Center St., is not in favor of the special land use site plan review.

Andy Moore with Williams & works reviewed the site plan with the following comments:
Applicant submitted a complete and sufficiently detailed site plan and special land use review application.

The proposed building meets the setback and dimensional requirements as specified in Section 12.04 with the exception of lot coverage which permits a maximum of 60% including building and parking areas. However, the site plan indicates that the existing lot coverage is 87%, and the proposed lot coverage is 85%, so the proposed lot coverage will be more conforming than the current configuration. Past practice has been to allow such nonconformities to continue so long as the new site is more conforming than the previous site, so this may be approved.

The applicant has stated in the application materials that all site lighting is proposed to be fully cut-off and directed at the ground away from residential areas, and a photometric plan has been submitted. Section 4.24. E of the Zoning Ordinance sets forth standards for site lighting, including a standard that requires that lighting be confined to the subject property "by screening, shielding, landscaping, or other measures such that no lighting in excess of one-half foot candle is cast on adjoining private property." The photometric plan appears to be well in excess of this requirement.

Commissioner Schrauben spoke regarding the lighting after hours of operation and possibly camera's to alleviate the need for bright lights.

Mike Bowman from Pioneer Construction stated that the lights are on all night to deter vandalism but the proposed building will shield much of the proposed lighting. Bowman agreed to look at lighting on the back side near the residential area.

The applicant is proposing 232 parking spaces on the subject property, though most of this is reserved for vehicle inventory. Section 19.07 of the Zoning Ordinance requires that open air businesses provide one parking space per 800 square feet of lot area used for said business. The total lot area of the site is 140,263 square feet; thus, 175 parking spaces are required.

Chair Barker suggested that the City should take into consideration the parking on Center Street. Section 4.26 of the Zoning Ordinance outlines requirements related to parking lot landscaping. Parking lots which abut or face a public street are required to have frontage landscaping between the parking area and the street right-of-way that consists of a strip of land at least ten feet in width containing at least one canopy tree for each 30 feet of lot width.

Chair Barker suggested a fence to go from West Main Street to Center Street and referenced a fence behind trees.

The applicant is proposing nine wall signs attached to the principal building on the subject property, including seven facing West Main Street, one facing Center Street, and one facing West Avenue. Ordinarily, one wall sign per building wall facing a public street is permitted in the C-3 District per Section 20.08, D; however, the applicant has noted that the business model of their car dealership is such that each car brand being sold is operated separately in a "salon" within the primary building. As such, our interpretation of this provision is that the proposed use, as it relates to signage, may be treated as a multiple tenant building subject to the sign requirements in Section 20.05, E. Thus, each tenant of a salon is permitted one wall sign subject to the standards that apply to the C-3 District, which is 20% of the wall surface or 50 square feet, whichever is less. Provided that all of the proposed wall signs have an area of 50 square feet or less, the proposed signage may be permitted, subject to obtaining sign permits from the City.

Section 18.06 of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission when they review site plans. Those standards along with remarks are as follows:

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

Remarks: All the Commission agreed these standards are met and will make improvements.

2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

Remarks: All the Commission agreed these standards are met.

3. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

Remarks: All the Commission agreed these standards are met.

4. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this

ordinance. The Planning Commission requires that approved landscaping, buffers, and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

Remarks: All the Commission agreed these standards are met.

5. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

Remarks: All the Commission agreed these standards are met.

6. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

Remarks: All the Commission agreed these standards are met.

Sections 17.03, of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission in reviewing special land use applications. Those standards, along with our remarks are as follows:

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.

Remarks: All the Commission agreed these standards are met.

2. The proposed special land use shall be generally consistent with the City of Lowell Master plan.

Remarks: All the Commission agreed these standards are met.

3. The proposed special land use shall be served adequately by essential public facilities and service such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.

Remarks: All the Commission agreed these standards are met.

4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services.

Remarks: All the Commission agreed these standards are met.

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;

Remarks: All the Commission agreed these standards are met with conditions which include lighting and dumpsters.

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.

Remarks: All the Commission agreed these standards are met.

Section 17.04, W - Site Design Standards for Open Air Businesses. The proposed open air business complies with applicable standards of Section 17.04, W of the Zoning Ordinance.

Remarks: All the Commission agreed these standards are met.

At the April 9 public hearing, Andy Moore with William & works recommends the approval of the Special Land Use request, subject to the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. The applicant shall comply with the stipulations of the City's Department of Public Works and City Engineer.
6. Wall signs shall not exceed fifty square feet and the applicant shall obtain a sign permit from the City prior to installing any signage on the site.
7. No outside Public Address system.
8. Use of car alarms or panic devices by the personnel is prohibited.
9. Privacy fence from West Street to Center Street and West Street toward Main Street to connect to the existing bushes is required to be approved by staff.
10. Dumpster to be located on the southwest corner.
11. Sidewalk standards shall follow the City Ordinances for sidewalks.

By general consensus, all the commission agreed that all the requirements had been met.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the special land use at 930 W. Main as presented with the above stated special conditions.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS,
COMMISSIONER ELLIS, COMMISSIONER SCHRAUBEN, CHAIR BARKER.
ABSENT: COMMISSIONER PLANK. MOTION CARRIED.

c. Public Hearing – John Baar – Short Term Rental – Special Land Use- 2179 Gee Drive

Herb Vanderbilt who resides at 2204 Gee Drive spoke not in favor of the special land use for 2179 Gee Drive.

City Clerk Sue Ullery read an email from Bob & Mary Ollis who resides at 2177 stating they are not in favor of the special land use for 2179 Gee Drive.

Mary Bruce who resides at 2195 Gee Drive spoke not in favor of the special land use for 2179 Gee Drive.

Commissioner Chambers suggested postponing the special land use request until the next meeting stating the owner or a representative should be in attendance for this to be addressed. Chair Bruce Barker agreed and recommended City Clerk Sue Ullery to put on the agenda for the May 14, 2018 Planning Commission meeting under new business.

Eric Bartkus spoke regarding the process of allowing this for one neighbor and what that could lead to.

8. STAFF REPORT

Commissioner Chambers stated that April 18 is Lineman Appreciation Day so if you see a Lowell Light & Power worker that day, please thank them and let them know they are appreciated.

No other reports were given.

9. COMMISSIONERS REMARKS

Chair Barker thanked every one of the Commissioners on their hard work and the decisions they had made.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:00 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan S. Ullery, City Clerk

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. Unless otherwise permitted herein, 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. Parking areas and driveways shall be hard surfaced and be constructed from the street or alley to the dwelling or accessory building to create a dustless surface, minimize maintenance, and establish an attractive pathway to homes or buildings.
3. Unless otherwise permitted herein, 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.
4. 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.

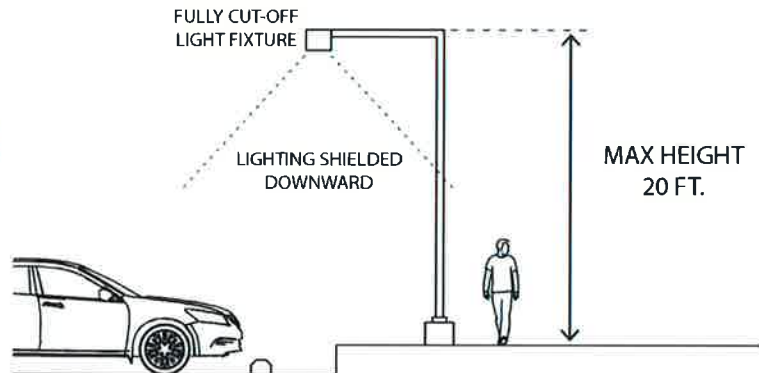
SECTION 19.03. - PARKING AREA APPLICATION AND DESIGN.

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. The Planning Commission may approve alternative surfaces of similar durability, provided that they form a dustless surface, and are 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. All parking facilities, 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-ten feet (2010) feet, excluding any parking or drives, from any lot line unless a greater setback is required by the Planning Commission or 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)

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: ~~o~~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.

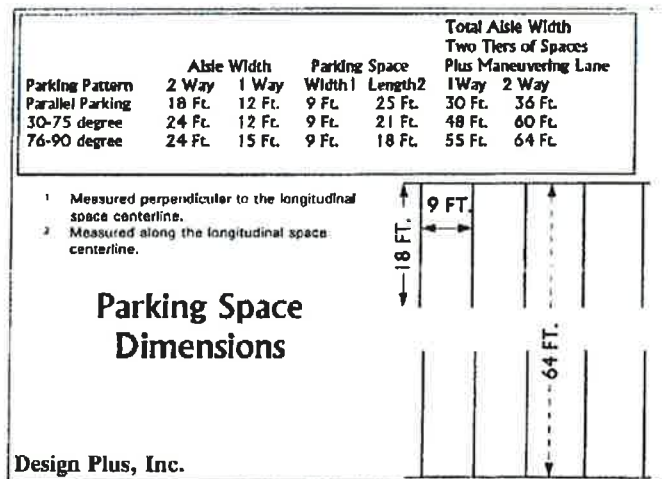
The planning commission may allow an applicant to defer construction of the required number of parking spaces for nonresidential-permitted or special land uses if the following conditions are met:

- 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 specificationsrequirements contained in the graphic at right:



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	75-100 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 (other than drive-through banks), post offices	1	200-250 square feet UFA/GFA, 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)

CHAPTER 20. - SIGNS

SECTION 20.01. - INTENT AND PURPOSE.

The purpose of this chapter is to regulate the size, number, location, and manner of construction and display of signs in the City of Lowell. This Article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect uses from excessive signage, provide ability for the public to identify premises and establishments, encourage the preservation of Lowell's historic and small-town character through sign design, and enhance the aesthetics of the community.

SECTION 20.02. - SCOPE.

- A. Compliance. It shall be unlawful for any person to erect, place, or maintain a sign in the City of Lowell except in accordance with the provisions of this chapter.
- B. Permit Required. Unless otherwise provided by this chapter, all signs shall require permits and payment of fees as determined by the City Council. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. A building permit application shall be submitted along with the supplementary material noted below.
- C. Plan Required. When a site plan is required, pursuant to Chapter 18 of the Zoning Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height, clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable information to enable the City to determine compliance with the requirements of this chapter. When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The zoning enforcement officer may require that additional information be illustrated on a plan or drawing to determine compliance with this chapter.
- D. Additional Provisions. In addition to the provisions of this chapter, provisions of Section 11.5-6 of Chapter 11.5 of the Code shall apply to signs located in a historic district. Sponsorship signs are permitted and governed by article IV of Chapter 14 of the Code of Ordinances.

SECTION 20.03. - DEFINITIONS.

The following words shall have the meanings set forth in this section:

- A. *Changeable copy sign*: A sign that consists, in whole or in part, of a message or image that can be changed periodically, whether manually or by automatic or technical means.
- B. *Freestanding sign*: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having a clear space of at least eight (8) feet from the ground to the bottom of the sign.

- C. *Government sign*: A temporary or permanent sign erected by the City of Lowell, Kent County, the State of Michigan, or the federal government for public purposes.
- D. *Ground sign*: A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face, with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
- E. *Feather Sign*: A freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft.
- F. *Human sign*: A sign which is held by or attached to a human being.
- G. *Internal site sign*: Smaller signs internal to a parcel not oriented toward the public right-of-way.
- H. *Marquee*: A permanent structure that projects from the exterior wall of a building.
- I. *Marquee sign*: A sign attached to a marquee, canopy, or awning projecting from and supported by the building.
- J. *Mean grade*: A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.
- K. *Memorial sign*: A sign, tablet, or plaque, usually memorializing a person, event, structure, or site of local or historic significance.
- L. *Mural*: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic.
- O. *Off-premise sign or Billboard*: An outdoor sign advertising services, products, activities, persons, activities or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.
- M. *Portable sign*: A sign, usually of a temporary nature, not permanently anchored to the ground or to a building or structure, typically containing manually-changeable copy, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. (see images below)



- N. *Projecting sign*: A sign which projects from and is supported by the wall of a building.
- O. *Roof line*: That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.
- P. *Roof signs*: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with its principal support on the roof structure.
- Q. *Sandwich board sign*: A movable sign not secured or attached to the ground surface, constructed in such a manner as to form an "A" or tent-like shape.
- R. *Sign*: Any device or structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or any other representational use for direction or designation of any person, firm, organization, place, product, service, business, establishment, activity or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- S. *Sign area*: The entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed.
- T. *Street frontage*: The distance for which the front boundary line of the lot and the street line are coincident.
- U. *Temporary sign*: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display.
- V. *Vehicle sign*: ~~A sign shall be considered a vehicle sign when the vehicle or trailer upon which the sign~~ that is painted or attached to a vehicle or trailer when such vehicle or trailer is parked or placed primarily for advertising purposes. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.
- W. *Wall sign*: A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom with the exposed face of the sign in a plane parallel to the building wall.
- X. *Window sign*: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

SECTION 20.04. - SIGNS PROHIBITED.

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs, or signs in disrepair.
- B. Air-filled or gas-filled balloon signs.
- C. Signs with moving parts, audible signs, and/or flashing signs (except traffic control

- devices).
- D. Roof signs.
- E. Signs or illumination imitating or resembling official traffic or government signs or signals.
- F. Vehicle signs.
- G. Off-premise signs or billboards.
- H. Other signs not expressly permitted or which do not conform to the provisions of this chapter.

SECTION 20.05. - GENERAL SIGN PROVISIONS.

A. Sign Placement.

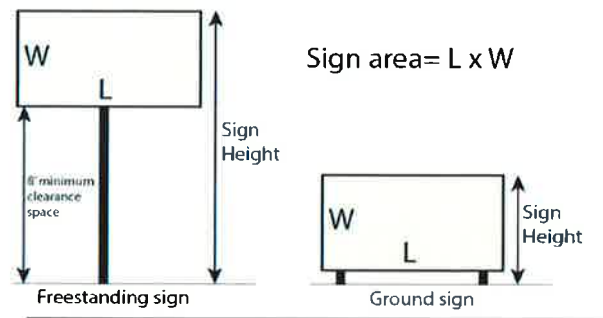
1. Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve. The provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.
2. No sign shall be located closer than two (2) feet to a public road right-of-way or property line; provided that the zoning enforcement officer or Planning Commission may approve a lesser setback upon finding that the proposed sign will not interfere with motorist or pedestrian visibility and safety. No sign shall overhang a public street right-of-way except as otherwise permitted; and all signs, including wall signs, shall have a minimum ground clearance of eight (8) feet above a sidewalk or walkway.
3. Signs shall be placed in compliance with Section 4.06, Clear Vision, ~~shall be complied with~~; and no sign shall be placed within the clear vision area as defined in that Section 4.06. No exterior sign (whether a permit is required or not) shall be located or erected in such a manner as to interfere with traffic visibility.
4. A wall sign shall not extend beyond the edge of the wall to which it is affixed; nor shall a wall, marquee, or projecting sign extend above the roof line of a building to which it is attached.
5. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

B. Sign Illumination.

1. Unless otherwise specified by this Ordinance, all signs may be illuminated, except temporary signs and signs for home occupations.
2. Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting. No sign may utilize a revolving beacon light.
3. Illumination shall be arranged so that light is deflected away from adjacent properties and

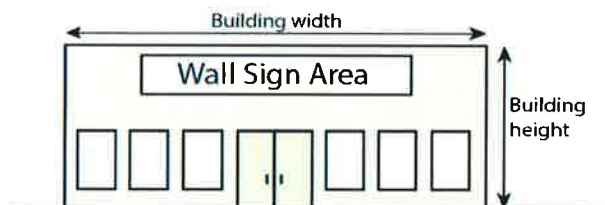
that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.

4. No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.
5. All lighting on the underside of a vehicle service station canopy shall be fully recessed. A maximum of twenty-five (25) percent of each canopy facade area may be internally illuminated. No portion of any canopy facade may be externally illuminated.
6. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded and oriented so as not to interfere with adjacent public rights-of-way or private property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half ($\frac{1}{2}$) foot candle measured at the property line of the adjoining privately-owned property.



- C. Sign Area and Height. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Framed and structural members not bearing advertising matter shall not be included in computation of surface area; provided, that the base of a ground sign cannot exceed two (2) feet in height and the base and structural members of a freestanding sign cannot exceed fifty percent (50%) of the total area of the sign face.

Wall sign area = Building width x Building height
x Percent of wall area



The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less.

- D. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply, as determined by the zoning enforcement officer.

- E. For buildings with multiple tenants, sign areas for wall signs, projecting signs, and marquee signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall. Where a wall sign, projecting sign, or marquee sign is permitted in a multi-tenant building or site, each individual establishment is permitted one such sign subject to standards applying in the zoning district, in which case wall surface applies to the wall surface of the individual establishment.
- F. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or other designated representative. An abandoned sign or a sign not maintained in accordance with applicable regulations of the City of Lowell shall be removed by the owner.

SECTION 20.06. - SIGNS NOT REQUIRING PERMITS.

- A. Signs shall not be erected without the issuance of a building permit, except for the following signs, provided that such signs comply with the provisions of this chapter and other applicable provisions in this Ordinance:
 - 1. Government signs.
 - 2. Signs erected by an essential public services establishments such as those denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs.
 - 3. Temporary signs on property being offered for sale, rent, or lease when not more than thirty-two (32) square feet in area and eight (8) feet in height for a commercial or industrial zoned property, or six (6) square feet in area and four (4) feet in height for other properties. A temporary sign on property for sale, rent, or lease may be displayed on the property listing until thirty (30) days after closing of sale/lease. One (1) sign per street frontage shall be permitted.
 - 4. Temporary signs on construction sites, when not exceeding thirty-two (32) square feet in area and not having a height greater than eight (8) feet. There shall be only one temporary sign per construction site. Temporary signs on construction sites shall not be erected until a building permit has been issued and the sign shall be removed immediately upon issuance of a certificate of occupancy. For residential projects, a temporary sign on a construction site shall not exceed twenty-four (24) feet in area and shall have a height not greater than six (6) feet. A temporary sign on a residential construction site shall only be erected upon approval of the project and shall be removed within one year of issuance for the first building permit for a dwelling or structure, or upon the erection of a permanent sign, whichever occurs first.
 - 5. Temporary signs located on a parcel up to ninety (90) days before an election. One ~~temporary~~ sign is permitted per candidate or ballot measure, and such signs shall not exceed ~~24~~ six (6) square feet. Such signs must be removed ten (10) days following the election.
 - 6. Memorial signs not larger than twelve (12) square feet in area which are either 1) cut into

the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.

7. Holiday lights, murals, works of art, and decorations with no commercial message.
8. Placards not exceeding two (2) square feet in area.
9. Internal signs up to six (6) square feet in area and four (4) feet in height that, by the nature of their design and location, are not intended to be viewed from the street right-of-way.
10. Temporary ~~special event~~ signs, located on a residential parcel that contains an active garage sale, ~~or estate sale, on residential property~~, graduation party, or similar temporary event, provided that such sign does not exceed six (6) square feet in area and is not located closer than fifteen (15) feet to any lot line. No more than one (1) temporary special event sign is permitted per frontage and the display of a temporary special event sign shall be not exceed limited to twenty-one (21) consecutive days.
11. ~~A home occupation shall be permitted on~~ One two (2) square foot wall sign located on a parcel containing a permitted home occupation.
12. Window signs, provided that window signs shall not cover more than fifty percent (50%) of the windows on any building wall.
13. ~~Flags or insignia of any nation, state, county, city, community organization, or educational institution~~, no larger than five (5) feet by eight (8) feet; provided that no more than one (1) such flag shall be permitted on each lot or parcel of land for every twenty (20) linear feet of street frontage. The maximum sign height of flagpoles shall be thirty-five (35) feet.
14. Sandwich Boards. Notwithstanding any other conflicting provisions contained in this Chapter 20, sandwich board signs shall only be permitted, ~~and only permitted~~, in the C-2 Central Business District ~~zone districts~~.
 - a. A sandwich board sign ~~area~~ shall not exceed:
 - (i) ~~twelve~~ (12) square feet per side,
 - (ii) ~~a height of four (4) feet, and~~
 - (iii) ~~a width of three (3) feet~~
 - b. A sandwich board sign shall not be permanently moored or anchored to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
 - c. A sandwich board sign may only be placed in front of the facade of the building front of the business or establishment ~~whose information the sign pertains~~ during the hours the business or establishment is open to customers, patrons or the public.
 - d. Only one (1) sandwich board sign shall be permitted for each business or

establishment and it shall not be in any way illuminated.

- e. All sandwich board signs shall be placed in alignment with city light poles and tree grates and so as not to block neighboring sandwich board signs or unreasonably interfere with pedestrian traffic.

15. One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk or unreasonably interfere with pedestrian, bicycle, or vehicular movement or circulation.

SECTION 20.07. - SUPPLEMENTARY SIGNS.

In addition to the signs permitted and regulated in this chapter, the signs listed below shall be permitted in accordance with the following standards.

- A. Temporary Signs. Unless exempted in Section 20.06 above, temporary signs shall be permitted on a parcel of land zoned C-1, C-2, C-3, PF, I-L and I, as follows:

1. One (1) temporary sign shall be permitted for each separate establishment located on a parcel of land unless permitted by subsection (5) below.
2. A temporary sign shall be displayed for not more than sixty (60) days (whether or not consecutive) in a calendar year unless more restrictive provisions apply.
3. A temporary sign shall not be larger than thirty-five (35) square feet. A temporary sign shall not be illuminated.
4. A temporary sign shall include any other or subsequent temporary sign of generally similar appearance, nature, and purpose, as compared to the temporary sign initially permitted under the terms of this Section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.
5. Up to three (3) additional temporary signs may be permitted when displayed and utilized in connection with the grand opening of the commercial enterprise located on the premises, provided that the temporary signs are not displayed more than 21 days for a grand opening. These temporary signs shall comply with all requirements contained in section. The use of balloons as a sign or as a part of a sign shall be permitted only in connection with a grand opening, as provided in this section.
6. A permit for a temporary sign shall be required. An application for the permit, as well as an application fee as set by City Council, shall be submitted and include the following:
 - a) An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required by the zoning enforcement officer in order to assure that the sign shall comply with the

applicable requirements of this Ordinance.

- b) A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates on which the sign shall be re-installed and again removed, during the calendar year.
 - c) A listing and description of the other temporary signs, if any, located on the property at the time of the application.
7. Portable Signs. In the C-3, I-L, I, and PF Districts, one (1) portable sign may be erected on a lot in lieu of a temporary sign, subject to the provisions in subsection B above, provided that only one (1) is permitted per lot at any given time, and provided that the portable sign shall not exceed thirty-five (35) square feet in area. In addition, notwithstanding the provisions of subsection B above, a portable sign shall not be displayed for more than seven (7) consecutive days and not more than three (3) times in any calendar year.
- C. Changeable Copy Signs. All or a portion of a ground, ~~or~~ freestanding or portable sign may be a changeable copy sign in compliance with all of the following requirements; provided, that a changeable copy sign is not permitted in any residential zoning district except when the changeable copy sign is also a government sign.
- 1. The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign shall not exceed fifty percent (50%) of the maximum permitted sign area.
 - 2. A changeable copy sign shall not change its message, image, or other graphic material with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this Section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The message, image or other graphic material of a changeable copy sign shall change no more frequently than six (6) seconds and each change shall occur in one (1) second or less.
 - 3. The message, image or other graphic material of a changeable copy sign shall, when changing, appear only in its entirety or shall appear in successive letters, words or other graphic elements from left to right only. The message, image or other graphic material shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.

SECTION 20.08. - PERMITTED SIGNS BY ZONING DISTRICT.

A. The following sign types shall be permitted in accord with the following regulations, in the SR, R-1, R-2, R-3, MHP and RE Districts:

1. The following sign is permitted at the entrance of a permitted residential development:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	20 square feet	6 feet

2. The following sign is permitted on a parcel containing a permitted non-residential use:

Type	Maximum Number	Maximum Sign Area	Height
Development	1 per lot or parcel	20 square feet	6 feet

B. The following sign types shall be permitted in accord with the following regulations, in the C-1 and PF Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall OR Marquee	1 per building wall facing a parking lot or public street	15% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

C. The following sign types shall be permitted in accord with the following regulations in the C-2 – Central Business District and the MU – Mixed Use District.

Type	Maximum Number	Maximum Sign Area	Height	Location
Projecting	1 per building wall facing a parking lot or public street	20 square feet	See Section 20.05, A, 4	Cannot extend more than 5 feet from building wall
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4	

- D. The following sign types shall be permitted in accord with the following regulations, in the C-3 District:

Type	Maximum Number	Maximum Sign Area	Height
Ground OR Freestanding	1 per street frontage; provided that a double-frontage lot is permitted only one freestanding sign	48 square feet, or 32 square feet if the lot has a street frontage of 66 feet or less	6 feet for a ground sign and 20 feet for a freestanding sign
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

- Each individual establishment in a multi-tenant commercial building or development is not permitted a separate ground or freestanding sign; one (1) collective ground or freestanding sign may be used subject to the standards above, provided that a collective ground or freestanding sign shall be permitted a maximum sign area of 72 square feet

- E. The following sign types shall be permitted in accord with the following regulations, in the I and I-L Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall	1 per building wall facing a public street	5% of the wall surface or 50 square feet, whichever is less	See Section 20.05, A, 4

SECTION 20.09. - CONSTRUCTION AND MAINTENANCE.

- All signs shall be constructed and maintained in accordance with the BOCA National Building Code adopted by the City of Lowell.
- Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- All signs, sign supports, frames, braces, wiring, guys, and anchors shall not be maintained in such a manner which, in the opinion of the zoning enforcement officer, has the potential to create a hazard for pedestrians and vehicles.
- Signs shall not be allowed to become unsightly through disrepair or action of the elements. Internal framing, light fixtures and bulbs, and wiring shall not be permitted to be exposed to the elements.
- All signs shall be designed to ensure a dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot of area. All signs shall be securely anchored or

otherwise made immobile. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the zoning enforcement officer, shall not be placed or left as permanent signs.

SECTION 20.10. - NONCONFORMING SIGNS.

- A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:
 - 1. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
 - 2. Be structurally altered so as to change the shape, size, type or design of the sign; or
 - 3. Be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
- B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this section may be changed to another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least thirty-three (33) percent smaller in area than the original nonconforming sign.
- C. No sign shall be required to be removed which was erected in compliance with this section if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.
- D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this section.

SECTION 20.11. - DISCONTINUANCE OR ABANDONMENT.

Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform with the provisions of this section. All costs of removal shall be at the property owner's expense.

Request Number:

Filing Fee:



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

APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than three weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 2179 Gee Dr Lowell, MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20-
3. Applicant's Name: John R. Baer Phone Number 616-510-3528
Address: 2179 Gee Dr. Lowell MI 49331
Street City State Zip
Fax Number 616-949-7969 Email Address baer.john@gmail.com
4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder
5. Applicant is being represented by: Phone Number
Address:
6. Present Zoning of Parcel Suburban Residential Present Use of Parcel Home owner / residential
7. Description of proposed development (attach additional materials if needed):
Short-term rental

The facts presented above are true and correct to the best of my knowledge.

Signature: [Signature]

Date: 03/06/18

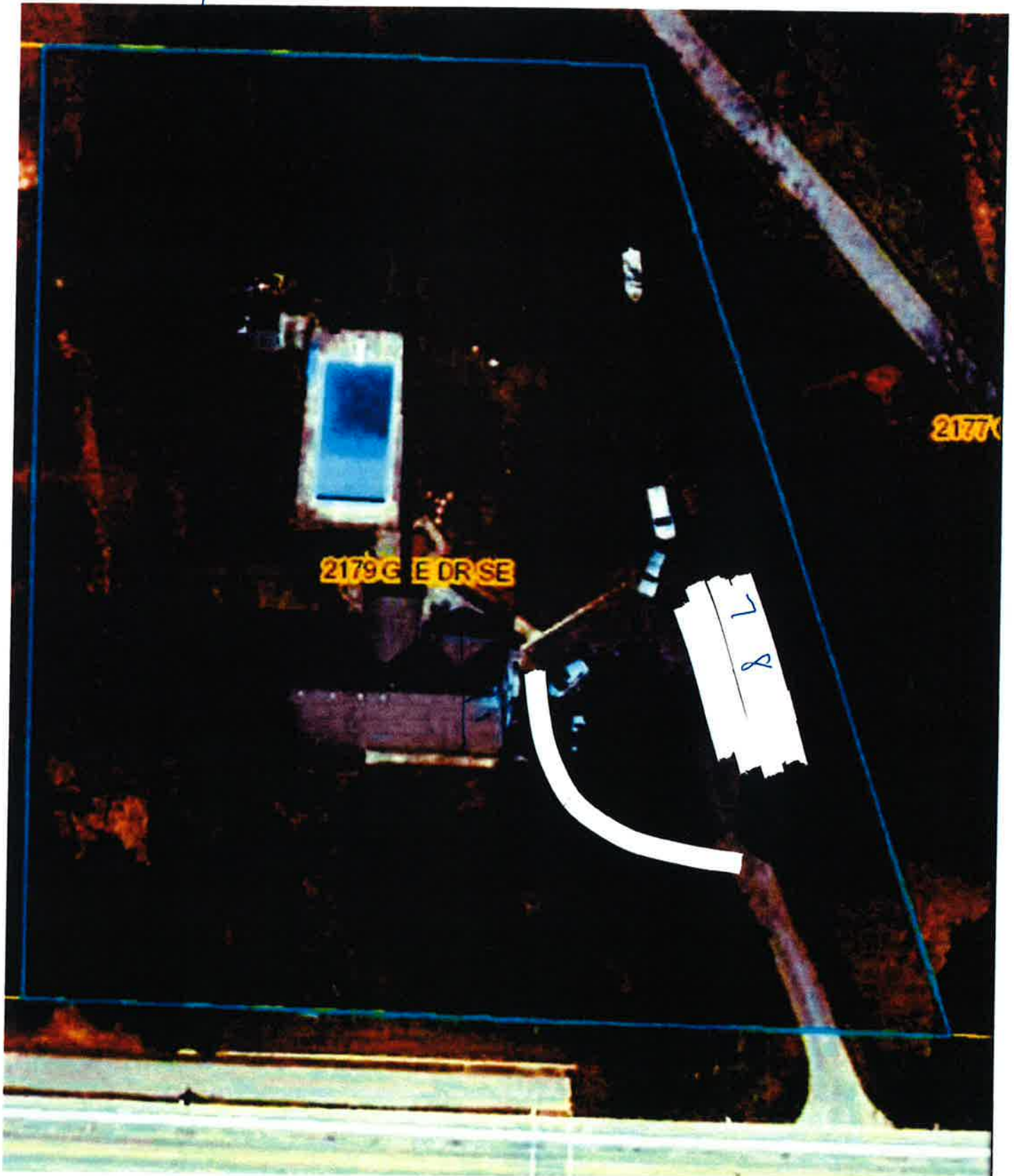
Type or Print Your Name Here: John Baer

Property Owner Approval: I, the undersigned, as owner I hereby authorize the submittal of this application and agree to abide by any

Owner

Date

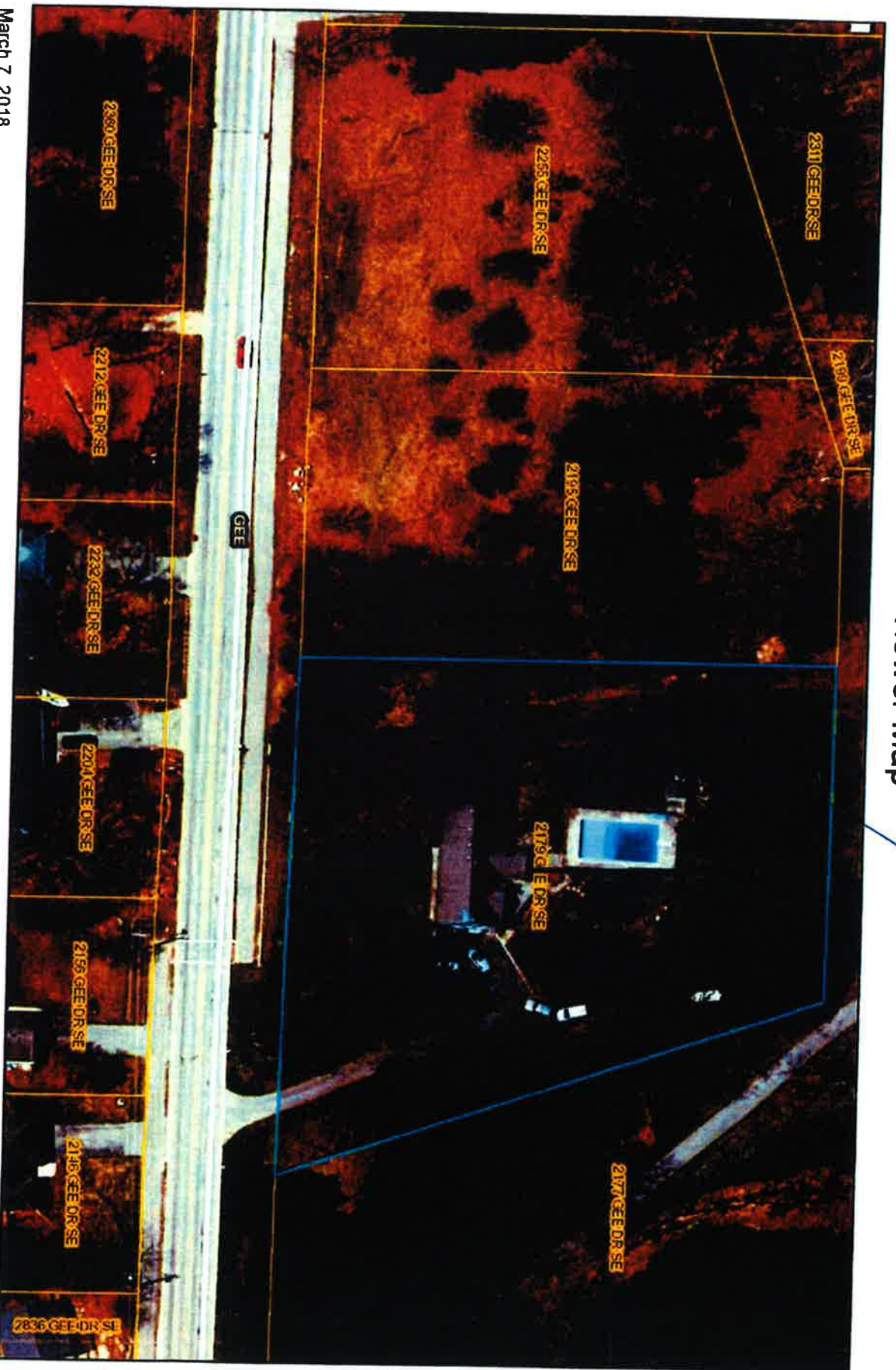
Fence



The areas that are whited out are paved
but were covered in the ~~dry~~ by trees

Viewer Map

HHHHH Notes privacy fence



March 7, 2018



williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: March 29, 2018
From: Andy Moore, AICP
RE: John Baar Short Term Rental Special Land Use

Mr. John Baar has applied for a special land use permit to operate a short-term rental operation at his property located at 2179 Gee Drive. The purpose of this memorandum is to review the application pursuant to Chapter 17 of the City's Zoning Ordinance.

Completeness of Submittal. The Zoning Ordinance requires that special use applications be accompanied by a site plan, and the applicant has submitted a survey with some proposed improvements for the property. The zoning enforcement officer may waive this required information if it is not relevant to the application. Since the building already exists and the exterior components and overall site configuration would not be altered under this request, the zoning enforcement officer may accept the site plan and other materials submitted, as they are sufficient to determine compliance with applicable standards.

Special Land Uses Review Standards. To approve a special land use, the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses, as well as the standards of Section 17.04, EE pertaining to this specific special land use. Following are the standards and our remarks on each.

1. *The 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 use will not change the essential character of the area in which it is proposed;*

Remarks: The applicant resides at the property for part of the year and estimates that the property would be utilized as a short-term rental for only about 1/3 of the year. The use of the property as a short-term rental (in compliance with the Zoning Ordinance) would, in our view, be substantially similar to its customary use as a single-family residence. Further, the applicant has proposed a privacy fence on the property to provide further screening from neighboring properties, particularly to the north.

2. *The proposed special land use shall be generally consistent with the City of Lowell Master Plan;*

Remarks: The subject property is within the Low Density future land use designation in the City's Master Plan. This designation is characterized by low-density residential land uses on lots of at least 0.5 acres. The proposed short-term rental is located on a lot of

about 1.5 acres and is generally consistent with a residential pattern of development. In our view, the proposed special land use is consistent with the City's Master Plan.

3. *The special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities;*

Remarks: The property is located on Gee Drive and appears to have adequate access emergency services. However, the Fire Department should review the site to ensure that the home is accessible.

4. *The special land use shall not create excessive additional requirements at public cost for public facilities and services; and*

Remarks: it is unlikely that the proposed use, if conducted in accordance with the standards of the Zoning Ordinance, would create any additional requirements at public cost for public facilities and services. The applicant has made arrangements for cleaning/maintenance and has designated a local agent to address any issues promptly.

5. *The 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.*

Remarks: The use of the property as a short-term rental in compliance with the Zoning Ordinance will not likely be detrimental to adjacent properties.

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.*

Remarks: This is addressed as a condition of approval.

Short Term Rental Performance Standards. Section 17.04, EE of the Zoning Ordinance contains the requirements for short-term rentals in Lowell. Most of these standards are included as conditions of approval. However, we offer the following comments:

- Section 17.04,EE,4 requires that the short-term rental be located on a parcel that meets all required dimensional standards of the SR District. The subject property satisfies this standard.
- Section 17.04,EE,5 restricts occupancy to two persons per bedroom. The applicant's AirBnB listing indicates that the property contains five beds, so the home may be occupied by not more than ten guests. The Planning Commission may not permit more than ten guests because the home is not located on more than two acres.
- Section 17.04,EE,6 requires one parking space per bedroom. Parking spaces are not clearly delineated on the site plan, though it appears that the site can accommodate at least five vehicles.

Recommendation. At the April 9 public hearing, the Planning Commission should carefully listen to the comments from the applicant and the public. Subject to those comments, we recommend approval of the request, subject to the following conditions, along with any others deemed necessary by the Planning Commission:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the structure.
5. The site shall not accommodate more than 10 guests at a time. A minimum of five parking spaces shall be provided, and such spaces shall be located in a manner acceptable to the police and fire departments.
6. The applicant shall notify, in writing, the Lowell Area Fire Department and Lowell Police Department of the dates and number of guests for each unique stay.
7. The applicant shall provide the City with a 24-hour telephone number with which the host or host's agent can be reached in case of emergency and/or enforcement matters.
8. The applicant shall provide an in-unit notice in a conspicuous place that includes the property address, a 24-hour telephone number with which the host or host's agent can be reached, all applicable rules and ordinances related to the short-term rental, and the maximum occupancy of the dwelling unit as permitted by this subsection.
9. The short-term rental shall be conducted in a manner that is consistent with the customary use of a single-family dwelling. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with law. The use of campers, tents, or similar arrangements to provide additional occupancy on the premises is prohibited.
10. Occupants shall not encroach on neighboring properties.
11. The applicant shall provide sufficient waste receptacles substantially screened from view; and the premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
12. The appearance of the short-term rental shall not conflict with the residential character of the neighborhood. The dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.
13. The applicant or his agent shall be available to accept telephone calls at all times that the short-term rental is rented. The host or host's agent must have a key to the unit and be capable of being physically present at the unit within 60 minutes to address issues,

unless arrangements are made for a substitute person to address issues within the same timeframe.

[illegible][illegible]