

# LOWELL CHARTER TOWNSHIP KENT COUNTY, MICHIGAN



# ZONING ORDINANCE

**Ordinance 01-2021**  
**Effective: May 5, 2021**  
**Last Updated: May 5, 2021**

**LOWELL CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 01-2021**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on April 19, 2021, Township Board Member Thompson made a motion, seconded by Township Board Member Burt to adopt this Zoning Ordinance amendment:

PRESENT: Hale, Benedict, Burt, Anderson, Blough, Thompson, VanderZiel

ABSENT: None

**AN ORDINANCE TO REPEAL THE LOWELL CHARTER TOWNSHIP ZONING ORDINANCE ADOPTED ON SEPTEMBER 21, 2009, AS AMENDED AND TO ADOPT ORDINANCE NO. 01-2021 WHICH INCLUDES THE FOLLOWING ZONING ORDINANCE TEXT AND THE ZONING MAP DATED JULY 2019 TO SERVE AS THE OFFICIAL ZONING ORDINANCE OF LOWELL CHARTER TOWNSHIP.**

**THE CHARTER TOWNSHIP OF LOWELL ORDAINS:**

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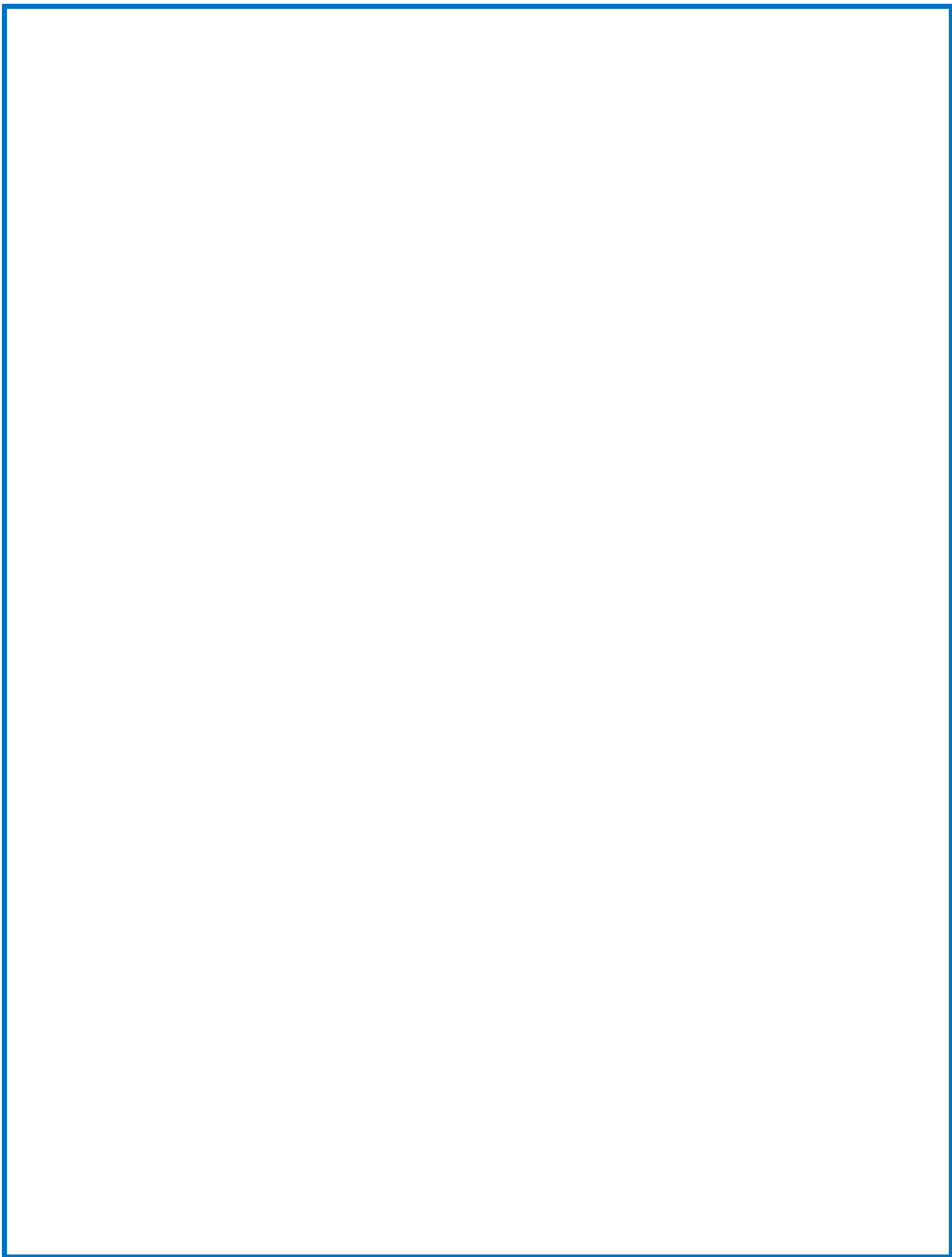
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**CHAPTER 1**

**ENACTMENT AND PURPOSE**

**SEC 1.01 ENACTMENT AND AUTHORITY**

The Township Board of Lowell Charter Township in the County of Kent, under the authority of the Michigan Zoning Enabling Act, also known as Act 110 of Public Acts of 2006 of the State of Michigan, hereby ordains, enacts and publishes this Ordinance.

**SEC 1.02 PURPOSES**

There is hereby established a comprehensive zoning ordinance in accordance with the needs of Lowell Charter Township. The text, map, and schedules contained herein shall constitute this Ordinance. Said Ordinance is adopted for the following purposes:

- a) To protect and promote the public health, safety and general welfare of the Township;
- b) To guide and protect the future growth of the Township in accordance with the Lowell Charter Township Land Use Plan and the growth and development goals contained therein;
- c) To preserve the rural character as well as the social and economic stability of all parts of the Township by encouraging its orderly and beneficial development;
- d) To protect and preserve the value of land throughout the Township and the value of buildings appropriate to the various districts established by this Ordinance;
- e) To prevent against conflicts among the uses of land and buildings;
- f) To encourage a range of housing opportunities by providing for an orderly pattern of residential density of varying scales, dependent upon soils and capital improvements;
- g) To facilitate the development of beneficial tax ratables through locational provision of area and eventual services for light industrial uses;
- h) To preserve farmland for agricultural uses, especially prime agricultural lands;
  - (1) To consider and acknowledge the use of land for agricultural purposes under the same values, priorities and terms in the zoning ordinance as other uses of land are considered;
  - (2) To discourage sprawl development especially in areas where residential development is not considered the highest and best use of the land;
  - (3) To encourage development in other areas which are not suitable for agriculture by making these areas more attractive through zoning;
- i) To ensure that adequate open space and recreation is preserved and provided for during all periods of the Township's growth;

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## CHAPTER 1 - ENACTMENT AND ENFORCEMENT LOWELL CHARTER TOWNSHIP ZONING ORDINANCE

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- j) To protect the natural environment from the pollution of air, streams and ponds; and to encourage the wise development and sound management of the natural resources throughout the Township in order to preserve the integrity, stability and beauty of the community.

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## CHAPTER 2

### DEFINITIONS

#### SEC 2.01 “A” DEFINITIONS

**Accessory Building** - A subordinate or supplemental building which is typically found on the same lot or land as a main building, the use of which is generally incidental or secondary to that of a main building. An accessory building attached to a main building shall be considered part of the main building. (30 Jun, 84)(28 Aug, 87)

**Accessory Use** - A use customarily incidental and subordinate to the principal use of a structure, and located in the same lot with such principal use of structure.

**Adult Day Care Home:** A dwelling unit in which less than seven persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling unit as a member of the household. (1 July, 2009)

**Adult Foster Care Facility:** A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended. (1 July, 2009)

**Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. (1 July, 2009)

**Adult Foster Care Family Home:** A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit. (1 July, 2009)

**Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. (1 July, 2009)

**Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. (1 July, 2009)

**Agriculture** - Raising and storage of crops, animals and animal products; forestry; for the purpose of profit including the sale of products grown on the premises.

**Antenna:** A device designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite or a device designed to receive local television broadcast signals. (16 Mar, 2011)

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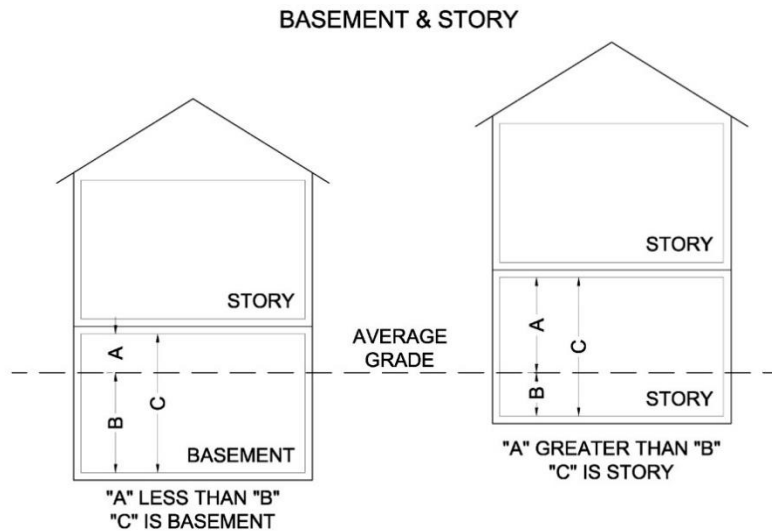
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SEC 2.02 "B" DEFINITIONS

**Balcony:** A platform projecting from the interior or exterior wall of a building, usually enclosed by a rail or parapet. (1 July, 2015)

**Basement:** That portion of a building which has its floor below grade which has a majority of its floor to ceiling height below grade level. ( *Figure 2-1* )

Figure 2-1



**Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester. (5 December, 2012)

**Bluff:** The top of a steep bank rising sharply from the water's edge.

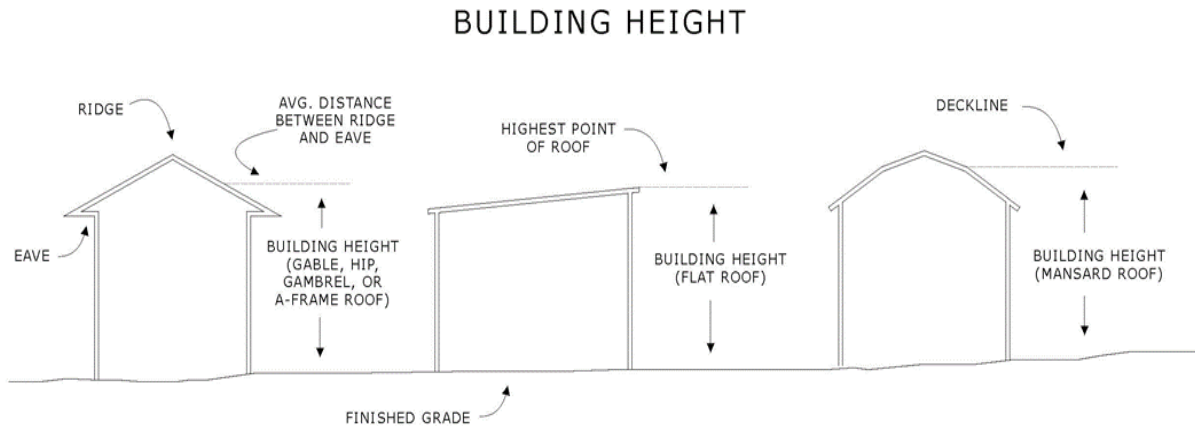
**Bottom Land:** The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. --Act 346, Public Act of 1972.

**Building:** Any structure having a roof supported by columns or walls. (2 May, 2007)



**Building Height:** The vertical distance measured from the established grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. (Figure 2-2)

**Figure 2-2**



**Building Official:** The official designated and appointed by the Township Board to administer this ordinance. (30 Jun, 84)

**Building Permit:** A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, and density.

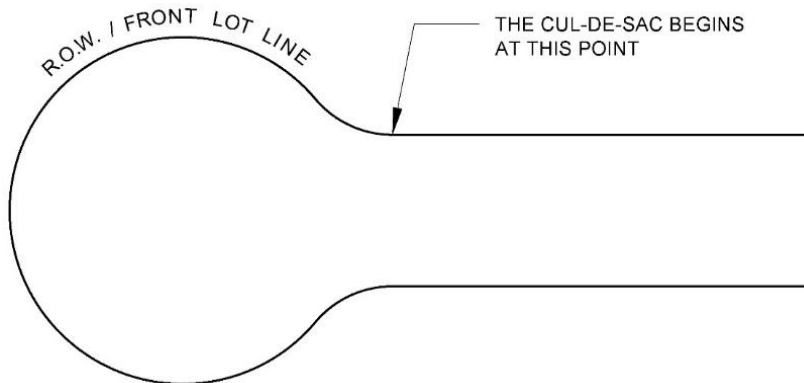
**SEC 2.03 “C” DEFINITIONS**

**Child Care Center:** Any facility other than a dwelling unit in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Childcare centers do not include Family or Group Child Care Homes, or schools. Childcare and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a childcare center. (1 July, 2009)

**Church:** A church includes a cathedral, temple, mosque, synagogue or similar place of religious worship and may include accessory uses that are typically associated with religious institutions. (31 May 2017)

**Cul-de-sac:** That portion of a dead-end public or private street which consists of a circular or semi-circular section of street which allows for a vehicle turn-around. (8 Mar, 06) (Figure 2-3)

Figure 2-3



### SEC 2.04 “D” DEFINITIONS

**Deck:** An uncovered platform which extends above grade. (18 July, 97)

**Driveway:** An access way for motor vehicles connecting a street and the lot or lots abutting a street. A driveway is not a private street. (20 Mar, 06)

**Dwelling, Single Family:** A residential building designed for occupancy by one (1) family.  
(30 Jun, 84)

**Dwelling, Two Family:** A residential building designed for occupancy by not more than two (2) families.

**Dwelling, Multiple Family:** A residential building designed for occupancy by three (3) or more families.

**Dwelling Unit:** A room or suite of rooms designed for occupancy by one family.

### SEC 2.05 “E” DEFINITIONS

**Easement:** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. (8 Mar, 06)

**Essential Public Service Equipment:** Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, streetlights, utility poles, telephone or television switching boxes, electrical transformer apparatus or similar equipment located either entirely underground, on poles not greater than 35 feet in height, or which are in the public right of way and are less than three feet above ground but not including essential public service structures or buildings. Telecommunication towers and antennas and similar wireless communications facilities operated or owned by private enterprise shall not be considered Essential Public Service Equipment. (4 Nov, 2009)

**Essential Public Service Structures and Buildings:** Buildings or structures owned and operated by public utilities or municipal departments or otherwise regulated by the Michigan Public Service

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Commission and used for gas, electrical, steam, fuel, water supply, water or wastewater treatment or disposal, electrical substations, telephone communications and sewage lift stations all of which are above ground and outside the public right of way, and including similar structures or buildings necessary to furnish adequate service to the public within Lowell Charter Township, but not including essential public service equipment. Telecommunication towers and antennas and similar wireless communications facilities and wind energy systems operated or owned by private enterprise shall not be considered Essential Public Service Structures or Buildings. (4 Nov, 2009)

**Ethanol:** A substance that meets the ASTM international standard for denatured fuel grade ethanol for blending with gasoline. (5 December, 2012)

**Existing Private Street:** A private street which is used to provide access to lots, buildings or dwellings existing as of the effective date of this chapter. (20 Mar, 06)

### **SEC 2.06 “F” DEFINITIONS**

**Family:** One or more persons living together as a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption or other domestic bond. This definition does not include any society, combine club, fraternity, sorority, association, federation lodge, coterie, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration. (28 Aug, 87)

**Family Child Care Home:** A dwelling unit in which less than seven minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household and who is registered with the State of Michigan to provide such care. (1 July, 2009)

**Farm:** As defined by the Michigan Right to Farm Act, Act 93 of 1981 as it may be amended from time to time. (2 May, 2007)

**Farm Building:** Any building other than a dwelling which is erected, moved upon or maintained on a farm which is essential and customarily exclusively used in a farm operation. (6 Jun, 2007)

**Farm Operation:** As defined by the Michigan Right to Farm Act, Act 93 of 1981 as it may be amended from time to time. (2 May, 2007)

**Farm Product:** As defined by the Michigan Right to Farm Act, Act 93 of 1981 as it may be amended from time to time. (2 May, 2007)

**Flood Hazard Area:** That area subject to flooding on the average once in every hundred years based on information supplied by the U. S. Geological Survey.

**Floor Area:** The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls which are entirely above grade or from the center line of party walls (above grade) separating two buildings, excluding cellar and basement areas. (10 Jan, 81)

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**Floor Area, Livable:** All spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than ten percent (10%) of the square foot area of the room. Usable floor area shall include all space not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling units and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter with a clear height of seven feet six inches (7'6") from finished floor level to ceiling level over fifty percent (50%) of the area of such attic space.

**SEC 2.07 “G” DEFINITIONS**

**Generally Accepted Agricultural and Management Practices (GAAMP):** As defined by the Michigan Right to Farm Act, Act 93 of 1981 as it may be amended from time to time. (2 May, 2007)

**Group Child Care Home:** A dwelling unit in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household, and who is registered with the State of Michigan to provide such care. (1 July, 2009)

**SEC 2.08 “H” DEFINITIONS**

**Home for the aged:** A supervised personal care facility licensed under article 17 of the public health code, 1978 PA 368 as amended, MCL 333.20101 to 333.22260 at a single address, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, non-transient, individuals 55 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home. Home for the aged does not include an area excluded from this definition by section 17(3) of the Continuing Care Community Disclosure Act, 2014 PA 448, MCL 554.917. (21 January, 2019)

**Home Occupation:** Any occupation customarily conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the use of the lot; and does not change the character of the dwelling and is carried on by residents of the dwelling. There shall be no exterior evidence, other than a permitted sign, to indicate that the premises is being utilized for any purpose other than that of a dwelling. (30 Jun, 84)

**Horse Boarding Stables:** A lot on which horses are boarded, bred, trained or made available for rental or for riding lessons for compensation. (5 December, 2012)

**SEC 2.09 “I” DEFINITIONS**

**SEC 2.10 “J” DEFINITIONS**

**Junk Yard:** Any area of land including buildings thereon which is used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. (10 Jan, 81)

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**SEC 2.11 “K” DEFINITIONS**

**Kennel, Commercial:** Any lot or premises on which more than three dogs six months of age or older, are kept either permanently or temporarily for the purpose of boarding or breeding for compensation, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation. (5 December, 2012)

**Kennel, Private:** Any lot or premises on which more than three dogs six months of age or older, are owned and kept by the occupant of the dwelling. (5 December, 2012)

**SEC 2.12 “L” DEFINITIONS**

**Light Industry:** Any industrial or warehousing operation that meets the performance standards of this ordinance, and which is totally contained inside an enclosure of whose operation or storage is totally screened from view, and which does not create excessive off-site noise or pollution and does not make excessive demands on public roads, water and sewage facilities or other community facilities.

**Lot:** A parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use and which has frontage on a public or private street. (8 Mar, 06)

**Lot Area:** The total horizontal area within the lot lines of a lot which includes the area within public and private street rights of way if such area is included within the property description of the lot. (8 Mar, 06)

**Lot, Corner:** A lot located at the intersection of two or more streets or private streets where the corner interior angle formed by the intersection of the centerlines of the street is one hundred thirty-five degrees (135°) or less or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the centerline one curve form an interior angle of hundred thirty five (135°) or less. (8 Mar, 06) *(Figure 2-4)*

**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (8 Mar, 06)

**Lot Depth:** The distance between the front lot line and the rear lot line measured along the median between the side lot lines. (8 Mar, 06) *(Figure 2-5)*

**Lot Interior:** A lot which has frontage on only one street. (8 Mar, 06) *(Figure 2-4)*

**Lot Lines:** The lines bounding a lot or parcel as defined herein. (8 Mar, 06) *(Figure 2-6)*

**Lot Line, Front:** The right of way line of the street abutting the lot. A corner lot and through lot have more than one front lot line. (4 May, 2016) *(Figure 2-6)*

**Lot Line, Side:** Any lot line not a front lot line or a rear lot line.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregular shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or

parcel, parallel to and at a maximum distance from the front lot line. In the event that none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (8 Mar, 06)

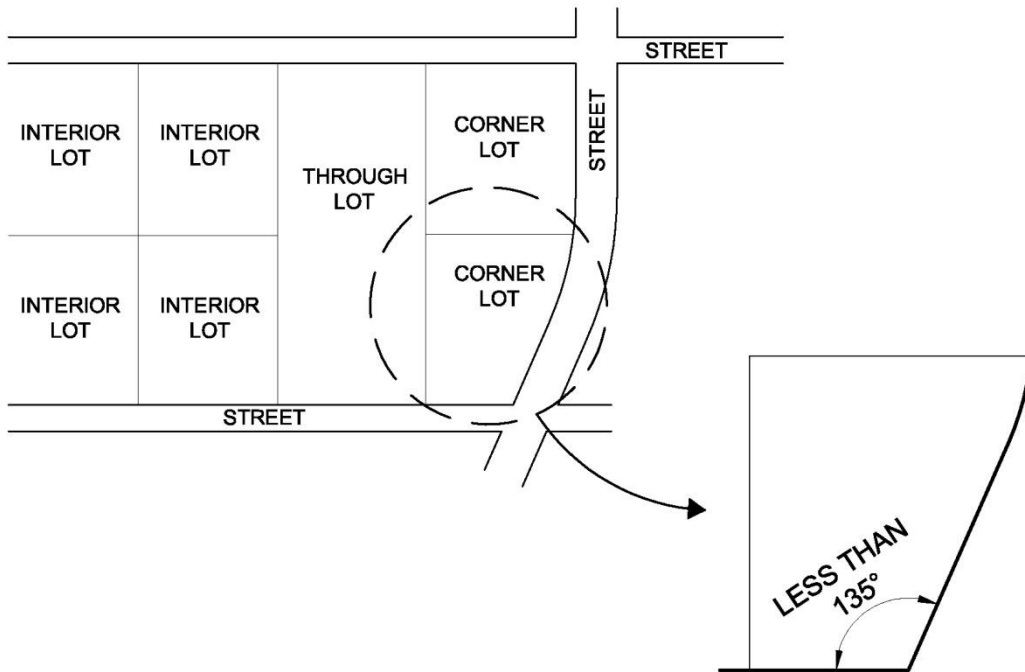
**Lot of Record:** A parcel of land which is separately described on a plat, condominium document, metes and bounds description recorded in the office of the Kent County Register of Deeds. (8 Mar, 06)

**Lot, Through:** A lot with frontage on two parallel or approximately parallel streets. (8 Mar, 06) (*Figure 2-4*)

**Lot Width:** The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required building setback line. (8 Mar, 06) (*Figure 2-5*)

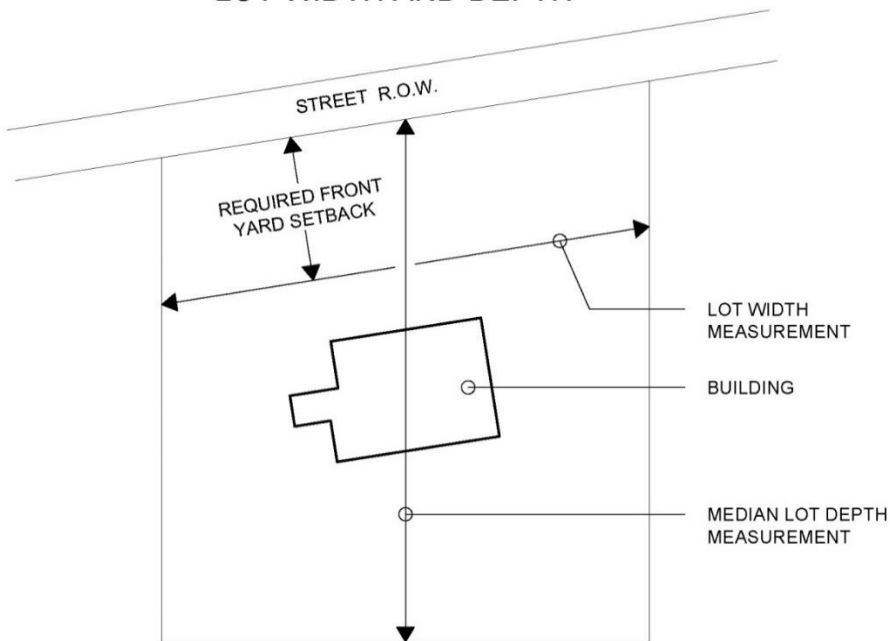
**Figure 2-4**

**INTERIOR, CORNER  
AND THROUGH LOTS**



**Figure 2-5**

**LOT WIDTH AND DEPTH**



**SEC 2.13 “M” DEFINITIONS**

**Manufactured Housing:** A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes modular housing units. (18 Jul, 97)

**Marijuana, also known as Marihuana, also known as Cannabis:** That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 *et seq.*, as is referred to in Section 3(d) of the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marijuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act. (5 Dec, 2011)

**Medical (use of) Marijuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* (5 Dec, 2011)

**Medical Marijuana Dispensary:** (5 Dec, 2011) Any business, facility, association, compassion club, cooperative, location, or operation, which is operated for profit or non-profit, whether fixed or mobile,

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where medical marijuana is made available to be sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- a) A primary caregiver as defined by Michigan Initiated Law 1 of 2008 as amended.
- b) A qualifying patient as defined by Initiated Law 1 of 2008 as amended.
- c) Members of the public.

A medical marijuana dispensary shall also include any place, location, facility, cooperative, compassion club, or operation, which is operated for profit or non-profit, whether fixed or mobile, where medical marijuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marijuana or such medical marijuana smoking or consumption is occurring on the property of a business, association, cooperative or commercial operation or facility.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a registered primary caregiver personally dispensing to not more than five qualified patients in strict accordance with the Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township Ordinances and applicable Michigan and Federal laws, rules and regulations.

A medical marijuana dispensary shall also not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of Lowell Charter Township and applicable Michigan and Federal laws, rules, and regulations.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers or recreational vehicles.

- a) **Single Wide:** A mobile home with a longitudinal width of no greater than sixteen (16) feet for its full length.
- b) **Double Wide:** A combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single-wide unit without duplicating any of the service facilities such as kitchen equipment or furnace. (18 Ju1, 97)

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (Act 419, MI Public Acts of 1976.)



**Modular Homes:** A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot. (18 Ju1, 97)

#### **SEC 2.14 “N” DEFINITIONS**

**Nursing home:** A nursing care facility, including a county medical care facility, licensed under article 17 of the public health code, 1978 PA 368 as amended, MCL 333.20101 to 333.22260 that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity. As used in this definition, "medical treatment" includes treatment by an employee or independent contractor of the nursing home who is an individual licensed or otherwise authorized to engage in a health profession under Part 170 or 175 of the public health code, 1978 PA 368 as amended. Nursing home does not include any of the following:

- a) A unit in a state correctional facility.
- b) A hospital.
- c) A veteran’s facility created under 1885 PA 152, MCL 36.1 to 36.12.
- d) A hospice residence that is licensed under this Chapter.
- e) A hospice that is certified under 42 CFR 418.100.
- f) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101to 333.22260. (21 January, 2019)

#### **SEC 2.15 “O” DEFINITIONS**

**Open Space Preservation Project:** A single family development in which a portion of the project site will remain preserved in an undeveloped state in accordance with Section 16h of the Township Zoning Act (MCLA 125.286h). (19 Aug, 02)

**Outdoor Recreation:** Uses including temporary trailer sites, ski areas, sportsmen's clubs, swimming facilities and other recreational activities having an outdoor orientation. This includes private and commercial uses.

#### **SEC 2.16 “P” DEFINITIONS**

**Parks:** As used in this Ordinance, the term "Parks" shall be deemed to refer exclusively to outdoor recreation areas where individuals and families gather for outdoor eating, socialization and recreation and not to any type of commercial development and/or any permanent artificially created thrill or amusement rides. (10 Apr, 99)

**Patient, Qualifying (Qualified Patient):** A person to whom a Registry Identification Card has been issued by the Michigan State Department of Community Health which identifies that person as a registered qualifying patient as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1. (5 Dec, 2011)

**Patio, Enclosed:** A patio which has a roof and walls whose surface area is at least 50 percent glass or screen and which is attached to or part of a building. (1 July, 2015)

**Patio, Unenclosed:** An area at grade level composed of concrete, asphalt, stone, brick or similar material typically adjoining or attached to a house or other principle building and which may have a roof but no walls. (1 July, 2015)

**Porch, Enclosed:** A roofed structure with walls whose surface area is at least 50 percent glass or screen attached to or part of a building and which provides direct access to and from the building. (1 July, 2015)

**Porch, Unenclosed:** A roofed structure without walls attached to or part of a building and which provides direct access to and from the building. (1 July, 2015)

**Primary Caregiver:** A person to whom a Registry Identification Card has been issued by the Michigan State Department of Community Health which identifies that person as a registered primary caregiver as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1. (5 Dec, 2011)

**Private Street:** Any street which is privately owned and maintained and which provides or is intended to provide the primary means of vehicular ingress and egress to a minimum of five or more lots, principal buildings, or dwelling units or combination thereof and which is located within a private street easement as defined herein. (20 Mar, 06)

**Private Street Easement:** An easement which is granted exclusively for private access to one or more parcels of land and which contains a private street. (20 Mar, 06)

#### **SEC 2.17 “Q” DEFINITIONS**

**Quarry, Quarrying Operations:** Any place where stone, sand, gravel, minerals or other natural materials, including topsoil, is removed for the purposes of sale or any other commercial purposes other than such as may be incidental to excavating or re-grading in connection with or in anticipation of building development or landscaping on the site.

#### **SEC 2.18 “R” DEFINITIONS**

**Recreational Equipment:** Boats, canoes, kayaks, jet skis, snowmobiles, racing and recreational cars and/or motorcycles not licensed for use on public streets and highways and similar items and the trailers used for their transport.

**Recreation Vehicle:** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 419, MI Public Acts of 1976, as amended.)

**Right-of-Way:** A strip of land intended to be occupied by or used for a street, sidewalk or walkway, storm drainage, utilities, alley or other similar uses which is established by reservation, condemnation, dedication, prescription or easement. (8 Mar, 06)

**Road Frontage (Lot Frontage):** The length of a single continuous front lot line. (4 May, 2016)

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**SEC 2.19 “S” DEFINITIONS**

**Satellite Dish Antenna:** A device that is designed to receive direct broadcast satellite signal service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. (16 Mar, 2011)

**Setback:** The distance established by this Ordinance as necessary to meet the required front, side and rear yards of the applicable Zoning District. (6 Jun, 2007)

**Site Plan Review:** The submission of plans for review, as part of the process of securing a building permit.

**Special Use Permit:** A use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Township would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the Planning Commission finds that the specific criteria provided in this Ordinance for them are met.

**Street:** A publicly or privately owned and maintained right-of-way or easement permanently established for the passage of persons or vehicles and which provides the principal means of access to abutting property. A street is not an alley. (8 Mar, 06)

**Structure:** Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground including, though not limited to buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no parts thereof are above the ground and if they are located outside the minimum front, side, and rear yard setback lines. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls, or sea walls shall not be considered to be structures for the purposes of this ordinance. (18 Ju1, 1997)

**Swimming Pool:** A permanent or portable water filled enclosure either above or below ground capable of containing water with a depth of more than 24 inches designed and intended for recreational swimming, wading, or bathing including hot tubs and spas. (6 Oct, 2010)

**SEC 2.20 “T” DEFINITIONS**

**Temporary Housing Facility:** An establishment operated by a non-profit charitable or religious group authorized under Section 501(c) (3) of the United States Internal Revenue Code or by a government organization or agency which provides housing and appropriate supportive services for a period of time not to exceed 12 months to persons displaced from their home in order to facilitate movement to independent living. (2 March, 2016)

**SEC 2.21 “U” DEFINITIONS**

**Upland:** The land area which lies above the ordinary high water mark. (Act 346, MI Public Acts of 1972.)

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**SEC 2.22 “V” DEFINITIONS**

**Variance:** A relaxation of the terms of the zoning ordinance by the Zoning Board of Appeals; and where such variance will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**SEC 2.23 “W” DEFINITIONS**

**SEC 2.24 “X” DEFINITIONS**

**SEC 2.25 “Y” DEFINITIONS**

**Yard:** An open space on a lot between the nearest lot line and the nearest point of the principal building on the same lot. See Figure 2-1. (6 Jun, 2007) (*Figures 2-6 & 2-7*)

**Yard, Front:** An open space extending across the full width of the lot between the front lot line or private street easement line and the nearest point of any part of the principal building thereon. (6 Jun, 2007) (*Figures 2-6 & 2-7*)

**Yard, Rear:** An open space extending across the full width of the lot between the rear lot line and the nearest point of any part of the principal building thereon. (6 Jun, 2007) (*Figures 2-6 & 2-7*)

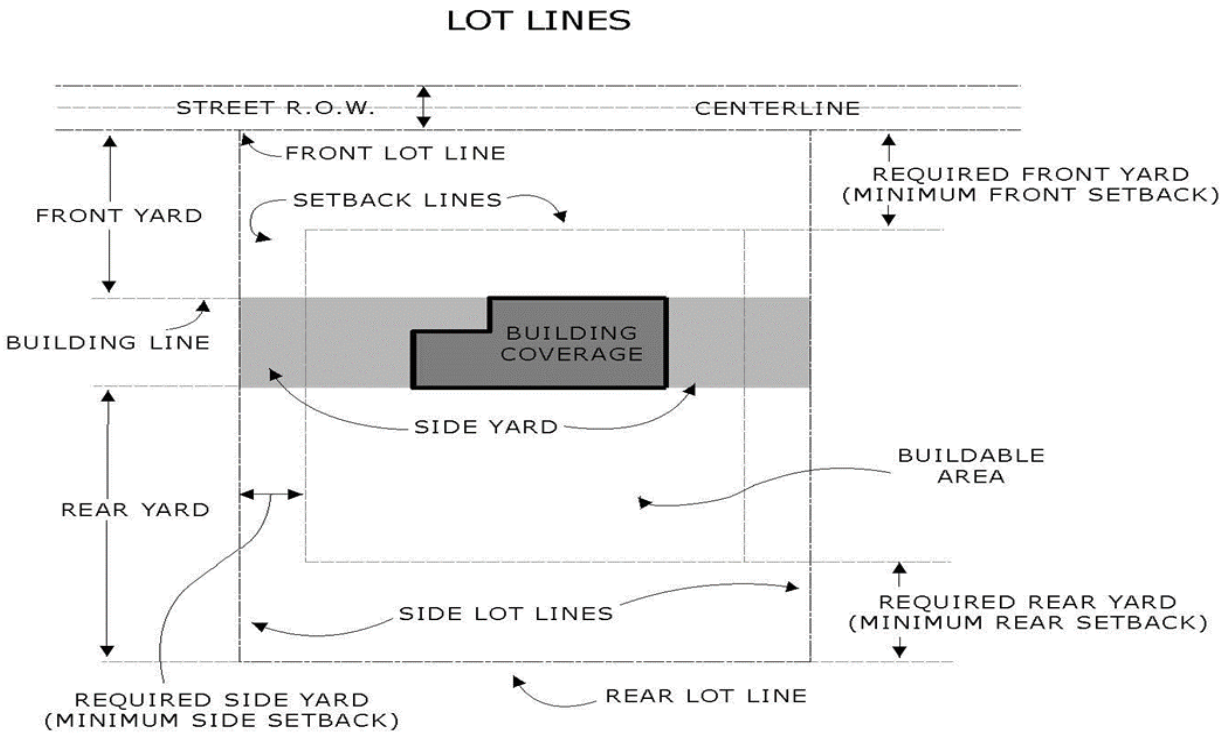
**Yard, Required:** The minimum distance as measured from a lot line or private street easement line required by this Ordinance within which no building shall be constructed or placed except as may be permitted by this Ordinance. The required yards establish the area within which the principal building must be erected or placed. A required yard is the same as the required setback. See Figure 2-2. (6 Jun, 2007) (*Figures 2-6 & 2-7*)

**Yard, Side:** An open space between the side lot line and the nearest point of the principal building thereon extending from the front yard to the rear yard. (6 Jun, 2007) (*Figures 2-6 & 2-7*)

**SEC 2.26 “Z” DEFINITIONS**

**Zoning Administrator:** The Zoning Administrator shall be the Supervisor of Lowell Charter Township as permitted by MCLA 42.10 being Section 10 of the Charter Township Act (PA 359 of 1947). (1 Oct, 2008)

**Figure 2-6**



**Figure 2-7**

### Yard Example

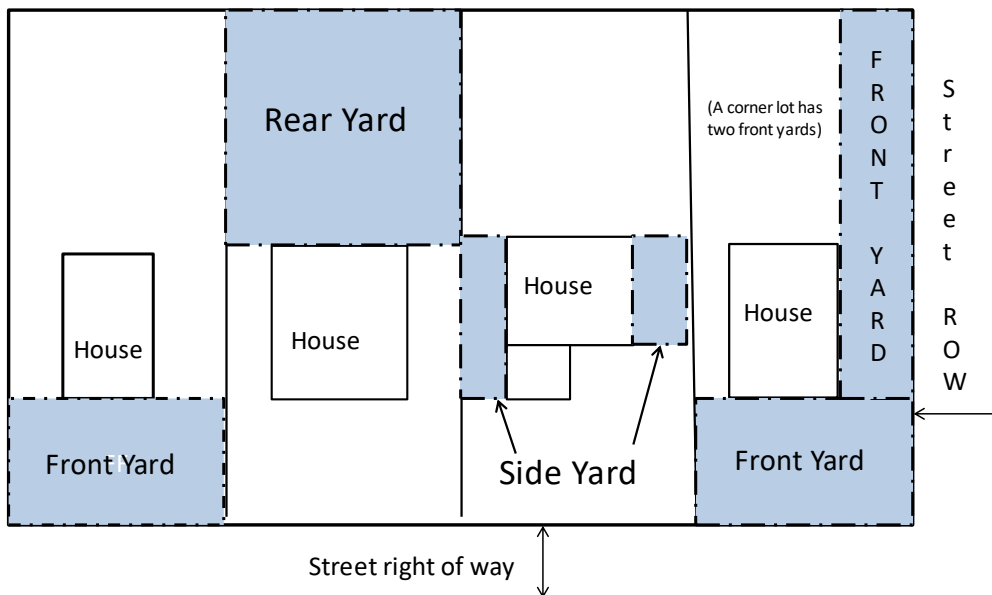


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**CHAPTER 3**

**ZONING DISTRICTS & ORDINANCE INTERPRETATION**

**SEC 3.01 ESTABLISHMENT OF DISTRICTS**

<a href="#"><u>AG-1</u></a>	<a href="#"><u>Prime Agricultural</u></a>
<a href="#"><u>AG-2</u></a>	<a href="#"><u>Rural Agricultural</u></a>
<a href="#"><u>R-1</u></a>	<a href="#"><u>Rural Low Density Residential</u></a>
<a href="#"><u>R-2</u></a>	<a href="#"><u>Medium Density Residential</u></a>
<a href="#"><u>R-3</u></a>	<a href="#"><u>High Density - Multiple Family</u></a>
<a href="#"><u>MHP</u></a>	<a href="#"><u>Mobile Home Park</u></a>
<a href="#"><u>C</u></a>	<a href="#"><u>General Commercial</u></a>
<a href="#"><u>LI</u></a>	<a href="#"><u>Light Industry</u></a>
<a href="#"><u>FH</u></a>	<a href="#"><u>Flood Hazard Area</u></a>
<a href="#"><u>OS-PUD</u></a>	<a href="#"><u>Open Space Planned Unit Development</u></a>
<a href="#"><u>I-96 PUD</u></a>	<a href="#"><u>I-96 Planned Unit Development</u></a>
<a href="#"><u>IPUD</u></a>	<a href="#"><u>Industrial Planned Unit Development</u></a>

**SEC 3.02 ZONING MAP**

The areas and boundaries of such districts noted in [Section 3.01](#) are hereby established to scale as shown on a map entitled, Zoning Map of Lowell Charter Township and referred to herein as the "Zoning Map". Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance. (1 Apr, 91)

Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority as to the current zoning status in the Township. No amendment to this Ordinance which involves a change of Zoning District, shall become effective until such change and entry has been made on the official Zoning Map. The official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk.

**SEC 3.03 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

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- a) **Center Lines** - Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- b) **Platted Lot Lines** - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) **Township Limits** - Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
- d) **Railroad Lines** - Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e) **Shore Lines** - Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
- f) Boundaries indicated as parallel to or extensions of features indicated in [Sections 3.03\(a\)](#) through [3.03\(e\)](#) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by [Sections 3.03\(a\)](#) through [3.03\(f\)](#) above, the Planning Commission shall interpret the district boundaries. The Zoning Board of Appeals reserves the right to override upon appeal.

**SEC 3.04 INTERPRETATION OF ORDINANCE**

- a) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare.
- b) Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or the one imposing the higher standard, shall control.
- c) This Ordinance shall not abridge the provisions of a validly adopted building code, mobile home ordinance, sub-division or other regulations.

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**CHAPTER 4**

**GENERAL PROVISIONS**

Application of Regulations. The regulations set by this ordinance throughout the Township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

**SEC 4.01 ZONING AFFECTS EVERY STRUCTURE AND USE**

Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

**SEC 4.02 DISTRICT TABLE OF REGULATIONS (BULK TABLE)**

The accompanying table entitled, "Section 4.02 [Table of District Regulations](#)," shall be deemed to be part of this section.

**SEC 4.03 CONFORMANCE TO ZONING**

All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

**SEC 4.04 ALTERATION OF STRUCTURES**

No building or other structure shall hereafter be altered:

- a) To accommodate or house a greater number of persons or families than permitted by the Zoning District;
- b) To have narrower or smaller rear yards, front yards, or side yards other than permitted.

**SEC 4.05 MINIMUM REQUIREMENTS**

No yard or lot existing at the time of passage of this ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

**SEC 4.06 MAIN USE OF A LOT**

*(Ord. 2020-03, Eff. 8-5-20)*

Each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings contained within a single,

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integrated complex, sharing parking, signs, access, and other similar features, which together form a unified function and appearance. A parcel may contain more than one Special Land Use if approved by the Planning Commission in accordance with these criteria.

**SEC 4.07 DELINEATION OF A LOT**

Lots may be delineated by owners of larger parcels, within said parcel, for the use in determining the minimum requirements of this Zoning Ordinance only, by obtaining a new tax description for the proposed delineated lot to be used by Kent County for taxing purposes, so that said delineated lot is taxed as a separate entity. (30 Jun, 84)

**SEC 4.08 USE OF A REDUCED LOT**

No part of any lot which is sold, transferred, subdivided, or redelineated in such a manner so as to reduce said lot in dimension or area below the minimum requirements as set forth in this Act, may be used to fulfill the requirements of this Act for any other succeeding or proposed lot, or for adjacent lot owners. (30 Jun, 84)

**SEC 4.09 RESERVED FOR FUTURE USE**

(Previous language deleted by Ord. 2020-03. Eff. 8-5-20)

**SEC 4.10 BUILDING PERMIT REQUIRED – CONFORMANCE TO ZONING**

Building Permit Required - Conformance to Zoning - In accordance with other Township codes, ordinances and regulations duly adopted by the Township Board, and in accordance with this ordinance, no building shall hereafter be erected, relocated or altered in its exterior dimension or use and no excavation for any foundation for any building shall be begun until a building permit has been issued. With respect to this zoning ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures. (See [Chapter 25](#) for application procedures.)

- a) Detached accessory buildings which exceed 200 sq. ft. of gross floor area or which contain more than one story. Farm buildings as defined herein are exempt from this requirement; (1 July, 2015)
- b) A deck which is more than 200 sq. ft. in area or more than 30 inches above grade at any point; (1 July, 2015)
- c) A balcony, enclosed patio, unenclosed patio with a roof, enclosed or unenclosed porch, and barrier free access ramp. (1 July, 2015)

**SEC 4.11 CERTIFICATE OF OCCUPANCY REQUIRED**

No building or dwelling subject to the provisions of this ordinance shall be occupied, inhabited or used until a Certificate of Occupancy is issued (See [Section 25.05](#)).

**SEC 4.12 RESTORING UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official.

**SEC 4.13 MINIMUM ROOMS IN A DWELLING**

A dwelling shall not have less than three rooms in addition to a bathroom or toilet room.

**SEC 4.14 MINIMUM REQUIREMENTS FOR DWELLINGS**

Every Dwelling Shall:

- a) Comply with the minimum requirements of this ordinance for the zone in which it is located, including living area requirements, area, height, width and dimension regulations. (28 Aug, 87)
- b) Have a minimum width across any front, side or rear elevation of 22 feet and complies in all respects with the current Michigan Building Code standards, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the current Michigan Building Code standards, then and in that event such federal or state standard or regulation shall apply. (28 Aug, 87)
- c) Be firmly attached to a permanent foundation or footings buried beneath the frost line in accordance with the current Michigan Building Code standards and shall have a wall of the same perimeter dimension of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above. (28 Aug, 87)
- d) Be installed with the wheels removed, in the event that a dwelling is a mobile home as defined herein. Additionally, no dwelling shall have any exposed towing mechanism, under-carriage or chassis. The perimeter of the mobile home shall have a skirting of a permanent nature similar to that used for on site built housing. (28 Aug, 87)
- e) Connected to a public sewer and water supply or to such private facilities approved by the Kent County Health Department. All drainfields, absorption beds or seepage pits shall not be closer than 100 feet from any lake, stream or river. (30 Jun, 84) (28 Aug, 87)
- f) Contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less. (28 Aug, 87)
- g) Be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of no less than six inches on all sides, or alternatively, with window sills

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and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door area where a difference in elevation requires the same. (28 Aug, 87)

The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of the Zoning Administrator’s decision. Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home. (28 Aug, 87)

- h) Contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. (28 Aug, 87)
- i) Comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. (28 Aug, 87)
- j) Have windows with glass area equal to not less than 10% of the floor area of each room, storage closets and interior bathrooms excepted. (28 Aug, 87)
- k) Have a minimum livable floor area of 750 square feet for a one-story dwelling exclusive of any attached garage, porch, or breezeway; and a two-story dwelling shall have a minimum livable floor area of 900 square feet with at least 600 square feet on the first floor, exclusive of any attached garage, porch or breezeway. (30 Jun, 84) (28 Aug, 87) All other types of dwelling units shall have a total of 900 square feet of floor area. (18 Ju1, 97)
- l) Have at least one livable floor area of which the exterior walls are entirely above grade. (10 Jan, 81) (28 Aug, 87)
- m) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law otherwise specifically required in the ordinance of the township pertaining to such parks. (28 Aug, 87)
- n) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the current Michigan Building Code standards. (1 Oct, 2008)

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**SEC 4.15 ACCESSORY BUILDINGS AND STRUCTURES**

*(Ord 2020-03. Eff. 8-05-20)*

**a) General Regulations**

The following regulations shall apply to accessory buildings in all zoning districts unless otherwise provided:

- (1) A building permit is required for detached accessory buildings which exceed 200 sq. ft. of gross floor area or which contain more than one story. Farm buildings as defined herein are exempt from this requirement.
- (2) In any zoning district, an accessory building may be erected detached from the permitted principal building or it may be attached as an integral part of the permitted principal building. When erected as an attached integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.
- (3) Accessory buildings or garages shall be considered as attached to the principal building when the principal building and accessory building share a common wall or if there is no common wall then the principal building and the accessory building shall be connected by an enclosed breezeway, solid roof structure similar to the roof of the principal building or a covered colonnade.
- (4) An accessory use or building located on a corner lot shall comply with the front yard setback requirements for principal buildings for each street.
- (5) An accessory building or accessory structure shall not be constructed on a lot before the principal building or use is constructed or established except that farm buildings are exempt from this requirement.
- (6) Every accessory building hereafter erected or moved shall be on a lot with frontage on a public or private street.
- (7) A detached accessory building may be located between the minimum required front yard setback and the principal building provided the accessory building is set back from the side lot line the same distance as required for the principal building.
- (8) Accessory uses are permitted only in connection with, incidental to, and on the same lot with the principal use which is permitted in that particular zoning district.
- (9) Accessory buildings in any zoning district shall not be erected in any required front or side yards except as may be permitted herein.

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**b) AG-1, AG-2, and R-1 Zone Requirements for Farm and Accessory Buildings**

(1) Minimum setbacks for accessory and farm buildings from lot lines:

<u>Zoning District</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
AG-1	50 ft.	50 ft.	50 ft.
AG-2	50 ft.	25 ft.	50 ft.
R-1	40 ft.	25 ft.	10 ft.

- (2) In the R-1 Zoning District, an accessory building or any type of roofed enclosure containing non-house pets such as horses, cattle, swine, fowl and other similar animals shall be set back a minimum of 100 feet from any lot line. This requirement shall not apply to fences used to enclose animals.
- (3) A farm building as defined herein may be constructed or established on a lot before a principal building or use is established.

**c) R-2 And R-3 Zone Requirements**

- (1) The minimum setback from each front lot line for all accessory buildings shall not be less than 40 feet.
- (2) Accessory buildings which contain 200 sq. ft. or less of floor area shall be set back a minimum of three feet from the side lot line and five feet from the rear lot line. The drip edge of an accessory building shall be at least one foot from any lot line.
- (3) Accessory buildings which contain more than 200 sq. ft. of floor area shall be setback a minimum of 10 feet from the side and rear lot lines.

**d) Commercial and Light Industrial Zone Requirements**

The minimum setbacks for accessory buildings shall not be less than the required setbacks for principal buildings.

**SEC 4.16 EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the Table of General Bulk Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**SEC 4.17 MOBILE HOMES AS A TEMPORARY DWELLING**

The following temporary or special uses of mobile homes constructed to 1976 HUD specifications may also be permitted, contingent upon meeting the requirements provided: (28 Aug, 87)

- a) Mobile homes may be used as seasonal or accessory building to an agricultural operation from which owner derives a minimum of 50% of his/her net income, for a maximum of six months per year upon application to the Building Official. (28 Aug, 87)

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- b) Mobile homes may be placed in a licensed mobile home dealership in commercial zoning district; and (28 Aug, 87)
- c) Mobile homes may be used as temporary living quarters in a residential or agricultural zoning district during construction of a permanent dwelling, or as a temporary field office in a commercial zoning district for a period of one year. Two extension periods of six months each are permitted upon application to the Building Official. (28 Aug, 87)
- d) All temporary mobile homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall be connected to a public sewer and water supply or to such private facilities approved by the Kent County Health Department. (15 Nov, 81) (28 Aug, 87)

**SEC 4.18 LOTS & CORNER LOTS**

*(8 Mar, 06)*

- a) No new lot shall be created which does not meet the minimum lot size regulations of this Ordinance.
- b) Corner lots - On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for a permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.

**SEC 4.19 UTILITIES**

- a) The installation of all electrical work, including equipment, shall in every case be done in a safe and workmanlike manner. The regulations of the current National Electrical Code as of the time of the beginning of construction of any building, shall be considered as good standard practice by the Building Official. Installation shall comply with the requirements of the electrical utility company servicing the area.
- b) The installation of all interior plumbing work shall comply with the current Michigan Plumbing Code (1 Oct, 08).
- c) Lagoon type sewage disposal systems are prohibited in all residential and commercial zoning districts.

**SEC 4.20 PARKING OF COMMERCIAL, RECREATIONAL, INOPERABLE VEHICLES AND TRAILERS**

- a) Commercial Vehicles (4 Oct, 2006)
  - (1) Commercial vehicles which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 pounds as determined by the manufacturer of the vehicle shall not be parked or stored in the R-2, R-3 or the MH Zoning Districts.

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- (2) For purposes of this Section a commercial vehicle is defined as any motor vehicle which meets one or more of the following criteria:
  - i. The vehicle is designed for and used primarily for the transportation of persons or property for, or in connection with, a business;
  - ii. The vehicle displays the lettering, logo or color design of the business or has visible mechanical attachments or equipment on the vehicle which can be used in the operation of the business such as a crane on a wrecker;
  - iii. The vehicle is licensed for commercial use.
- (3) No more than one commercial vehicle shall be parked or stored on any parcel in the R-2, R-3 or MH Zoning Districts.
- (4) However, the above restrictions shall not apply to the temporary parking of commercial vehicles which exceed the above weight and which are engaged in delivery, pick-up, moving, or service to a lot in the R-2, R-3 or MH Zoning Districts.
- b) **Parking and Storage of Recreational Vehicles and Equipment in All Zoning Districts (1 July, 2015)**
  - (1) Recreational vehicles and equipment which do not exceed 30 feet in length, as measured from the front of the vehicle or front tongue of the trailer to the rear of the vehicle or trailer, may be parked or stored only in the driveway of a lot containing an occupied dwelling unit from May 1 through November 30.
  - (2) Recreational vehicles and equipment which exceed 30 feet in length shall only be parked in the driveway of a lot containing an occupied dwelling unit for no more than 72 consecutive hours within a seven day period and then only for the limited purpose of loading, unloading, and cleaning.
  - (3) Recreational vehicles and equipment may be parked or stored in the side and rear yards but no closer than five feet to a side or rear lot line.
  - (4) A recreational vehicle shall not be parked or stored for more than 14 consecutive days, or a total of 30 days during any calendar year, if it is being used for living, housekeeping or for sleeping quarters.
- c) **Inoperable motor vehicles** - It shall be unlawful to store or place any inoperable motor vehicle or any part or parts of a motor vehicle unless said inoperable motor vehicle or part or parts shall be kept in an enclosed garage or other enclosed structure; provided, however, that any owner or occupant of said land may store one such inoperable motor vehicle for a period of not to exceed thirty (30) days if said vehicle is registered in his or her name and is placed in a backyard area. (30 Jun, 84) (See Lowell Charter Township Junk Vehicle Ordinance #1 Adopted April 16, 1973)
- d) **Parking of Trailers** – Trailers which are not otherwise listed in [Section 4.20 \(b\)](#) herein shall not be parked or stored in the front yard in the R-2, R-3 and MH Zoning Districts except that trailers

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may be parked in the front yard for not more than 72 consecutive hours but only for the purposes of loading, unloading, and cleaning.

Except for loading, unloading and cleaning purposes as permitted by the preceding sentence, trailers which exceed a height of six feet as measured from the highest point of the trailer straight down to the ground shall not be parked or stored outside. Trailers which are six feet in height or less may be parked or stored outside except in the front yard. (4 May, 2011)

**SEC 4.21 KEEPING OF DOMESTIC ANIMALS**

(28 May, 93)

a) **Dogs** (28 May, 93)

- (1) Licenses - All dogs within the Township shall at all times be currently licensed in accordance with the requirements of State Law and the County Animal Control Ordinance.
- (2) Limit on Number of Dogs - The keeping of more than three (3) dogs is prohibited within any District; provided, however, that any litter of dogs which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of six (6) months after birth. This limit on the number of dogs shall not apply where a kennel license is approved.
- (3) Barking Dogs - No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.
- (4) Dogs Running at Large - No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the Township, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

b) **Vicious Animals**

- (1) A vicious animal shall at all times when not securely confined be securely muzzled and led by a leash. Any animal shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which by its actions, gives indications that it is liable to bite any person or domestic animal without molestation.
- (2) Prosecutions - On sworn complaint that any one of the following facts exist:
  - i. That any animal has attacked or bitten a person;

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- ii. That any animal shows vicious habits or molests passers-by when lawfully on the public highways; the County may secure a summons against the owner of said animal commanding him to appear and show cause why said animal should not be ordered to be confined or destroyed. Upon such hearing, the District Court shall proceed to determine whether it shows vicious habits or molests passers-by when lawfully on the public highway, and if the Court shall so find, it shall forthwith either order said animal confined to the premises of the owner or shall order the Director of Animal Control to cause said animal to be destroyed or shall enter such other order relative to the care of such animal as the Court shall determine to be appropriate.
- iii. Civil Liability - Nothing in this Chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by it.
- iv. Penalty - Any person who shall violate an order to confine an animal owned by him to his premises pursuant to the provisions of this Chapter, or who shall, on demand, refuse to surrender any animal owned by him to avoid the destruction thereof pursuant to an order made under this Chapter, shall be guilty of a misdemeanor punishable by fine or imprisonment or both.

c) **Kennels**

- (1) The operation of a kennel must first be approved by the Lowell Charter Township Board.
- (2) Each person having a kennel shall have a valid kennel license from the County.
- (3) Each kennel must be inspected and approved by the Kent County Director of Animal Control or his agents on an annual basis.
- (4) If at any time the Township Board determines that it is not in the interest of the community to permit a kennel license, such license may be revoked.
- (5) If at any time the Township Board determines it is in the interest of the community to change the conditions of licensure, such conditions may be changed after reasonable notice.

d) **Other Domestic Animals**

- (1) Horses, cattle, swine, or other animals or fowls which are not usually considered house pets can be kept in any district on parcels of land four acres or larger. Such animals shall be kept under sanitary conditions and in sanitary enclosures. Such livestock can be kept on parcels of land smaller than four acres with a permit obtained from the building official. In all residential areas, any building or confined feeding area in which such animals are kept or fed shall be at least 100 feet from any adjoining property or street line. (10 Jan, 81) (28 May, 93)
- (2) All premises on which said animals are housed are to be kept sanitary and shall be subject to inspection at any reasonable time or times by the building official and/or health officer of the township. Should said premises become unsanitary, or objectionable odors therefrom become an annoyance to adjoining residents, said building official may revoke said permit forthwith, which revocation shall continue until the premises have been put in a sanitary condition and

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such objectionable odors and their cause be removed or remedied and the building official has approved the premises, after which time, the building official may issue a new permit. (10 Jan, 81) (28 May, 93)

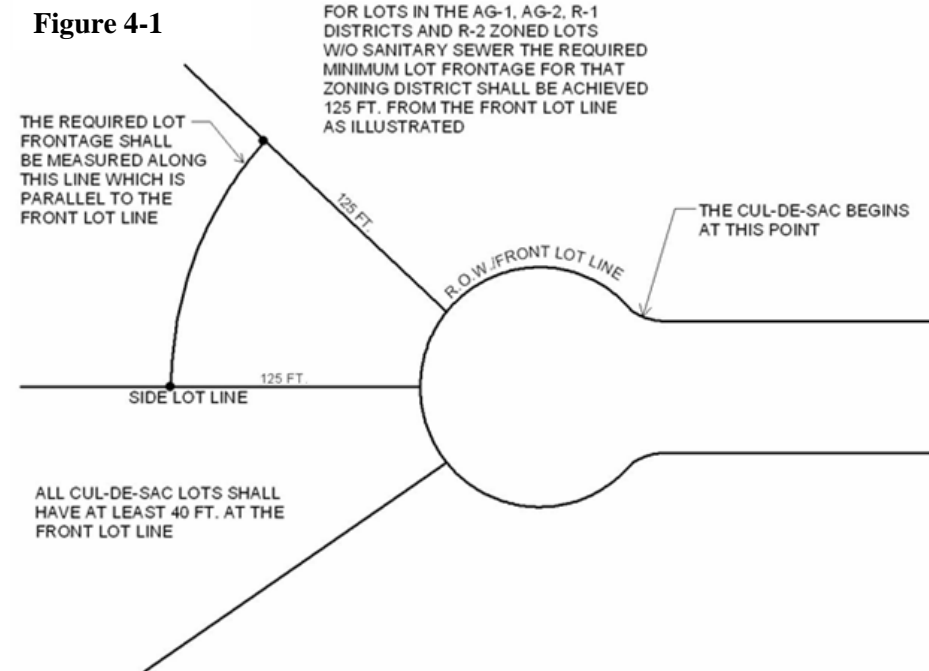
**SEC 4.22 PUBLIC SHOWS AND SIMILAR OUTDOOR ASSEMBLY EVENTS**

Public Shows, Etc. - Public shows, meetings, entertainments, exhibitions, competitive events or religious services and similar outdoor assembly events may not be held in the open air or under canvas unless a written application is first filed with the Township Clerk and a license be obtained therefore. Said application shall state the name or names of the applicant or applicants and the nature of the activity and the proposed site. The Township Clerk shall grant a license upon proper application, if it appears that such activity is not in violation of any law, ordinance or regulation and will not endanger the public peace, health, or safety. (10 Jan, 81) (Also see Lowell Charter Township Outdoor Assembly Ordinance No. III if event is over 1,000 persons.)

**SEC 4.23 CUL-DE-SAC LOT REGULATIONS**

*(4 May, 2016)*

- a) For lots in the AG-1, AG-2, and R-1 zones and for lots in the R-2 zone which are not served by public or community sanitary sewer which have frontage on a cul-de-sac, the required minimum road frontage distance shall be achieved 125 feet from the front lot line as measured between the side lot lines along a line which is parallel to the front lot line as illustrated in Figure 4-1 herein.
- b) In all other zoning districts for lots which have frontage on a cul-de-sac, the minimum required road frontage shall be measured at the minimum required front setback distance for buildings and structures.



- c) All cul-de-sac lots shall have a minimum road frontage of 40 feet at the front lot line.
- d) A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of the 40 feet allowable minimum frontage on the cul-de-sac. The beginning of the cul-de-sac shall be at the point on the right of way line where the radius begins.

**SEC 4.24 MINIMUM LOT FRONTAGE**

*(8 Mar, 06)*

A building or dwelling unit shall be erected only on a lot which has frontage on a public or private street in accordance with the lot frontage requirements for the zoning district in which it is located and in accordance with the requirements for lot frontage on a cul-de-sac as required herein.

**SEC 4.25 MAXIMUM RIGHT OF WAY FOR PRIVATE STREETS**

*(8 Mar, 06)*

The right of way width for a private street shall not exceed 86 feet and the maximum radius for a cul-de-sac shall not be more than 75 feet.

**SEC 4.26 LANDSCAPING REQUIREMENTS**

*(31 May, 06)*

- a) **Purpose.** The purpose of this Chapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the Township to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation.

The landscape standards of this Chapter are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

- b) **Applicability**

- (1) The standards contained in this Chapter shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this Chapter.
- (2) The regulations of this Chapter shall not apply to individual single-family and two-family dwelling units.
- (3) Modification of Required Landscaping. For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical.

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The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this Chapter. In doing so, the Commission shall consider the following criteria:

- i. The amount of space on the site available for landscaping.
- ii. Existing landscaping on the site and on adjacent properties.
- iii. The type of use on the site and size of the development.
- iv. Existing and proposed adjacent land uses.
- v. The effect the required landscaping would have on the operation of the existing or proposed land use.
- vi. Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.

c) **General regulations.**

- (1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- (2) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- (3) For the purpose of this Chapter, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both yards.

d) **Landscaping Requirements**

- (1) Green belt. A greenbelt or landscape area as required herein shall be provided as follows:
  - i. Wherever a Commercial or Industrial zone abuts an R-1, R-2, R-3, MH or OS-PUD zone.
  - ii. Wherever a Commercial or Industrial zone abuts a non-conforming residential use such as a house in a Commercial or Industrial zone.
  - iii. Wherever a non-residential use such as a church, school, hospital, or library which may be allowed in a residential zone abuts a residential use or an R-1, R-2, R-3, MH or OS-PUD zone as noted above, a greenbelt shall be required.
  - iv. Wherever multifamily buildings in an R-3 zone abuts an R-1, R-2 or OS-PUD zone.
  - v. Wherever a Commercial or Industrial zone abuts an AG-1 or AG -2 zone, a greenbelt shall be provided if existing dwelling(s) are located within 300 feet of the abutting Commercial or Industrial zones.
- (2) The greenbelt shall be installed along the abutting lot line separating the different zoning districts.

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- (3) Landscaping requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this Chapter shall apply.
- (4) Width and Planting Requirements for Green Belts.
  - i. A greenbelt shall be a minimum of 15 feet wide.
  - ii. For each 25 linear feet abutting the adjacent property, three trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
- (5) Plant Spacing and Size Requirements.
  - i. Plant materials shall not be placed closer than four feet from the fence line or property line.
  - ii. Evergreen trees shall be planted not more than 25 feet on centers, and shall be not less than five feet in height.
  - iii. Ornamental trees or tree-like shrubs shall be planted not more than ten feet on centers, and shall not be less than four feet in height.
  - iv. Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than three feet in height.
  - v. Large deciduous trees shall be planted not more than 25 feet on centers, and shall be not less than three inch caliper.
- (6) Front Yard Landscaping. Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements.
  - i. For each 50 feet in length of road frontage three trees shall be planted within the front yard. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
  - ii. Shrubs at a rate of one per each tree required.
  - iii. Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
  - iv. Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.
- (7) Off-Street Parking Area Landscaping Requirements. All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:
  - i. One canopy tree for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area.
  - ii. Trees shall be located to prevent damage by motor vehicles.

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- iii. Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six feet wide and shall contain at least one canopy tree.
  - iv. Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
  - v. All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
  - vi. Where any parking area, excepting areas serving one-family or two-family dwellings, abuts or faces a public right-of-way, a three-foot-high continuous obscuring screen at least three but no more than four feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or manmade material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise or appearance may create a nuisance or safety hazard for residents.
  - vii. Landscaping required for greenbelts and front yard landscaping that abuts off-street parking areas may substitute for up to 50 percent of the required parking lot landscaping.
- (8) Berms, Walls and Fences.
- i. If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this Chapter. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.
  - ii. A screen wall or solid fence may be used for all or part of the greenbelt. If a solid fence or screen wall is used, the following regulations shall apply.
    - (a) Required quantities of plant materials may be reduced by 50 percent for that area abutting the fence or wall.
    - (b) The fence or wall shall comply with the applicable regulations of this Ordinance.
- (9) Stormwater detention/retention areas shall be permitted within greenbelts provided they do not reduce the screening effect.
- (10) Solid waste dumpsters may be located in greenbelts, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.
- (11) Minimum Standards for Berms.
- i. Wherever a berm is used to meet the minimum requirements of this Chapter, it shall have a maximum height of five feet above grade.

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- ii. Berms shall be constructed so as to maintain side slopes not to exceed a one-foot vertical rise to three feet horizontal ratio.
- iii. Berm areas shall be covered with grass or other living ground cover.
- iv. Berms shall be constructed so as not to negatively affect drainage patterns on adjacent properties.

**SEC 4.27 BUILDING NUMBERING**

Every building in all zoning districts shall be numbered according to the Township's Building Numbering Ordinance, Ordinance No. 10-10-90. (18 Ju1, 97)

**SEC 4.28 OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS**

*(4 Feb, 04)*

a) **Purpose** - Whereas, the people of Lowell Township value the natural environment and wish to maintain the rural nature of the township it is the purpose of this ordinance to define practical and effective measures by which the obtrusive aspects of excessive or careless Exterior Lighting can be minimized, while preserving safety, security, and the nighttime use of property. These measures will curtail the degradation on the nighttime visual environment by encouraging the correct implementation of Exterior Lighting that directs the appropriate amounts of light where and when it is needed.

b) **Definitions** - In addition to the definitions given in [Chapter 2](#), the following words and terms are defined for use in this Section.

**Abandonment** - The relinquishment of a property, or the cessation of activities or conditions which constitute the principal use of the property by the owner or tenant for a period of six (6) months.

**Average Light Output** - The Total Light Output for a Lot, divided by the number of acres in the same Lot.

**Bulb** - The source of electric light, to be distinguished from the whole assembly. See Luminaire and Lamp.

**Candela (cd)** - Unit of luminous intensity. See Figure 4-2 for a more detailed explanation.

**Existing Lighting** - Any and all lighting installed prior to the effective date of this ordinance.

**Exterior Lighting** - Temporary or permanent lighting that is installed, located or used in such a manner as to illuminate an exterior area or objects. Fixtures that are installed indoors that are intended to illuminate an outside area or objects are considered exterior Lighting for the intent of this Light Ordinance.



**Fixture** - The assembly that holds the Lamp in a Lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Flood/Spot Light** - Light that produces up to 1800 Lumens and is designed to "flood" an area with light. Generally, flood/spot lights produce from 1000 to 1800 Lumens and have a built in reflector within the Bulb.

**Footcandle** - Illuminance produced on a surface one foot from a uniform point source of one candela, as measured by a light meter. See Figure 4-2 for a more detailed explanation.

**Fully Shielded** - The light emitted from a Fully Shielded fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. No light is emitted from the sides of the fixture. This type of fixture is also considered a full cut-off fixture.

**Glare** - Direct light emitted by a Luminaire that results in visual discomfort, momentary blindness or a reduction of visual performance.

**Holiday Lighting** - Festoon type lights, limited to small individual Bulbs on a string, where the spacing of Bulbs is not closer than three inches and where the output per Bulb is no greater than 15 Lumens.

**IESNA** - Illuminating Engineering Society of North America (IES or IESNA) - The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Illuminance** - Density of luminous flux incident on a surface. Unit of measure is the Footcandle. For the purpose of measuring the Illuminance of a mounted Luminaire in this ordinance, the measurement is made with a light meter 3 feet above the illuminated surface. See Figure 1 for a more detailed explanation.

**Lamp** - The source of electric light. Usually consists of a Bulb containing a filament or electric arc as the source of electromagnetic energy in the visible spectrum. See Luminaire.

**Light Ordinance** - The provisions of this Section 4.28 and any successor to Section 4.28, as amended and restated.

**Light Trespass** - Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

**Lighting** - Any or all physical parts of a Luminaire that function to produce light.

**Lumen** - Unit of luminous flux. Defined as the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One Footcandle is one lumen per square foot. The Total Light Output of a Lamp (Lumen rating) is usually rated in units of Lumens and may be abbreviated as lms. See Figure 4-2 for a more detailed explanation.

**Luminaire** - The complete Lighting unit, including the Lamp, the fixture, and other physical parts.

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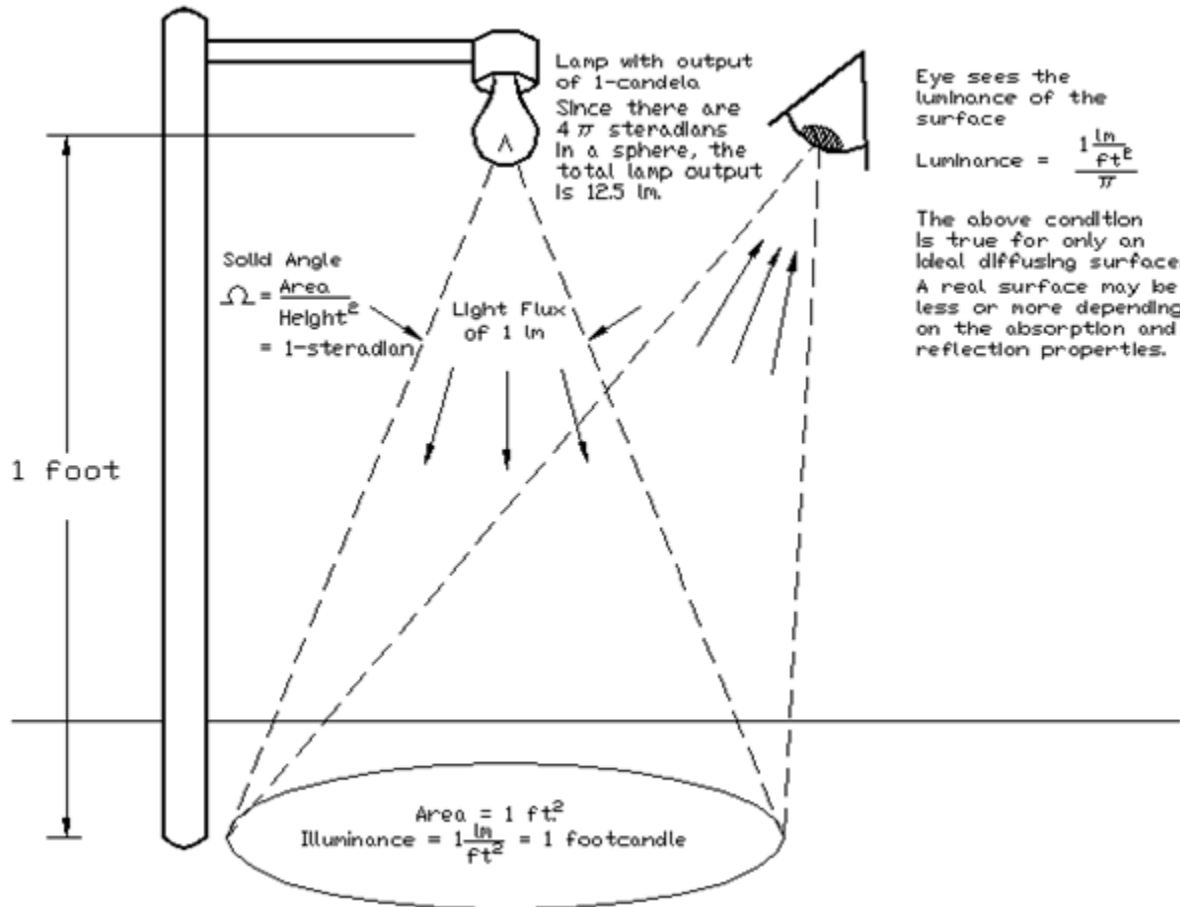
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**Luminance** - The Luminance is the perceived brightness that we see, the visual effect of the illumination, reflected, emitted or transmitted from a surface. See Figure 4-2 for a more detailed explanation.

**Figure 4-2**



$\pi = 3.1416$   
 $\Omega$  = symbol for Solid Angle  
 ft = foot (12 inches)  
 lm = lumen

**Major Improvement Expansion** - A building addition or modification that results in an increase in floor area of twenty-five (25) percent or more over the amount of floor area existing as of the effective date of this ordinance, or an addition or modification to a parking area that results in an increase in the number of parking spaces of twenty-five (25) percent or more over the number of parking spaces existing as of the effective date of this ordinance.

**Major Lighting Addition** - The replacement or addition of Exterior Lighting that results in an increase in the Average Light Output of a Lot of twenty-five (25) percent or more over the

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amount of Average Light Output of such Lot existing as of the date of passage of this Section 4.28.

**Minor Improvement Expansion** – A building addition or modification or an addition or modification to a parking area that does not constitute a Major Improvement Expansion and does not include a Major Lighting Addition.

**Minor Lighting Addition** – The replacement or addition of Exterior Lighting that does not constitute a Major Lighting Addition and does not include a Major Improvement Expansion.

**Partially Shielded** - The Bulb of the fixture is shielded by a translucent siding and the Bulb is not visible at all. Light may be emitted at the horizontal level of the Bulb.

**Planning Commission** – Lowell Charter Township Planning Commission.

**Public Streets** - Streets dedicated for the general public use and maintained by a governmental entity.

**Recessed** - When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

**Total Light Output** - The maximum total amount of light, measured in Lumens, from all outdoor light fixtures. For Lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered.

**Temporary Lighting** - Means Lighting that is intended to be used for a special event for 30 consecutive days or less.

**Uplighting** - Lighting that is directed in such a manner as to direct light rays above the horizontal plane.

- c) New Uses, Buildings and Major Additions or Modifications.
  - (1) All new land uses, developments, buildings and structures shall meet the requirements of this Light Ordinance. In addition, any one or more of the following events shall subject an entire Lot to all of the requirements (including, without limitation, the Average Light Output maximums) of this Light Ordinance:
    - i. Major Improvement Expansion, or
    - ii. Major Lighting Addition.
  - (2) All Exterior Lighting installed after the adoption of this Light Ordinance (including, without limitation, Lighting installed in connection with any Minor Lighting Addition or Minor Improvement Expansion) is subject to the restrictions and requirements of this Light Ordinance; provided, however, that Exterior Lighting installed in connection with a Minor Improvement Expansion or a Minor Lighting Addition will not, by itself, subject the Lot

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upon which the Exterior Lighting is to be installed to the Total Light Output or Average Light Output maximums established by this Light Ordinance, except as set forth below.

- (3) For any proposed land use, development, building, structure or improvement that requires a site plan, the submission shall include a Lighting plan establishing satisfaction of the requirements of this Light Ordinance and otherwise containing such detail concerning Lighting for the site as the Planning Commission may require.
- d) **All Additions** - Each proposed Minor Lighting Addition, Major Improvement Expansion or Major Lighting Addition for which a site plan is not required, but any township permit is required (including, without limitation, a building permit or an electrical permit), shall require the submission of a Lighting plan for review and approval by the Zoning Administrator establishing satisfaction of the requirements of this Light Ordinance and otherwise containing such detail concerning Lighting for the site as the Zoning Administrator may require. Without limiting the other restrictions and limitations set forth in this Light Ordinance, upon the completion of any Major Improvement Expansion or Minor Improvement Expansion, the Average Light Output after the modifications are complete shall not exceed the greater of (i) the Average Light Output as it existed immediately before such modifications, and (ii) the light output maximums set forth in Table 2 below.
- e) **Replacement of Outdoor Luminaire** – Replacement of any one or more Existing Lighting Luminaires shall individually meet the design, installation and operation requirements of this Light Ordinance. Replacement of any Existing Lighting Luminaire shall not cause or further increase noncompliance with Average Light Output maximums.
- f) **Resumption of Use After Abandonment** - If a property or use having non-conforming Lighting is Abandoned, as defined herein, then all Exterior Lighting shall be reviewed and brought into compliance with this ordinance before use is resumed.
- g) **Public and Private Roadways**
  - (1) Lighting for Public Streets shall be exempt from this ordinance.
  - (2) Lighting for Private Streets shall meet all requirements of this ordinance and the district in which the street is located. Lumens produced by street lighting on a Private Street shall be included in the Average Light Output for each Lot served by the Private Street by dividing the Total Light Output produced by the street lighting by the total number of acres in the property served by the Private Street, and then adding the quotient to the Average Light Output of each Lot served by the Private Street.
- h) **General Requirements for all Zones.**
  - (1) Outdoor Flood/Spot Lighting that projects light above the horizontal plane and used for illuminating objects other than flags, is prohibited except when said Lighting is restricted in duration by a timer or motion sensor with associated timer. Maximum on time must be limited to 5 minutes.

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- (2) All light Fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as described in [4.28 \(b\), Definitions](#), for Fully or Partially Shielded fixtures.
- (3) All light Fixtures shall be located, aimed, and shielded so as to minimize stray Light Trespassing across property boundaries.
- (4) Search lights, laser source lights, or any similar high-intensity light shall not be permitted except in emergencies as directed by police, medical or fire personnel.
- (5) Lighting for outdoor recreational facilities must conform to the requirements of this Light Ordinance; provided, however, that with respect to outdoor recreational facilities, the Planning Commission may, upon application, consent to higher maximum light outputs than would otherwise be permitted and different shielding than would otherwise be required by this Light Ordinance after consideration of:
  - i. the uses permitted by right for the district in which the Lighting for the outdoor recreations facility is requested;
  - ii. the public benefit that will be derived from the proposed facility and the annoyance or safety problems that may result; and
  - iii. the general health, safety and welfare of the community at large.

The Planning Commission may impose any conditions to any consent granted under this section as it deems necessary or appropriate in view of the considerations set forth above.

- (6) Exterior Lighting for signs shall conform to the provisions of this Section.
- (7) On projects where a site plan review is required, the developer shall verify in writing to the Planning Commission that all Exterior Lighting was installed in accordance with the approved plans.
- (8) Exterior Lighting installed on poles, such as parking lot Luminaries, and light Fixtures installed on the sides of the buildings or other structures, when not shielded from above by the structure itself as defined in Section (h)(9) and (h)(10) below, are to be included in the Total Light Output by simply adding the Lumen outputs of the Lamps used.
- (9) Exterior Lighting installed under canopies, buildings, overhangs, or roof eaves where the center of the Lamp or Luminaire is located at least five (5) feet, but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the Total Light Output as though they produced only one-quarter (1/4) of the Lamp's rated Lumen output.
- (10) Exterior Lighting located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the Total Light Output as though they produced only one-tenth (1/10) of the Lamp's rated Lumen output.
- (11) Neon Lighting is permitted, so long as the Lumen calculations from such Lighting are included in the Total Light Output calculations for the site. Lumens are calculated on a per

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foot basis rather than per "Fixture". Such Lighting shall also be subject to the shielding requirements of this section.

- (12) Free standing Luminaires shall be no higher than 25 feet above the finished grade. Building mounted Luminaires shall be attached only to walls, and the top of the Fixture shall not exceed the height of the parapet or roof, whichever is greater.
  - (13) Holiday Lighting is not regulated by this ordinance.
  - (14) Temporary Lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming Temporary Lighting may be permitted by the Planning Commission only after considering 1) the public and/or private benefits which will result from the Temporary Lighting; 2) any annoyance or safety problems that may result from the use of the Temporary Lighting; and 3) the duration of the nonconforming Temporary Lighting. The applicant shall submit a detailed description of the proposed nonconforming Temporary Lighting to the Zoning Administrator or designee.
  - (15) Flashing lights for the purpose of advertising are prohibited.
- i) **Canopy Lighting** - In addition to the calculations for [Sections 4.28 \(h\)\(9\)](#) and [\(h\)\(10\)](#), the following requirements apply to canopies:
- (1) All Luminaires mounted on the under surface of canopies shall be Fully Shielded and Recessed.
  - (2) The light output used for illuminating canopies, defined as the sum of all under-canopy initial bare-Lamp outputs in Lumens, shall not exceed forty (40) Lumens per square foot of canopy. All Lighting mounted under the canopy, including but not limited to Luminaires mounted on the lower surface of the canopy and auxiliary Lighting within signage or appurtenances, is to be included toward the total.
- j) Special Requirements by Zone.
- (1) Shielding requirements for lamps located in various zoned districts are shown in Table 1.

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**TABLE 1**

LAMP SOURCE AND SHIELDING STANDARDS FOR VARIOUS ZONED DISTRICTS			
LAMP TYPE	LI, C	MH, R-3	AG-1, AG-2, R-1, R-2
All types above 36,000 lumens	F	X	X
All types equal to or below 36,000 and above 4,050 lumens	F	F	F
All types equal to or below 4,050 and above 1000 lumens	F	P	P
All types equal to or below 1000 lumens	P	P	A

Use Code:

- A = Unshielded Fixtures allowed. Shielding not required but recommended.
- F = Fully Shielded Fixtures are allowed.
- P = Partially Shielded Fixtures are allowed
- X = Prohibited except as noted.

- (2) Light output from outdoor mounted luminaries shall not exceed the requirements of Table 2 below.

**TABLE 2**

LIGHTING REQUIREMENTS BY ZONE			
	LI, C	MH, R-3	AG-1, AG-2, R-1, R-2
Average Light Output per Acre	100,000	40,000	25,000
Maximum Illuminance in footcandles	25	25	none
Uplighting of flags	prohibited	permitted	permitted

Table Notes:

1. “Lot” is defined in Chapter 2
2. The Open Space required by the PUD, and any areas set aside as Primary Conservation areas outside the Open Space, shall not be included in the Average Light Output calculation for any Lot.
3. Permitted Uplighting for flags shall not exceed 1800 lumens per flag pole.
4. Notwithstanding any other restrictions set forth in this Light Ordinance, a minimum Total Light Output of 5500 lumens per acre is permitted for any lot size.

**k) Special Requirements for Site Condominium Subdivisions.**

Total Light Output from outdoor mounted Luminaries of any Site Condominium Subdivision, shall be the same as that set forth for the zoning district in which the Site Condominium Subdivision is located.

**SEC 4.29 SATELLITE DISH**

*(16 Mar, 2011) (5 Dec, 2011)*

- a) Satellite dishes are permitted in all zoning districts without a permit subject to the following regulations:
- b) A satellite dish shall not be located in the required front yard. (See [Table of District Regulations](#) for the required front yard for all zoning districts)
- c) A satellite dish shall comply with the side and rear yard setback requirements for accessory buildings for the zoning district in which it is located.
- d) A satellite dish shall not display any advertising message or other graphic representation other than a manufacturer's logo or nameplate.
- e) A satellite dish shall be located on the same lot or premises as the use for which it serves and shall not be located in a public right-of-way.
- f) A satellite dish shall be a neutral in color and texture such as silver, grey, beige or light brown which can blend into the adjacent background.
- g) A satellite dish mounted on the roof or side of a building shall not extend higher than 12 feet above the ridge or peak of the building roof.
- h) A satellite dish shall be well maintained, securely attached to a structure or the ground and shall not be allowed to become unsightly in appearance.
  - (1) For satellite dishes which are one meter (39.37 inches) or less in diameter the Zoning Administrator may grant a waiver from the setback requirements of this Section if it can be demonstrated that these requirements prevent reasonable satellite dish reception. This waiver may be granted after consideration of the following factors and standards:
  - (2) A showing of true hardship or particular difficulty;
  - (3) The safety of the property owner and the surrounding property owners;
  - (4) The waiver shall be the minimum necessary to afford relief to the applicant;
  - (5) "Reasonable reception," as used in this section, does not mean perfect reception from each satellite service provider.
  - (6) Conditions may be attached to the granting of a waiver, which protect the health, safety, and welfare of the community.

**SEC 4.30 SOLAR PANELS**

Free standing solar panels shall be considered an accessory structure and shall meet all front, side and rear yard requirements specified for such buildings.



**SEC 4.31 FENCES & WALLS**

(7 Jul, 2010)

- a) **Applicability** – The requirements of this Section shall apply to fences and walls in all zoning districts except that fences which are erected on a temporary basis such as for a construction site or fences which are erected as part of a mineral mining operation are not subject to this Section 4.31.
  
- b) **Definitions**
  - (1) Fence – a man-made structure serving as an enclosure, a visual screen a barrier or a boundary. For purposes of this Section 4.31 a freestanding wall having both sides exposed shall be considered a fence.
  - (2) Substantially open fence – a fence which is at least 40 percent open when viewed perpendicular to the fence.
  
- c) **Yard & Height Requirements by Zone**
  - (1) AG-1, AG-2 and R-1 Zones
    - i. *Front yard:* Maximum height of three feet for a solid fence; Maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
    - ii. *Side and rear yards:* Maximum height of six feet.
    - iii. The use of barbed wire strands and electrically charged fences above grade is permitted in all yards.
  - (2) R2, R3, MHP and OS-PUD Zones (See Figure 4-3):
    - i. *Front yard:* Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
    - ii. *Side and rear yard:* Maximum height of six feet
  - (3) Commercial Zone:
    - i. *Front yard:* Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
    - ii. *Side and rear yard:* Maximum height of eight feet. The use of barbed wire strands is permitted provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.

- (4) Industrial Zone:
- i. *Front yard:* Maximum height of three feet for a solid fence; Maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
  - ii. *Side and rear yard:* Maximum height of eight feet.
  - iii. The use of barbed wire strands is permitted in all yards provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
- (5) Corner lot: For corner lots the front yard requirements for fences shall apply to each front yard except that in the R-2 and R-3 zoning districts, a solid fence with a maximum height of six feet may be placed within that front yard which is along the side of the dwelling, provided such fence is a least 10 feet from that front lot line which is parallel to the side of the dwelling. (See Figure 4-4)
- (6) Measurement of Fence Height: The height of a fence shall be measured as the vertical distance from the highest point of the fence material, excluding any support posts or structures, to the finished grade of the ground immediately beneath the fence material.
- (7) Fence Height Exceptions:
- i. Fences which exceed the maximum height otherwise permitted by the zoning district may be allowed by the Planning Commission as part of the Commission’s review of a site plan or special land use if it is demonstrated that such fence is necessary for public safety, proper screening, or is necessary for the proper operation of the principal use such as utility sub-stations, tennis courts, golf courses, athletic fields or parks.
  - ii. The Planning Commission may also approve fence height exceptions which are not part of a site plan or special land use but which may be needed for farm protection purposes in the AG-1 and AG-2 Zoning Districts. In allowing a greater height the Commission must take into consideration the compatibility of fence with the visual character of the area and the impact on nearby residents and land uses.
  - iii. In all zoning districts for those portions of fences which are extended across uneven, low or depressed areas relative to abutting grades including but not limited to swales, sloping ground, streams, drains or ditches, the fence material may extend to the bottom of the depressed area or the water in order to achieve the purpose of the fence. The fence shall be constructed and maintained so it does not to impede the flow of water.  
  
The top of the fence material which extends over the low or depressed area however shall not be higher than the top of the fence material on abutting grades. (See Figure 4-5)
- d) Construction, Materials and Maintenance
- (1) Fences shall not be erected within any public road right-of-way.

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- (2) Fences shall comply with the requirements for clear vision areas as set forth in [Section 4.38](#) herein.
- (3) All fences shall be of sound construction and properly maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public. The use of razor wire as a fence or part of a fence is prohibited.
- (4) In all zoning districts a fence shall be erected so that the finished side of the fence faces adjacent properties with any posts or supports located on the inside of the fence except fences erected for the enclosure of farm animals in the AG-1, AG-2 and R-1 Zones.
- (5) All fences shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district in which it is located.
- (6) All fences which lawfully existed as of July 7, 2010 which is the effective date of this Section 4.31 but which do not comply with the requirements of this Section shall be considered non-conforming. If more than 50 percent of the length of such non-conforming fence along any lot line is replaced for any reason then the entire fence along that same lot line shall be replaced and shall only be re-established in conformance with the requirements of this Section. This means, for example, that if more than 50 % of the length of a non-conforming fence is replaced along the rear lot line then the entire fence along the rear lot line must be replaced in accordance with the requirements of this Section.

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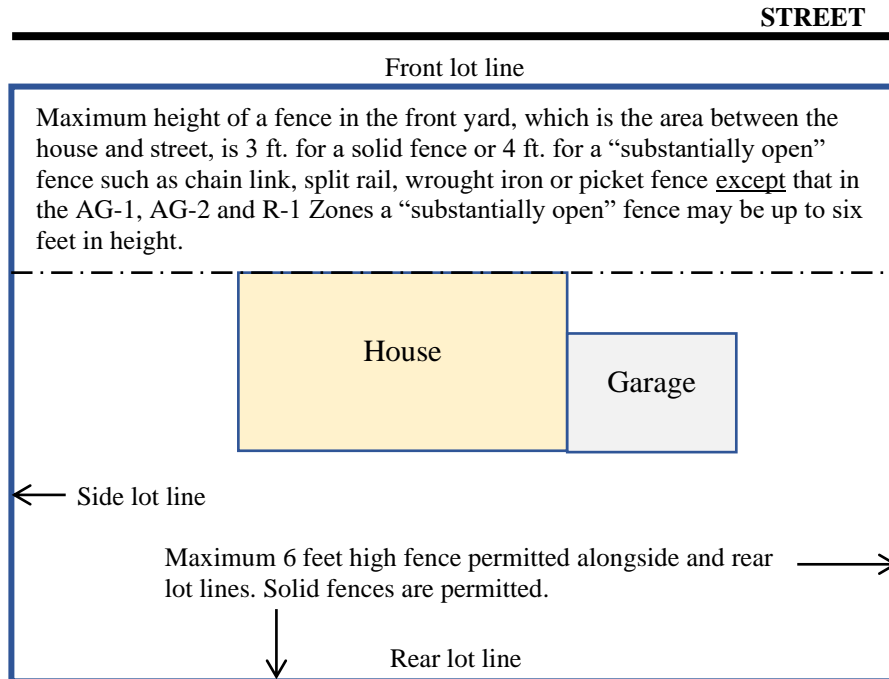
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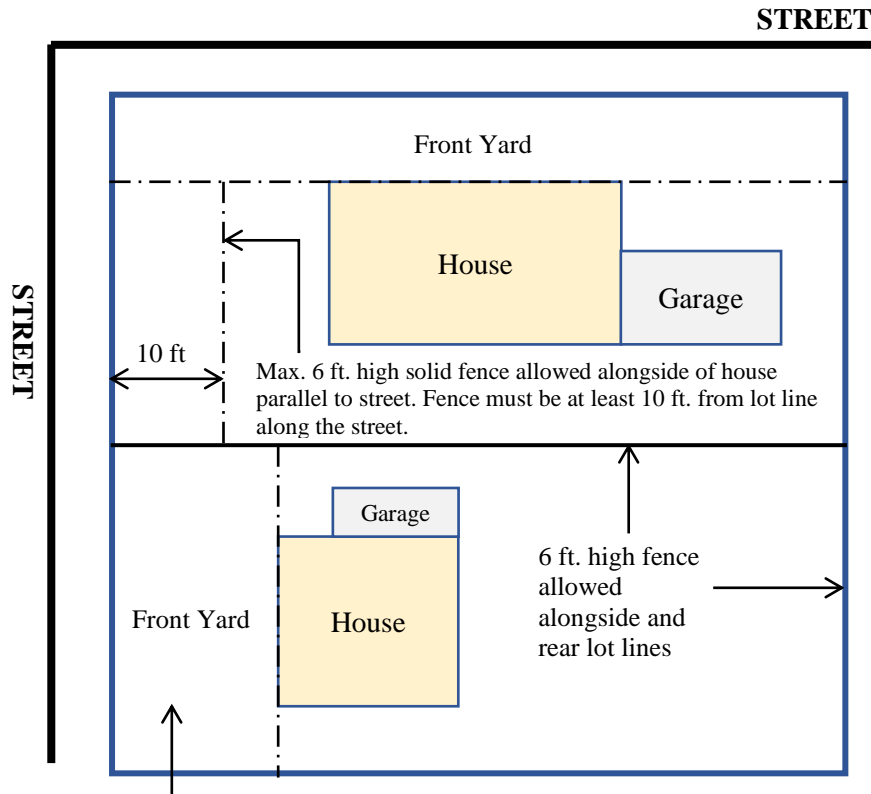
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**LOWELL CHARTER TOWNSHIP**  
**FENCE REQUIREMENTS IN RESIDENTIAL ZONES**  
**Figure 4-3 Zoning Ordinance Section 4.31**



- Fences shall not be erected within any public road right-of-way.
- A permit from the Township is not required to install a fence or wall.
- In all zoning districts a fence or wall shall be erected so that the finished side of the fence or wall faces adjacent properties with any posts or supports located on the inside of the fence or wall.
- Any fence, decorative or protective wall shall be of uniform design, construction, and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with their uses permitted in the zoning district in which it is located.
- Barbed wire and electrically charged fences are permitted in the AG-1, AG-2 and the R-1 Zones. The use of razor wire as a fence or part of a fence is prohibited in all zones.

**LOWELL CHARTER TOWNSHIP  
FENCE REQUIREMENTS FOR CORNER LOTS**  
Figure 4-4 Zoning Ordinance Section 4.31

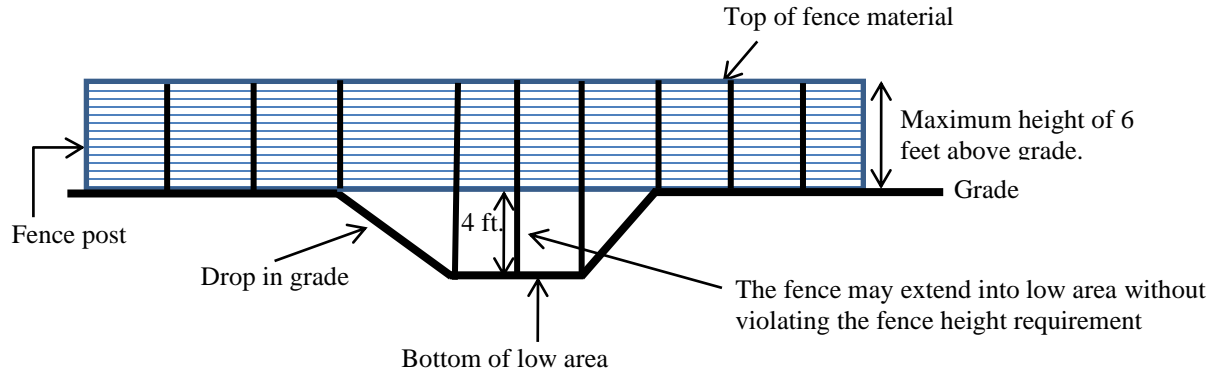


Maximum height of a fence in the front yard, which is the area between the house and street, is 3 ft. for a solid fence or 4 ft. for “substantially open” fence such as chain link, split rail, wrought iron or picket fence except that in the AG-1, AG-2 and R-1 Zones a “substantially open” fence may be up to six feet in height.

- Fences shall not be erected within any public road right-of-way.
- A permit from the Township is not required to install a fence or wall.
- In all zoning districts a fence or wall shall be erected so that the finished side of the fence or wall faces adjacent properties with any posts or supports located on the inside of the fence or wall.
- Any fence, decorative or protective wall shall be of uniform design, construction, and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with their uses permitted in the zoning district in which it is located.
- Barbed wire and electrically charged fences are permitted in the AG-1, AG-2 and the R-1 Zones. The use of razor wire as a fence or part of a fence is prohibited in all zones.

**LOWELL CHARTER TOWNSHIP  
FENCE HEIGHT EXCEPTIONS FOR UNEVEN AND LOW AREAS**

Figure 4-5 Zoning Ordinance Section 4.31



**Section 4.31 (c) (7)**

For those portions of fences which are extended across uneven, low or depressed areas relative to abutting grades including but not limited to swales, sloping ground, streams, drains or ditches, the fence material may extend to the bottom of the depressed area or the water in order to achieve the purpose of the fence. The top of the fence material which extends over the low or depressed area however shall not be higher than the top of the fence material on abutting grades. (See Figure 4-5 above)

**SEC 4.32 WIND ENERGY SYSTEM (WES)**

*(3 Dec, 2008)*

a) **Purpose:** The purpose of this section is to establish standards and procedures by which the installation and operation of a Wind Energy System (WES) shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

b) **Definitions:**

Wind Energy System (WES) – shall mean any combination of the following:

- A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- A windmill traditionally used to pump water shall not be considered a Wind Energy System.

**On Site Use Wind Energy System** – A WES the purpose of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.

**Single WES for Commercial Purposes** – A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

**Wind Farm** – Clusters of two or more WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

**Utility Grid Wind Energy Systems** – A WES designed and constructed to provide electricity to the electric utility grid.

**Structure Mounted WES** – A WES mounted or attached to an existing structure or building.

**Interconnected WES** – A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

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**WES Height** – The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.

**WES Setback** – The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

**Nacelle** - In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.

**Shadow Flicker** – Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

**Applicant** - The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant’s successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

c) **Wind Energy Systems Allowed as a Permitted Use:** Any On Site Use Wind Energy System including structure mounted WES which are 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

- (1) The height of the WES with the blade in vertical position shall not exceed 65 feet.
- (2) A WES shall be set back from all lot lines a distance equal to 1.5 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front or side yard setbacks.
- (3) A structure mounted WES shall have a distance from the nearest property line equal to the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position and blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.
- (4) A permit shall be required to be obtained from Lowell Township to construct and operate an On Site Use WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Lowell Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers’ installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A

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copy of the manufacturer’s installation instructions and construction drawings shall be provided to the Township.

- (5) An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

d) **Wind Energy Systems Which Require a Special Use Permit**

Any WES including a structure mounted WES which is greater than 65 feet in height, may be allowed as a Special Use only within the AG-1, AG-2, R1, GC, LI, OS-PUD, CPUD, and IPUD Districts, subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of [Chapter 20](#) of this Zoning Ordinance:

- (1) Site Plan Requirements – For those WES for which a Special Use is required the following items shall be included with or on the site plan:
- i. All requirements for a site plan contained in [Chapter 21](#) herein including the area and dimensions of the area to be purchased or leased for the WES.
  - ii. Location, height and type of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
  - iii. Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
  - iv. Location of all existing and proposed overhead and underground electrical transmission or distribution lines located on the parcel(s) upon which the WES is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
  - v. Rotor or blade clearance over and from any structure, adjoining property or tree on the parcel or parcels proposed for the WES and adjacent parcels.
  - vi. Land uses within 300 feet of the parcel.
  - vii. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
  - viii. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
  - ix. Security measures proposed to prevent unauthorized trespass and access.
  - x. Standard drawings of the structural components of the WES including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.

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- xii. Additional information as required by [Chapter 20 Special Land Uses](#) of this Ordinance, or as may be required by the Planning Commission.
  - xii. The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project
- (2) Height. - The height of a WES for which a Special Use is required shall be determined by compliance with the requirements of this Section 4.32.
  - (3) Setbacks. - A WES shall be set back from all lot lines a distance equal to 1.5 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front or side yard setbacks. A reasonable set back shall be maintained from overhead electrical transmission lines.
  - (4) Rotor or Blade Clearance. Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.
  - (5) Lighting - A WES shall provide lighting as may be required by the FAA.
  - (6) Maintenance Program Required – The applicant shall provide a written description of the maintenance program to be used to maintain the WES including a maintenance schedule of types of maintenance tasks to be performed.
  - (7) Decommissioning Plan Required. - The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.
  - (8) Siting Standards and Visual Impact.
    - i. A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
    - ii. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project.
  - (9) Inspection – The Township shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times with permission of the property owner. The Township may hire a consultant to assist with any such inspections at the applicant’s cost.
  - (10) Insurance – The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.

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- (11) Performance Guarantee – If a Special Use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.
- e) **Standards for All WES:** All WES shall comply with the following:
- (1) Sound Pressure Level.
- i. Wind energy systems shall not exceed 55 dB (A) as measured at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as high or severe winds. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB(A) plus 5 dB(A).
  - ii. Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 4.32 e) (1) (i) above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.
- (2) Shadow Flicker – The Planning Commission may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
- (3) Construction Codes, Interconnection Standards, Federal, State and Township Codes
- i. All applicable state construction and electrical codes and local building permit requirements;
  - ii. Federal Aviation Administration requirements.
  - iii. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
  - iv. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
  - v. Any State or Federal regulations regarding private landing strips in or adjacent to Lowell Township
  - vi. The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
- (4) Safety
- i. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

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- ii. To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
    - (a) Tower climbing apparatus shall not be located within 12 feet of the ground.
    - (b) A locked anti-climb device shall be installed and maintained.
    - (c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
  - iii. All WES shall have lightning protection.
  - iv. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors
  - v. The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.
- (5) Signs
- i. Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
    - (a) The words “Warning: high voltage
    - (b) Emergency phone numbers.
  - ii. A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer’s and/or owner’s identification.
- (6) Electromagnetic Interference – WES shall be designed, constructed and operated so as not to cause radio and television interference.
- (7) Maintenance - WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- (8) All distribution lines from the WES to the electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- (9) A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

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**SEC 4.33 REQUIREMENTS FOR TOWERS & ANTENNAS WHICH DO NOT EXCEED A HEIGHT OF 35 FEET**

*(5 Dec, 2011) (6 August, 2014)*

The following regulations shall not apply to wireless communications support structures and equipment regulated by [Section 4.41](#), satellite dishes regulated by [Section 4.29](#), wind energy systems regulated by [Section 4.32](#), and towers and antennas which are otherwise specifically regulated by this Zoning Ordinance. All other towers and antennas which do not exceed a height of 35 feet shall comply with the following regulations:

- a) **Towers and Antennas Allowed by Right.** The following towers and antennas are allowed in all zoning districts subject to the following requirements, approval by the Township Zoning Administrator and the issuance of a building permit:
- (1) An antenna which is no more than 35 feet in height when attached to a new or existing structure such as a tower or pole. The height shall be measured from the top of the antenna to the average grade within 25 feet of the base of the structure.
  - (2) An antenna which is attached to or placed on the roof an existing building provided the antenna does not exceed a height of 35 feet as measured from the top of the antenna to the average grade within 25 feet of the base of building or the antenna does not extend above the highest point of the building roof whichever is greater.
  - (3) The antenna or tower shall be permanently secured to a stable foundation.
  - (4) All antennas and towers must be grounded to protect against damage from lightning.
  - (5) A newly installed structure containing an antenna shall be set back from all lot lines a distance equal to its height and shall not be located in the required front yard. The height shall be measured from the top of the antenna to the average grade within 25 feet of the base of the structure. An antenna installed on a building shall be located so that it is setback from all lot lines a distance equal to the height of the antenna as measured from the top of the antenna to the base of the antenna.

**SEC 4.34 NON-CONFORMITIES**

- a) **Non-Conforming Uses and Structures** - The following regulations shall control lawful non-conforming uses and structures in existence at the time of passage of this Ordinance and those made nonconforming at the passage of any amendments:
- (1) Lawful non-conforming uses or structures in existence at the time of passage of this Ordinance may be continued but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this Ordinance;
  - (2) A non-conforming building or structure which is damaged or destroyed by fire, flood, wind, or other calamity may be restored and the occupancy or use of such building or structure, or part thereof which existed at the time of such destruction may be continued or resumed;

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provided, that such restoration is started within a period of one year of the time of such damage and diligently prosecuted to completion.

- (3) If the non-conforming use of any land or structure shall terminate for a continuous period of three years or more such use shall not be reestablished and any future use of such land or structure shall be in conformity with this Ordinance; and
- (4) If a non-conforming use is changed to a permitted use in the district in which it is located, it shall not revert or be changed back to a non-conforming use.
- (5) A non-conforming use may be changed to another non-conforming use as a Special Use if the Planning Commission finds that the new use is compatible and consistent with existing structures and buildings on the premises and that the new use does not increase the degree of non-conformance as compared to the original use. (30 Jun, 84)

b) **Non-Conforming Lots of Record (Substandard Lots)** - In any district, a structure and accessory buildings may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed prior to the effective date of this ordinance or an affecting amendment. Such lot must be in separate ownership, undeveloped, not contiguous with other lots under the same ownership and if residential, meet all current space requirements for a legal health disposal system. A Planning Commission review is required.

Where there exists two or more non-conforming lots of record which are under single ownership, undeveloped and contiguous at the time of passage or amendment of this ordinance, the lots involved shall have no more than three years in which to be built upon. One extension period of two years is permitted upon application to the Building Official. Upon expiration of such period or its extension, all remaining contiguous lots shall be required to meet the current zoning district requirements stated in this ordinance in order to secure a building permit.

**SEC 4.35 ESSENTIAL PUBLIC SERVICE EQUIPMENT**

*(4 Nov, 2009)*

Essential public service equipment as defined herein is a permitted use in all zoning districts and is not subject to the provisions of this Zoning Ordinance.

**SEC 4.36 ESSENTIAL PUBLIC SERVICE STRUCTURES AND BUILDINGS**

*(4 Nov, 2009)*

Essential public service structures and buildings as defined herein are allowed in all zoning districts as a Special Land Use subject to the requirements and standards of [Chapter 21](#) of this Zoning Ordinance and the following regulations:

An essential public service structure or building may be located on a parcel or an area leased for such use which does not have frontage on a public or private street and which does not meet the minimum lot area requirement of the zoning district in which such use is proposed.

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- a) An essential public service structure or building shall be setback a minimum of 50 feet from any public or private street right of way line, 25 feet from all other lot lines and boundary lines of a leased area and 50 feet from a dwelling unit.
- b) Access to the building or structure shall be provided by a driveway. Such driveway shall be constructed and located to accommodate vehicles and equipment accessing the parcel or leased area, to avoid storm water runoff onto adjoining parcels, and to minimize negative impacts on adjacent residents and properties. Such driveway may be located within an easement which is at least 20 feet wide and which intersects the public street.
- c) The Planning Commission in its review of such use and in order to minimize the impact of such use on nearby land uses shall have the discretion to increase the minimum yard requirements, to require screening such as fencing, landscaping or a berm or to require a certain building style, material or colors and to require paving of driveways and access roads. The Commission shall consider the following criteria and factors in its determination of such requirements:
  - (1) The size, height and appearance of the structure or building.
  - (2) Any noise, odor, glare, vibration or similar nuisance produced by the use.
  - (3) Potential hazards such as electrical shock.
  - (4) The types of existing or planned nearby land uses.

**SEC 4.37 REQUIRED SETBACKS FROM FUTURE ROADS**

*(3 Mar, 2010)*

For a parcel which contains a future public road as proposed by the Lowell Charter Township Master Plan any development project proposed for such a parcel shall not be located within the future right of way of such road and all applicable setbacks and required yards for the development project shall be measured from the future public road right of way. The location of the right of way shall be determined by the Planning Commission with final approval by the Township Board.

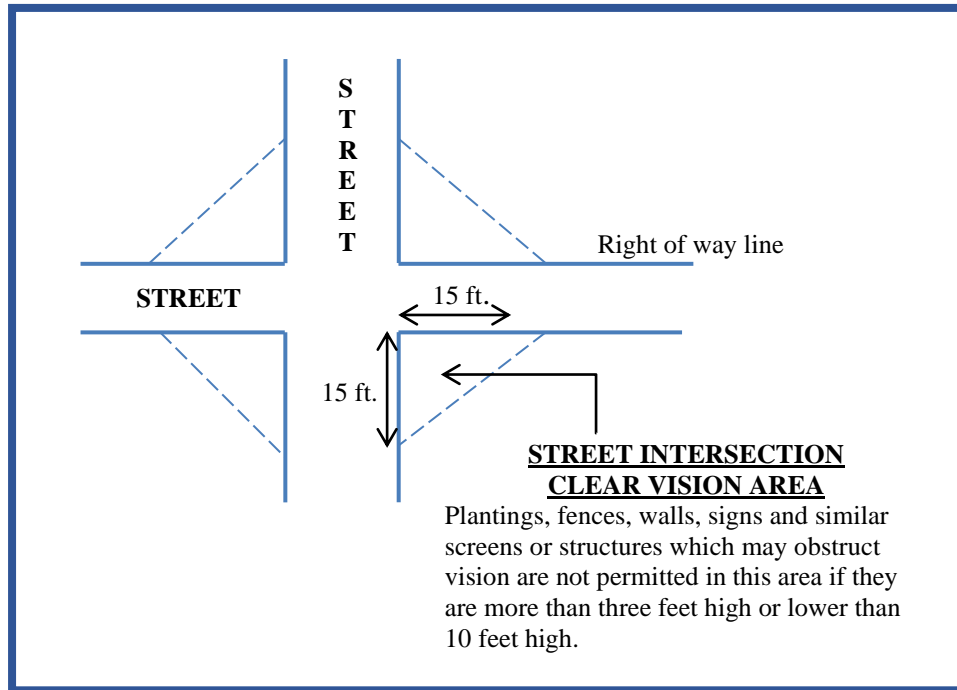
Development projects for purposes of this section shall include but are not limited to buildings, structures, or parking lots. Driveways or access lanes or aisles within the future road right of way may be permitted by the Planning Commission on a temporary basis but shall be removed at such time when the public road is constructed.

**SEC 4.38 CLEAR VISION AREA**

*(7 Jul, 2010)*

No sign, fence, wall screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersection right-of-way lines 15 feet from the point of intersection of the right-of-way lines. (See Figure 4-6)

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CLEAR VISION AREA REQUIREMENT  
Figure 4-6 Zoning Ordinance Section 4.38**



**SEC 4.39 OUTDOOR FURNACES**

(6 Apr, 2011)

- a) **Definition** - An outdoor furnace is defined as a furnace, heating system, stove, or boiler that is a separate structure, either above or below ground, not located in a building but which provides heat or hot water for a building or structure located on the same lot.
- b) **Zoning Districts Allowed** - Outdoor furnaces are permitted in the AG-1, AG-2 and R-1 zoning districts subject to the requirements of this Section 4.39 and the issuance of a mechanical permit by the Township Building Inspection Department (or such other official as is designated by the Township Board).
- c) **Application** - As part of the permit application process the applicant shall submit the following information in order to show compliance with [Sections 4.39\(e\)](#) and [\(f\)](#) herein:
  - (1) An accurate drawing illustrating the parcel and all buildings on the parcel proposed for the outdoor furnace and the proposed location of the furnace showing distances to lot lines;



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- (2) Information on the distance of the furnace to houses and buildings on nearby properties; and specifications and other materials from the manufacturer of the furnace including the height of the smoke stack.
- d) **Existing Furnaces** - Any outdoor furnace which was lawfully located on a lot and in operation prior to the date of adoption of this Section 4.39 shall be allowed to continue but must comply with the operating requirements of [Sections 4.39\(e\) \(4-6\)](#). In addition, such lawfully existing furnaces shall also comply with all of the following requirements.
  - (1) If a smoke stack on an existing outdoor furnace is to be replaced or modified, the new or modified smokestack shall comply with the height requirements of [Section 4.39 \(f\)](#).
  - (2) If the existing furnace does not meet the setback requirements of this Section 4.39, it shall not be moved so as to decrease the existing setbacks. Any moving of the outdoor furnace shall be considered a modification and the furnace must then comply with the setback, smokestack and other requirements of this Section 4.39.
  - (3) If any of the major components of a outdoor furnace system (such as the heat exchanger, smokestack, water pump, or underground pipes) are to be replaced or modified or the outdoor furnace is proposed to be moved on the lot, then the entire outdoor furnace shall comply with all of the requirements of this Section 4.39.
  - (4) However, if the Township Building Inspection Department (or such other official as is designated by the Township Board) determines that any such modification or replacement will promote safety and public health but that the owner of the lot will not do such replacement or modification if the outdoor furnace is required to be moved and be in full compliance with all of the requirements of Section 4.39, the Township Building Inspection Department (or other equivalent Township official) can allow such modification or replacement to be made while waiving some or all of the requirements of this Section 4.39 regarding the location and other aspects of a new outdoor furnace.
- e) **Installation and Operating Requirements**
  - (1) Outdoor furnaces shall be installed and operated according to the manufacturer’s instructions and all applicable building and mechanical codes at all times.
  - (2) Outdoor furnaces shall be listed by a nationally recognized testing laboratory and labeled for outdoor installation. Supports and foundations shall prevent excessive vibration, settlement and movement of the furnace. Supports and foundations shall be level and conform to the manufacturer’s installation instructions.
  - (3) An applicant for an outdoor furnace shall provide documentation from the furnace manufacturer that the proposed outdoor furnace shall emit no more than 0.44 pounds of particulate matter per million BTU’s of heat input (0.44lb/mmBtu) .

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- (4) All outdoor furnaces shall only be used to burn wood without additives, wood pellets without additives and agricultural seeds in their natural state. The following materials are specifically prohibited as items or materials to be burned in outdoor furnaces:
  - i. Rubbish or garbage including, but not limited to, food waste, food, wraps, packaging, animal carcasses, paint, petroleum products, or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
  - ii. Leaves, grass and other similar yard waste.
  - iii. Waste oil or other oily wastes.
  - iv. Treated or painted wood.
  - v. Any plastic material including, but not limited to, nylon, PVC, polystyrene or urethane foam, and synthetics fabrics, plastic films, and plastic containers.
  - vi. Rubber, including tires and synthetic like products.
  - vii. Newspapers, corrugated cardboard, container board, or office paper.
- (5) Outdoor furnaces shall be kept in a reasonable condition and repair at all times.
- (6) No outdoor furnace shall be used or operated in such a fashion as to become a nuisance to the owners or occupiers of any adjoining or nearby properties or dwellings or in such a fashion that smoke emissions unreasonably interfere with the safe or reasonable enjoyment of any of the owners or occupants of nearby or adjoining properties.

f) **Location and Smokestack Height**

- (1) Every outdoor furnace shall be located at least 100 feet from the nearest dwelling unit which is not on the same lot as the outdoor furnace.
- (2) Each outdoor furnace shall be located a minimum of 50 feet from all property lines.
- (3) An outdoor furnace shall not be located between the principal building on the lot and the public or private street unless the furnace is setback at least 300 feet from the front lot line, including corner lots, except that the Zoning Administrator may permit a lesser setback. Factors that shall be considered by the Zoning Administrator in deciding whether to permit a lesser setback shall include but are not limited to natural features of the site which make it difficult to comply with the 300 feet setback, whether the furnace is visible from the street, location of existing buildings on the parcel, impact which the operation of the furnace might have on nearby properties, and the size of the parcel. In no case shall the furnace be setback less than 50 feet from the front lot line.
- (4) Each outdoor furnace shall have a smokestack that extends at least 10 feet above the ground surface. In addition, if any dwelling or other principal building is intended to be occupied by humans and which is not on the same lot as the outdoor furnace but which is located within 300 feet of the outdoor furnace, the height of the smokestack shall be no lower than the roof

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peak of such dwelling or principal building.

The Building Inspection Department (or other person so designated by the Township Board) may approve a lesser smokestack height if necessary to comply with the manufacturer’s recommendations and if it can be demonstrated that smoke from the lower smokestack height will not create a nuisance for residents of nearby existing dwellings. Factors that shall be considered by the Building Inspection Department (or Township Board designee) in making a determination to permit a lower smokestack height shall include, but are not limited to, topography, height of nearby dwellings, prevailing wind direction, type of furnace, and proposed smokestack height.

- (5) An outdoor furnace shall be located no closer than 10 feet to a propane tank or similar flammable container.

**SEC 4.40 PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES**

*(5 Dec, 2011)*

A medical marijuana dispensary as defined herein shall not be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the Township of Lowell.

**SEC 4.41 WIRELESS COMMUNICATION TOWERS AND ANTENNAS EXCEEDING 35 FEET**

*(6 August, 2014)*

a) **Purpose**

It is the intent of this section to regulate those wireless communication towers and antennas which exceed 35 feet in height in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 Of 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of [Section 4.41\(f\)](#) herein. However, if such requirements would preclude or prevent the operation of the antenna, then such requirements shall only apply to that extent which allows the antenna to reasonably operate.

- b) **Exemptions for antennas only:** The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Lowell Charter Township:

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- (1) Amateur radio antennas operating under a license issued by the Federal Communications Commission;
- (2) Television reception antennas;
- (3) Antennas used primarily for a farm operation;
- (4) Citizen band radio antennas;
- (5) Short wave antennas;
- (6) Satellite dishes; (See [Section 4.29](#))
- (7) Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.

c) **Definitions as used in this section:**

- (1) "Co-locate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.
- (2) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (3) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- (4) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- (5) "Height" is measured from the top of the antenna to the average grade within 25 feet of the base of the support structure.

d) **Co-location of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted By Right.**

The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable Township building and electrical permits.

- (1) Application and Submittal Information. An application for wireless communications equipment and support structures shall include the following information.

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- i. A graphic description of the proposed wireless communications equipment and support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
  - ii. A statement that the proposed wireless communications equipment support structure will be installed in accordance with the manufacturer’s specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure shall also be provided.
  - iii. A description of the tower maintenance program.
  - iv. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for uses permitted in that Zoning District.
  - v. Security measures including emergency contact personnel.
  - vi. Documentation that the applicant has indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
  - vii. All required fees shall be paid to the Township at the time of application.
- (2) Site Plan Requirements: The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:
- i. The date on which the site plan was prepared as well as the name of the preparer;
  - ii. A north arrow and legal description of the property;
  - iii. The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower;
  - iv. A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties;
  - v. The height of the tower and antenna and its distance to all property lines;
  - vi. Any buildings or structures existing on the parcel;
  - vii. The distance to the closest building on adjacent property;
  - viii. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower;
  - ix. Any tower supporting structures or devices;

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- x. Type and height of fencing to be installed around the tower or an equipment building;
- xi. Elevation drawings of any buildings designed to serve the tower;
- xii. Access road, width and construction standards along with access easement;
- xiii. Any lighting proposed to be located on the tower;
- xiv. Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.

(3) Procedures:

- i. The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in [Sections 4.41 \(d\) \(1\) and \(2\)](#).
- ii. Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the Township files. The applicant may then proceed to obtain the applicable building and electrical permits.

(4) Review Standards: In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:

- i. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound;
- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Lowell Charter Township Zoning Ordinance and applicable building and electrical codes;
- iii. The proposed co-location and any subsequent co-locations will not do any of the following:
  - (a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;
  - (b) Increase the width of the original wireless communications support structure by more than the minimum necessary to permit co-location; or
  - (c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- iv. The proposed co-location complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless

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communications equipment as previously approved by the Lowell Township Planning Commission or Zoning Administrator; and

- v. Any wireless communications equipment which meets the requirements of Section 4.41 (d)(4)(i) and (ii) above but does not meet the requirements of Section 4.41 (d)(4)(iii) or (d)(4)(iv) above shall only be approved if the co-location complies with the requirements of Section 4.41(e).

e) **Wireless Communications Equipment and Support Structures Allowed By Special Use Permit.**

Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure which will exceed a height of 35 feet may be allowed in all zoning districts if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of [Chapter 20](#) of this Zoning Ordinance. Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of [Section 4.41\(f\)](#).

(1) Procedures

- i. An application for a Special Use Permit for wireless communications equipment and support structures shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in [Sections 4.41 \(e\) \(2\)](#) and [\(3\)](#) below. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).
- ii. Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of [Section 25.04](#) of this Ordinance.
- iii. The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 4.41(d)(4)(v). Failure to do so shall result in the approval of the application as submitted.
- iv. Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws.

- (2) Application Requirements. In addition to normal application requirements, an application for wireless communications equipment and support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.

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- i. *Proposed Use* - A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
- ii. *Location Justification*–Written materials which document the need for the proposed location.
- iii. *Ownership Interest* -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
- iv. *Other Tower Locations* - A map depicting other locations of wireless communications support structures within three miles of the proposed site.
- v. *Co-Locations* -Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Lowell Charter Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures. All applications for construction of a wireless communications support structure will be required to provide plans for future co-location with other owners/operators at a fair and reasonable rental rate.
- vi. *Engineering Certification and Plans* – A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer’s specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
- vii. A description of the tower maintenance program.
- viii. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
- ix. Security measures including emergency contact personnel.
- x. *Liability* - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance

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coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.

- (3) Site Plan Requirements. Eight copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the information required by [Section 4.41 \(d\)\(2\)](#) herein. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The applicant shall also submit information, other than a site plan, as may be required by [Chapter 20, Special Land Uses](#), of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.
- (4) Performance Standards. Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
- i. A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna. The Planning Commission may modify the required setback if the Township Engineer determines that the structural integrity of the structure will withstand high winds and impacts and the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the Township engineering review.  
  
As a condition of allowing a structure to be closer to a lot line than its height, the Commission shall require that any adjoining property owner which may be affected by such reduced setback shall record a written easement (which shall be in effect as long as the structure exists) to allow the structure to fall onto their property in the event of a failure and due to the setback reduction;
  - ii. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;
  - iii. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
  - iv. The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
  - v. The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be 200 feet. A structure greater than 200 feet may be approved, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that the proposed structure and attached equipment in excess

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of 200 feet will be safe and also reduce the total number of potential similar structures within Lowell Charter Township and the surrounding areas;

- vi. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission or Zoning Administrator as the case may be upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period;
  - vii. In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;
  - viii. The antenna or tower shall be permanently secured to a stable foundation;
  - ix. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
  - x. All antennas and towers must be grounded to protect against damage from lightning;
  - xi. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;
  - xii. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
- (5) Approval Standards. In order to approve the application, the Planning Commission shall find that:
- i. The proposed use and structure meet the Special Land Use approval standards of [Section 20.03](#);
  - ii. The proposed use and structure meet requirements of this [Section 4.41](#);
  - iii. Approval of the project will fill a significant gap in the service coverage of the applicant; and
  - iv. That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.
- (6) Conditions of Approval. Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal laws.
- (7) Noncompliance with Section 4.41(e) Requirements  
If the Planning Commission determines to deny an application for Special Use Permit

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approval because the proposed project does not meet one or more of the requirements contained in [Section 4.41\(e\)](#) or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies

- i. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
- ii. There is not substantial evidence on the record justifying a denial; or
- iii. A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of [Section 4.41\(e\)](#) and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

f) **Amateur Radio Wireless Communications Equipment and Support Structures**

In order to reasonably accommodate licensed amateur radio operators while ensuring that the public health, safety and general welfare is adequately protected as prescribed by the Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 the following requirements shall apply to newly installed amateur radio wireless communications equipment and support structures.

- (1) Newly installed amateur radio wireless communications equipment and support structures which do not exceed a height of 35 feet are subject to the requirements of [Section 4.33](#) of this Zoning Ordinance.
- (2) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 35 feet but not more than 65 feet shall be subject to the approval of the Zoning Administrator according to the following requirements.
  - i. Application and Submittal Information. The applicant shall file with the Township an application that shall include the following information:
    - (a) A copy of their FCC license;
    - (b) An illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored;

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- (c) A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure;
  - (d) A copy of the applicant’s indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
- ii. Site Plan Requirements The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information listed in [Section 4.41\(d\) \(2\)](#) unless specifically waived by the Zoning Administrator.
- iii. Performance Standards
- (a) A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna.
  - (b) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer’s installation requirements provided they do not conflict with the state and local requirements.
  - (c) The antenna or tower shall be permanently secured to a stable foundation.
  - (d) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.
  - (e) All antennas and towers must be grounded to protect against damage from lightning.
  - (f) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the owner of the tower shall take all steps necessary to correct and eliminate such interference.
  - (g) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
  - (h) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Zoning Administrator upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.

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iv. Approval Procedure

- (a) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent and for compliance with the requirements of this Section 4.41(f).
  - (b) Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the Township files. The applicant may then proceed to obtain the applicable building and electrical permits.
- (3) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 65 feet shall be subject to the procedures and requirements of this [Section 4.41\(e\)](#) in addition to providing a copy of the FCC license and justification for the requested tower height.

**SEC 4.42 PROJECTIONS INTO REQUIRED YARDS**

*(2 July, 2014)*

- a) Certain architectural features of a principal building, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features may project no further than three into a required front, rear, or side yard.
- b) An open, unenclosed, and uncovered porch, terrace, deck, balcony, awnings made of non-rigid materials or steps may project from a principal building no further than six feet into a required front yard, 10 feet into a required rear yard but shall not project into a required side yard.
- c) In no case shall an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or awning be placed closer than five feet to any front or rear lot line.

**SEC 4.43 BARRIER FREE ACCESS RAMPS**

*(2 July, 2014)*

The minimum setback requirements for structures and permitted encroachments for the zone in which they are located shall apply to barrier free access ramps ('access ramps') to be used by individuals with physical disabilities whenever possible. If, in the opinion of the zoning administrator, the required setbacks prevent the access ramp from being constructed so that it can be reasonably used, the zoning administrator shall have the discretion to allow reductions in the setback requirements so that the access ramp can be constructed in a manner to allow it to be usable.

In no case shall the access ramp be closer than five feet from the front yard lot lines and three feet from the side and rear lot lines. The zoning administrator shall allow only the minimum deviations from the minimum setback requirements necessary to reasonably permit construction of the access ramp and to ensure the safety of the public, and shall issue a permit documenting his/her findings related to the need for and extent of any reduction(s) in the required setback(s). Access ramps shall comply with all building code requirements as well as all applicable state and federal regulations applying to such access ramps.

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**SEC 4.44 MEASUREMENT OF ROAD FRONTAGE**

*(4 May, 2016)*

Road Frontage shall be measured in the following manner:

- a) For an interior lot road frontage shall be measured along the front lot line between the side lot lines. In the event that a lot has more than one front lot line only the greater of the front lot lines shall be used to meet the minimum road frontage requirement of the zoning district in which the lot is located. Two or more front lot lines shall not be combined to meet the minimum road frontage requirement.
- b) For a corner lot or through lot the road frontage shall be measured along the front lot line of each street abutting the lot. Only the greater of the front lot lines shall be used to meet the minimum road frontage requirement of the zoning district in which the lot is located. Two or more front lot lines shall not be combined to meet the minimum road frontage requirement.
- c) For cul-de-sac lots see [Section 4.23](#)

**SEC 4.45 HOME OCCUPATION**

*(23 October, 2017)*

- a) A Home Occupation is an occupation, business or profession carried on only by family members residing on the premises, which is clearly incidental and secondary to the principal single family residential use.
- b) A Home Occupation is allowed only in single family dwelling units in the AG-1, AG-2, R-1, R-2, R-3 Zones, MH, and PUD Zones.
- c) A zoning permit from Lowell Charter Township is not required to operate a Home Occupation.
- d) A Home Occupation shall comply with the following requirements:
  - (1) Be conducted only by family members residing on the premises.
  - (2) Be conducted entirely within the dwelling or in an attached garage or detached accessory building except that a home occupation shall not be conducted in a detached accessory building in the R-2, R-3, or MH Zoning Districts.
  - (3) Be clearly incidental and secondary to the primary use of the dwelling unit for single family residential dwelling purposes.
  - (4) Be conducted in such a manner that, except as otherwise allowed by the provisions of this section, there is no external evidence of the Home Occupation operation except for occasional visits by customers or clients.
  - (5) Vehicles delivering items for use in the Home Occupation shall not be larger than step-type vans typically associated with deliveries to single family dwellings.

- (6) Be conducted so it does not constitute a nuisance due to heat, glare, light, noise, smoke, vibration, noxious fumes, odors, vapors or gases or any other disturbances at any time.
- (7) Not store combustible, toxic or hazardous materials associated with the Home Occupation except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- (8) Art and music instruction shall be classified as a permitted Home Occupation subject to the standards of this Ordinance.
- (9) One sign is allowed attached to the wall or in the front yard of the dwelling. The sign shall not be lighted and not be larger than two square feet in size.
- (10) A Home Occupation may utilize a commercial vehicle or trailer according to the regulations for Parking of Commercial, Recreational, Inoperable Vehicles, and Trailers, in this Ordinance (See [Section 4.20](#)).

**SEC 4.46 HOME-BASED BUSINESS**

*(23 October, 2017)*

- a) A Home-Based Business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises which is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:
  - (1) The business has one or more employees who do not reside on the premises but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises;
  - (2) The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
  - (3) Has vehicles related solely to the home or business.
- b) A Home-Based Business does not include activities allowed by right or by Special Land Use Permit in other sections of this Ordinance.
- c) A Home-Based Business is allowed only in single family residential dwelling units in the AG-1, AG-2, and R-1 zoning districts provided a Special Land Use Permit is approved by the Planning Commission in accordance with the requirements of *Special Land Uses as provided in this Ordinance*.
- d) A Home-Based Business shall comply with all of the following requirements:
  - (1) The operator of the business shall be the property owner and must reside on the premises.
  - (2) The number of non-resident employees who can be employed by a Home-Based Business shall be regulated by the size of the parcel containing the business as follows:

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<u>Minimum Lot Size</u>	<u>Maximum Number of Non-Resident Employees</u>
3 or more acres and less than 6 acres	1
6 or more acres and less than 9 acres	2
9 or more acres and less than 12 acres	3
12 or more acres	4

The Planning Commission may, in its discretion, allow a greater number of Non-Resident Employees than those shown in the table above, where the Operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single family residential use of the premises and also the surrounding area, and further, only where the Non-Resident Employees travel to the premises to pick up business vehicles or equipment for use off the premises. In the event the Home-Based Business premises are split or otherwise reduced in acreage, the Operator will immediately be limited to the number of Non-Resident Employees allowed on the remaining Home-Based Business premises as shown in the table above, unless the Operator seeks a new Special Land Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Land Use Permit, the Planning Commission may in its discretion reduce the number of Non-Resident Employees allowed on the remaining premises.

- (3) Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the approval of the Planning Commission and shall include but are not limited to one or more of the following: a solid fence no more than six feet in height; plantings which are at least five feet in height at planting and which will provide an adequate year-round screen; the topography of the site; existing vegetation on the site or the screening is provided by existing buildings.
- (4) The residential appearance of the dwelling shall not be altered in order to conduct the Home-Based Business.
- (5) The Home-Based Business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises or the outdoor parking of multiple vehicles related to the business.
- (6) In its approval of a Home-Based Business, the Planning Commission may impose reasonable conditions to ensure that the Home-Based Business will be compatible with its residential surroundings. Such conditions may include but are not limited to restricting the hours of operation, limiting the type and scope of operation, limiting the number and type of delivery

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vehicles and the number and type of business vehicles parked on the property and limiting the number of customer visits to the Home-Based Business, and the material which may be stored outdoors.

- e) Standards for Approval. The Planning Commission shall base its decision for the approval of a Home-Based Business on the following standards:
- (1) Compliance with the requirements of this Section, including any conditions of the Special Land Use permit.
  - (2) Whether the vehicle traffic generated by the business will worsen the travel condition of the road serving the business or if the business vehicles will create unsafe travel conditions for other vehicles using the road.
  - (3) Whether the business will be disruptive to nearby residents due to noise, vehicle traffic, lights, visibility of employees and equipment taking into consideration the number of nearby dwellings, the distance of the dwellings from the business, the condition of the roadway used by business vehicles and the visibility of the business to residents of nearby dwellings.
  - (4) The impact which the business may have on the operation of nearby farming operations.
  - (5) The general standards for a Special Land Use approval found in this Ordinance.
- f) Home-Based Business Special Land Use Permit Procedure: The following procedures shall be followed to obtain a permit for a Home-Based Business:
- (1) An application for a Home-Based Business shall be subject to the procedures and requirements for a Special Land Use Permit as set forth herein except that the site plan shall comply with the requirements of this Section and this Ordinance.
  - (2) The applicant shall provide a written description of the Home-Based Business describing:
    - i. Acreage of the parcel where the business is to be located,
    - ii. Type of business,
    - iii. Days and hours of operation,
    - iv. Number of resident and non-resident employees,
    - v. Number and types of vehicles and equipment used in the business,
    - vi. Estimated customer and delivery trips per week, and vehicle or equipment pick-ups or drop-offs per week,
    - vii. How the Home-Based Business meets the approval standards listed in this Section.
  - (3) The applicant shall submit an accurate site plan drawing illustrating:
    - i. The parcel and existing and proposed buildings on the property, the driveway serving the parcel and distances from all lot lines, showing that it meets the current setback requirements.

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- ii. The outdoor area on the parcel where the business will be conducted and any buildings proposed to be used for the Home-Based Business and their distance to all lot lines, showing that it meets the current setback requirements.
  - iii. The parking area for employees and business vehicles, showing that it meets the current setback requirements.
  - iv. The distance to the nearest dwelling on adjacent property as measured from the lot line of the business parcel.
  - v. The area where equipment will be stored outdoors and proposed measures of screening and fencing, in accordance with the fencing requirements of this ordinance.
- (4) The Planning Commission shall review the application materials at a public hearing and may approve the Home-Based Business if the Planning Commission determines that the proposed Home-Based Business meets the Home-Based Business Standards listed herein and the Special Land Use and Site Plan approval standards of Special Land Uses as provided in this Ordinance.

If approved, a Home-Based Business Special Land Use Permit shall be issued and a copy provided to the applicant. The Special Land Use Permit shall be valid provided all Home-Based Business standards and any conditions imposed by the Planning Commission continue to be met.

The applicant shall be subject to an annual review of the Home-Based Business Special Land Use Permit for same. The review process may include but is not limited to the compliance with the standards and conditions set forth in granting the Home-Based Business Special Land Use Permit and any additional standards set by the Township at the time the Home-Based Business Special Land Use Permit was granted.

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**CHAPTER 5**

**AG-1, PRIME AGRICULTURAL**

**SEC 5.01 DESCRIPTION AND PURPOSE**

AG-1, Prime Agricultural - The Prime Agricultural District represents the majority of the land in the Southern one-third of the Township which is used for agriculture. This area contains land designated as having prime agricultural soils by the United States Soil Conservation Service. As the predominant land use in this area, continued agricultural use with its rural agrarian and open space character is emphasized as the priority Land Use. This is in accordance with the Lowell Charter Township Land Use Plan. (28 Aug, 87)(1 Apr, 91)

Furthermore, based upon soil capabilities of this area extensive use of numerous septic is therefore not desirable, nor recommended. Essentially, agriculture is the highest and best use of the land within this district.

Non-farm uses may be permissible only by special use permit; however, provided that no adverse effects shall be created upon neighboring farm areas.

**SEC 5.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) Single family dwellings. (See [Section 5.09](#) herein) (2 Dec, 2009)
- b) Farms, farm operations and farm buildings as defined herein. (5 December, 2012)
- c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices. (GAAMP's) prepared under the authority of the Michigan Right to Farm Act, PA 93 of 1981 as amended. (5 December, 2012)
- d) Open space preservation projects per [Section 22.04](#) herein. (5 December, 2012)
- e) Nurseries or greenhouses
- f) Private kennels as regulated by [Section 4.21](#) herein. (5 December, 2012)
- g) The sale of farm products which are grown primarily on the land which is under the control of the person selling and producing such products. The sale of farm products may also include those farm products which are grown off the premises where the sale is occurring provided the products are produced by the person selling the products. Such use shall comply with the requirements of [Section 5.07](#) herein. (2 May, 2007)
- h) Home occupations per [Section 4.45](#) herein.
- i) Wind Energy Systems 65 ft. or less in height per [Section 4.32](#). (3 Dec, 2008)

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- j) Adult Day Care Home ( 1-6 adults) (1 July, 2009)
- k) Adult Foster Care Family Home (1-6 adults) (1 July, 2009)
- l) Family Child Care Home (1-6 minor children) (1 July, 2009)
- m) (5 December, 2012) A biofuel production facility accessory to and conducted in conjunction with an active farm operation provided the following requirements are met:
  - (1) The facility produces not more than 100,000 gallons annually;
  - (2) The facility is located a minimum of 100 feet from the lot line of any contiguous property under different ownership than the property on which the facility is located and meets all other applicable setback requirements;
  - (3) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm property where the biofuel production facility is located or on property which is under control of the person conducting the farm operation, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or on property which is under control of the person conducting the farm operation.
- n) Essential public service equipment.

**SEC 5.03 SPECIAL LAND USES**

The following uses may be permitted in the AG-1 District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Housing for seasonal farm labor
- b) (5 December, 2012) Agricultural service establishments which are accessory to and conducted in conjunction with an active farm operation and which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
  - (1) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);
  - (2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
  - (3) Crop dusting;
  - (4) Fruit packing;
  - (5) Farm equipment sales, service, and repair;
  - (6) Veterinary services;

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- (7) General repair and welding of farm implements and farm machinery.
- c) Facilities used in the research and testing of farm products and techniques. (5 December, 2012)
  - d) Commercial kennels as regulated by [Section 4.21](#) herein. (5 December, 2012)
  - e) Municipal fire stations and service buildings. (5 December, 2012)
  - f) Public and private parks. (29 November, 2017)
  - g) Slaughter houses.
  - h) Private landing fields per [Section 22.03 \(l\)](#)
  - i) Hunting preserves. (5 December, 2012)
  - j) Horse boarding stables. (5 December, 2012)
  - k) Towers and antennas over 35 feet in height per [Section 4.41](#) herein. (5 December, 2012) (6 August, 2014)
  - l) Wildlife or Forest Conservation Preserves
  - m) Earth removal, quarrying, mining & similar extractive uses per [Section 22.02](#)
  - n) Artificially created wetlands (10 April, 1999)
  - o) Non-farm products sold in conjunction with the sale of farm products. Such non-farm products may include but shall not be limited to: arts and crafts or similar items, processed food items or similar items not produced on the premises; baked goods, non-alcoholic beverages, light meals or snacks such as soups, sandwiches and desserts for consumption on the premises provided that the sale of all such non-farm items are substantially subordinate to the sale of the farm products as provided herein.  
  
The sale of such non-farm products shall only be permitted on parcels which have at least 200 feet of road frontage and which comply with the requirements of [Section 5.07](#) herein.
  - p) Uses which utilize farm land, farm buildings, or farm equipment for rural recreation/amusement enterprises in conjunction with an active farm operation and in accordance with [Section 5.07](#) herein. Such uses include, but are not limited to: crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails, and similar uses excluding commercial off road vehicle trails. Non farm products as described in Section 5.03 (k) above may also be allowed provided such sales are substantially subordinate to the special use.
  - q) Wineries which involve the sale of wine which is produced on site from farm products grown primarily on the premises or on other land under the control of the person selling or producing such products. (2 May, 2007)
  - r) Wind Energy Systems which are greater than 65 ft. in height per [Section 4.32](#). (3 Dec, 2008)
  - s) Group Child Care Home (7-12 minor children) (1 July, 2009)

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## CHAPTER 5 - AG-1, PRIME AGRICULTURAL LOWELL CHARTER TOWNSHIP ZONING ORDINANCE

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- t) Adult Foster Care Large Group Home (13-20 adults), Adult Foster Care Small Group Home (up to 12 adults), and Adult Foster Care Congregate Facility (more than 20 adults) provided that such uses comply with the District Requirements for a single family dwelling when located in the AG-1 and AG-2 Zones and with the District Requirements for a multiple family dwelling if located in an R-3 Zone.

Such use shall also not be closer than 1500 feet to: a licensed group child care home; an adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; an adult foster care congregate facility as defined herein; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections. (1 July, 2009)

- u) A biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces not more than 100,000 gallons annually and which complies with [Sections 5.02\(m\) \(1\)](#) and [\(2\)](#) but which does not comply with [Section 5.02\(m\) \(3\)](#) herein. Such facility shall also comply with the requirements of [Section 22.05](#) herein. (5 December, 2012)
- v) A biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces more than 100,000 gallons but less than 500,000 gallons annually as regulated by [Section 22.05](#) herein. (5 December, 2012)
- w) Temporary storage of boats, boat trailers, off-road vehicles and other recreational vehicles in farm buildings as regulated by [Section 22.06](#) herein. (5 December, 2012)
- x) Essential public service structures and buildings per [Section 4.36](#) herein. (5 December, 2012)
- y) Home-Based Businesses per [Section 4.46](#) herein. (23 October, 2017)
- z) Multi-use agricultural youth fair, county fair, or similar fair as defined by Michigan law or fairgrounds that are conducted for not longer than 15 consecutive days per calendar year and that have only conventional and traditional fair structures and uses such as (29 November 2017):
- (1) Animal, plant and farm products competitions, activities and exhibitions.
  - (2) Food booths and vehicles.
  - (3) Carnival rides that are disassembled and removed from the fairgrounds each year when the core fair (as defined below) is done.
  - (4) Rodeos, including riding or driving uses that include animals.
  - (5) Exhibitions, displays, competitions and demonstrations.
  - (6) Barns for livestock, plants and agricultural items.
  - (7) Grandstand.
  - (8) Horse or animal tracks, arenas, playing fields or similar facilities.

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- (9) Pavilion.
- (10) Fair administration, operations and maintenance.
- (11) Buildings and structures for such uses and activities.  
(hereinafter, called the “core fair”).

If a special land use is approved for a core fair, the Planning Commission may also approve some or all of the following accessory structures and uses for the approved fairgrounds (and for the same or different time periods as the core fair) if such structures and uses also meet both the generalized standards for a special land use found in [Chapter 20](#) of this Ordinance and also any applicable specific standards or requirements found in [Chapter 22](#) of this Ordinance:

- i. Outdoor recreational uses and facilities.
- ii. Golf course and country clubs.
- iii. Concerts, shows and related facilities.
- iv. Recreational trails.
- v. Sports facilities and sporting events.
- vi. Convention, reception, conference and educational facilities.
- vii. Camping and campgrounds.
- viii. Water park.
- ix. Farmers’ market, flea market and craft shows.
- x. Restaurant.
- xi. RV and off-season storage.

Core fair uses and accessory uses outside of the 15 consecutive days per year limitation are allowed.

**SEC 5.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the AG-1 District subject to the provisions of [Section 4.15](#).

**CHAPTER 5 - AG-1, PRIME AGRICULTURAL  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

**SEC 5.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area Single Family Dwelling/All other permitted & Special Uses	2 Acres
Minimum Lot Area Agricultural Service Establishments and Slaughter Houses	3 Acres
Minimum Road Frontage (1)	200 ft.
Required Front Yard	50 ft.
Required Rear Yard	50 ft.
Required Side Yard	50 ft. each side
Corner Lot Setback from Each Street Abutting the Lot	50 ft.
Maximum Building Height	35 ft.
Minimum Floor Area	One Story: 750 sq. ft. on the ground floor Two Story: 600 sq. ft. on the ground floor, 900 sq. ft. total Split and Bi-Level: 900 sq. ft. above grade

Foot Notes

- 1) The minimum horizontal distance between side lot lines shall not be less than 75% of the minimum road frontage requirement except for those lots on a cul-de-sac created in conformance with [Section 4.23](#) herein. (8 March, 2006)

**SEC 5.06 SALE OF FARM PRODUCTS**

- a) (2 May, 2007) The following regulations shall apply to those uses which engage in the sale of farm products from a building or other similar enclosure with a roof and walls such as a tent. The sale of farm products out side of a building or similar enclosure, such as from a vehicle, a table or shelves, a produce stand or other similar open air sales operation are exempt from these regulations.
  - (1) If patrons must enter a building or enclosure to shop for the farm products one parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road. A minimum of three off street parking spaces shall be provided.
  - (2) Buildings or enclosures which are to be used or constructed for the sale of farm products shall be setback a minimum of 50 feet from the front lot line except that buildings or enclosures which are 100 sq. ft. or less in size are not subject to this setback requirement.

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- (3) A use selling farm products where patrons must enter a building or enclosure to shop for the farm products shall be reviewed by the Zoning Administrator prior to establishing such use.

An accurate drawing illustrating the location of the lot lines, building or enclosure, parking area, access drive and other relevant features of the site and the use shall be submitted to the Zoning Administrator who shall review the drawing and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site and entering and leaving the site.

- (4) Those portions of a building or enclosure which are open to patrons shopping for farm products shall be subject to review and approval by the Lowell Charter Township Building Official prior to using such buildings in order to ensure the safety of the public.
- (5) Compliance with the sign regulations of Lowell Charter Township.

**SEC 5.07 RURAL RECREATION/ AMUSEMENT ENTERPRISES**

- a) Sufficient off street parking spaces shall be provided to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.
- b) Such uses shall not be subject to the site plan review submittal requirements of [Chapter 21](#) of this Ordinance. The applicant, however, shall submit an accurate drawing illustrating the location of any buildings, parking area, access drives, the location and layout of the proposed activity and other information as deemed necessary by the Planning Commission.
- c) The Planning Commission may consult with the public safety officials and the Township Building Official as necessary before approval of the activity.
- d) Those portions of buildings or similar enclosures where patrons are allowed to enter shall be subject to review and approval by the Lowell Charter Township Building Official in order to ensure the safety of the public.
- e) Compliance with the sign regulations of Lowell Charter Township.

**SEC 5.08 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- (1) Keeping of Domestic Animals – [Section 4.21](#)
- (2) Accessory Buildings – [Section 4.15](#)
- (3) Fences – [Section 4.31](#)
- (4) Landscaping for Non-Residential Use – [Section 4.26](#)
- (5) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
- (6) Signs – [Chapter 18](#)
- (7) Off-Street Parking – [Chapter 23](#)

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- (8) Outdoor Lighting Requirements – [Section 4.28](#)
- b) **Development Procedures**
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  - (2) Zoning Board of Appeals – [Chapter 24](#)

**SEC 5.09 BUILDING PERMIT REQUIREMENTS**

*(2 Dec, 2009)*

- a) Any parcel in the AG-1 zoning district which is lawful of record with the Kent County Register of Deeds as of the date on which this [Section 5.09](#) became effective (December 2, 2009) is referred to for purposes of this [Section 5.09](#) as an “original parcel.”
- b) Except as otherwise provided in [Section 5.09\(c\)](#) below, all original parcels in the AG-1 zoning district, regardless of size, which do not have a dwelling located thereon, may have one single-family dwelling built or located thereon (and may be issued a building permit for such allowed one single-family dwelling) provided that all other requirements of the Zoning Ordinance are met.  
  
Except as otherwise provided in [Section 5.09\(c\)](#) below, not more than one single-family dwelling shall ever be built or located on an original parcel, regardless of the number of land divisions which occur after the effective date of this [Section 5.09](#) (December 2, 2009) and regardless of the number of additional lots or parcels created out of the original parcel after the effective date of this [Section 5.09](#) (December 2, 2009).
- c) This Section (c) applies if an original parcel is 80 acres or more in size. The original parcel may be divided so long as each resulting parcel (including any remnant parcel retained by the property owner who effectuated the split or land division) complies with the minimum lot size requirements of the AG-1 zoning district, all other requirements of this Zoning Ordinance and state law.  
  
Only two parcels created out of or from the original parcel (including any remnant or retained parcel) may have a single-family dwelling unit built or located thereon. Any other parcel or parcels created from the original parcel (including remnant or retained parcels) shall not be permitted to have a single-family dwelling built or located thereon, but each such parcel may be used consistent with other regulations of the AG-1 zone.
- d) Any new lot created from an original parcel for the purpose of constructing a single family dwelling as permitted and limited by [Section 5.09\(c\)](#) above shall comply with the following requirements (4 Aug, 2010):

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- (1) Such lot shall be a minimum of two acres.
- (2) Such lot shall be created to comply with at least one of the following standards:
  - i. The lot shall have a minimum width of 200 feet at the front lot line abutting a public street and the lot shall maintain this minimum width throughout the lot or;
  - ii. The lot may be created with no frontage on a public street but access to the lot must be provided by an easement to the public street. The easement must be a minimum of 33 feet wide. The driveway serving the lot shall be located within this easement. The lot shall have a minimum lot frontage on the front lot line abutting the easement of 200 feet and this distance shall be maintained throughout the remainder of the lot.

The property line abutting the easement shall constitute the front lot line. The depth of the lot shall not exceed four times the width of the lot.

- (3) A lot or lots which are to be created with no road frontage under [Section 5.09 \(d\) \(2\) \(ii\)](#) above must first obtain the approval of the Planning Commission. The following procedures shall be followed in seeking this approval from the Planning Commission.
  - i. An application shall be submitted to the Township Clerk on the same form used for site plan review along with any fee as may be set by the Township Board. Along with this application seven copies of an accurate drawing to scale shall be submitted. This drawing shall illustrate the proposed land division with lot measurements, location of the dwelling, the access easement serving the site along with a recordable easement agreement which notes the terms of the easement.
  - ii. The Clerk shall transmit this drawing and the application to the Planning Commission for consideration at the next meeting of the Commission.
  - iii. In its consideration the Commission must find that the request satisfies the following standards in order to approve the request.
    - (a) The driveway and dwelling shall be located so as to minimize or avoid conflicts between the residents of the proposed dwelling and nearby farmland and to have the least impact on the ability to farm the adjacent land taking into account odors, pesticide and fertilizer application, noise from farm equipment operation and other activities normally associated with farming.
    - (b) The driveway and dwelling unit shall be located on land that is difficult or unlikely to be used for agricultural production due to soil types, poor drainage, wetlands, topography, woods, size or similar conditions.
    - (c) The lot and driveway shall not have the effect of dividing land into such isolated or small areas that these areas cannot feasibly be used for farming.

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- (4) The Planning Commission may attach reasonable conditions for any approval granted hereunder. If the Commission finds that the request does not satisfy the above criteria, the Commission may deny the request.
- (5) If the Commission approves the request the applicant must also obtain approval of the proposed lot split as required by the Township Land Division Ordinance.

**SEC 5.10 MONITORING OF LAND DIVISIONS, DWELLINGS AND BUILDING PERMITS**

*(2 Dec, 2009)*

Lowell Charter Township recognizes that the proper administration and monitoring of the lot split and land division requirements in the AG-1 zoning district is important to ensure compliance with this Ordinance and the objectives of the Lowell Charter Township Master Plan. Accordingly, the Township is authorized to adopt, generate, and keep records or maps indicating existing lots, original parcels, parcel numbers, and land ownership, as well as allotment of land divisions and dwelling units possible under the Zoning Ordinance pursuant to the AG-1 zoning district. Any such maps, records, or similar items shall be maintained by the Township Clerk and copies shall be made available for inspection by the public.

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**CHAPTER 6**

**AG-2, RURAL AGRICULTURAL DISTRICT**

**SEC 6.01 DESCRIPTION AND PURPOSE**

AG-2, Rural Agricultural - This district includes land which can be used for both agricultural and residential purposes. Farmland in this district is not comprised of prime agricultural land by soil classification and the use of land for agriculture is therefore not heavily emphasized. However, the mixture of agricultural uses and residential homes with septic systems is intended to serve as a rural transition zone between the AG-1, Prime Agricultural District and the R-1, Rural Low Density Residential District

**SEC 6.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) Single family dwellings
- b) Farms, farm operations and farm buildings as defined herein. (5 December, 2012)
- c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices. (GAAMP's) prepared under the authority of the Michigan Right to Farm Act, PA 93 of 1981 as amended. 5 December, 2012)
- d) The sale of farm products which are grown primarily on the land which is under the control of the person selling and producing such products. The sale of farm products may also include those farm products which are grown off the premises where the sale is occurring provided the products are produced by the person selling the products. Such use shall comply with the requirements of [Section 6.06 \(a\)](#). (2 May 2007)
- e) Nurseries and greenhouses (5 December, 2012)
- f) Home occupations
- g) Open space preservation projects per [Section 22.04](#) herein. (5 December, 2012)
- h) Private kennels as regulated by [Section 4.21](#) herein. (5 December, 2012)
- i) Wind Energy Systems 65 ft. or less in height per [Section 4.32](#). (3 Dec, 2008)
- j) Adult Day Care Home (1-6 adults) (1 July, 2009)
- k) Adult Foster Care Family Home (1-6 adults) (1 July, 2009)
- l) Family Child Care Home (1-6 minor children) (1 July, 2009)
- m) Township municipal offices. (5 December, 2012)

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- n) (5 December, 2012) A biofuel production facility accessory to and conducted in conjunction with an active farm operation provided the following requirements are met:
- (1) The facility produces not more than 100,000 gallons annually;
  - (2) The facility is located a minimum of 100 feet from the lot line of any contiguous property under different ownership than the property on which the facility is located and meets all other applicable setback requirements;
  - (3) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm property where the biofuel production facility is located or on property which is under control of the person conducting the farm operation, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or on property which is under control of the person conducting the farm operation.
- o) Essential public service equipment. (5 December, 2012)

### SEC 6.03 SPECIAL LAND USES

*(30 Jun, 84) (18 Jul, 97)*

The following uses may be permitted in the AG-2 District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) (5 December, 2012) Agricultural service establishments which are accessory to and conducted in conjunction with an active farm operation and which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
- (1) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);
  - (2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
  - (3) Crop dusting;
  - (4) Fruit packing;
  - (5) Farm equipment sales, service, and repair;
  - (6) Veterinary services;
  - (7) General repair and welding of farm implements and farm machinery.
- b) Private landing fields per [Section 22.03 \(1\)](#)
- c) Facilities used in the research and testing of farm products and techniques. (5 December, 2012)

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## CHAPTER 6 - AG-2, RURAL AGRICULTURAL DISTRICT LOWELL CHARTER TOWNSHIP ZONING ORDINANCE

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- d) Commercial kennels as regulated by [Section 4.21](#) herein. (5 December, 2012)
- e) Towers and antennas over 35 feet in height per [Section 4.41](#) herein. (5 December, 2012) (6 August, 2014)
- f) Public and private schools and churches. (5 December, 2012)
- g) Public and private parks including fairgrounds operated by a municipal agency. (5 December, 2012)
- h) Wildlife or forest conservation preserves
- i) Hunting preserves
- j) Golf courses and country clubs per [Section 22.03\(m\)](#). Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission. (5 December, 2012)
- k) Municipal fire stations and service buildings. (5 December, 2012)
- l) Campgrounds per [Section 22.03\(n\)](#) herein. (5 December, 2012)
- m) Earth removal, quarrying, mining & similar extractive uses per [Section 22.02](#)
- n) Cemeteries
- o) Horse boarding stables
- p) Housing for seasonal farm labor
- q) Wind Energy Systems which are greater than 65 ft. in height per [Section 4.32](#). (3 Dec, 2008)
- r) Group Child Care Home (7-12 minor children) (1 July, 2009)
- s) Adult Foster Care Large Group Home (13-20 adults), Adult Foster Care Small Group Home (up to 12 adults), and Adult Foster Care Congregate Facility (more than 20 adults) provided that such uses comply with the District Requirements for a single family dwelling when located in the AG-1 and AG-2 Zones and with the District Requirements for a multiple family dwelling if located in an R-3 Zone.  
  
Such use shall also not be closer than 1500 feet to: a licensed group child care home; an adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; an adult foster care congregate facility as defined herein; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections. (1 July, 2009)
- t) Temporary storage of boats, boat trailers, off-road vehicles and other recreational vehicles in farm buildings as regulated by [Section 22.06](#) herein. (5 December, 2012)
- u) Essential public service structures and buildings. (5 December, 2012)

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**CHAPTER 6 - AG-2, RURAL AGRICULTURAL DISTRICT  
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v) Home-Based Businesses (23 October, 2017)

**SEC 6.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the AG-2 District subject to the provisions of [Section 4.15](#).

**SEC 6.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area Single Family Dwelling/All other permitted & Special Uses	4 Acres
Minimum Lot Area Agricultural Service Establishments	3 Acres
Minimum Road Frontage (1)	200 ft.
Required Front Yard	50 ft.
Required Rear Yard	50 ft.
Required Side Yard	25 ft. each side
Corner Lot Setback from Each Street Abutting the Lot	50 ft.
Maximum Building Height	35 ft.
Minimum Floor Area	One Story: 750 sq. ft. on the ground floor Two Story: 600 sq. ft. on the ground floor, 900 sq. ft. total Split and Bi-Level: 900 sq. ft. above grade

Footnotes

- 1) The minimum horizontal distance between side lot lines shall not be less than 75% of the minimum road frontage requirement except for those lots on a cul-de-sac created in conformance with [Section 4.23](#) herein. (8 March, 2006)

**SEC 6.06 SALE OF FARM PRODUCTS**

- a) (2 May, 2007) The following regulations shall apply to those uses which engage in the sale of farm products from a building or other similar enclosure with a roof and walls such as a tent. The sale of farm products out side of a building or similar enclosure, such as from a vehicle, a table or shelves, a produce stand or other similar open air sales operation are exempt from these regulations.
  - (1) If patrons must enter a building or enclosure to shop for the farm products one parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be

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paved but shall be located so vehicles do not need to back into the public road. A minimum of three off street parking spaces shall be provided.

- (2) Buildings or enclosures which are to be used or constructed for the sale of farm products shall be setback a minimum of 50 feet from the front lot line except that buildings or enclosures which are 100 sq. ft. or less in size are not subject to this setback requirement.
- (3) A use selling farm products where patrons must enter a building or enclosure to shop for the farm products shall be reviewed by the Zoning Administrator prior to establishing such use.  
  
An accurate drawing illustrating the location of the lot lines, building or enclosure, parking area, access drive and other relevant features of the site and the use shall be submitted to the Zoning Administrator who shall review the drawing and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site and entering and leaving the site.
- (4) Those portions of a building or enclosure which are open to patrons shopping for farm products shall be subject to review and approval by the Lowell Charter Township Building Official prior to using such buildings in order to ensure the safety of the public.
- (5) Compliance with the sign regulations of Lowell Charter Township.

### SEC 6.07 ADDITIONAL REQUIREMENTS

#### a) General Requirements

- 1) Keeping of Domestic Animals – [Section 4.21](#)
- 2) Accessory Buildings - [Section 4.15](#)
- 3) Private Roads - [Chapter 19](#)
- 4) Landscaping for Non-Residential Use – [Section 4.26](#)
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**CHAPTER 7**

**R-1, RURAL LOW DENSITY RESIDENTIAL**

**SEC 7.01 DESCRIPTION AND PURPOSE**

R-1, Rural Low Density Residential - Development of this district is open to non-farm uses, but of a rural character. The areas zoned R-1 have fewer physical constraints for septic systems than in the agricultural districts. The desired type of development is single family with on-site disposal systems on lots greater than two acres.

**SEC 7.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) As permitted by [Section 6.02 Permitted Uses](#) in the AG-2 Zone. (5 December, 2012)

**SEC 7.03 SPECIAL LAND USES**

The following uses may be permitted in the R-1 District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Two-family dwellings
- b) Private landing fields per [Section 22.03 \(l\)](#)
- c) Towers and antennas over 35 feet in height per [Section 4.41](#) herein. (5 December, 2012) (6 August, 2014)
- d) Public and private schools and churches. (5 December, 2012)
- e) Public parks operated by a municipal agency. (5 December, 2012)
- f) Wildlife and forest conservation preserves
- g) Hunting preserves
- h) Golf courses and country clubs per [Section per 22.03 \(m\)](#). Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission. (5 December, 2012)
- i) Municipal fire stations and service buildings. (5 December, 2012)
- j) Earth removal, quarrying, mining & similar extractive uses per [Section 22.02](#)
- k) Cemeteries
- l) Housing for seasonal farm labor
- m) Wind Energy Systems which are greater than 65 ft. in height per [Section 4.32](#). (3 Dec, 2008)
- n) Group Child Care Home (7-12 minor children) (1 July, 2009)

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**CHAPTER 7 - R-1, RURAL LOW DENSITY RESIDENTIAL  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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- o) Temporary storage of boats, boat trailers, off-road vehicles and other recreational vehicles in farm buildings as regulated by [Section 22.06](#) herein. (5 December, 2012)
- p) Essential public service structures and buildings per [Section 4.36](#) herein. (5 December, 2012)
- q) Home-Based Businesses per [Section 4.46](#). (23 October, 2017)

**SEC 7.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the R-1 District subject to the provisions of [Section 4.15](#).

**SEC 7.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area Single Family Dwelling/All other permitted & Special Uses	2 Acres
Minimum Lot Area – Two Family Dwellings	4 Acres
Minimum Road Frontage (1)	165 ft.
Required Front Yard	40 ft.
Required Rear Yard	40 ft.
Required Side Yard – Single Family Dwelling and all other uses	25 ft. each side 50 ft. each side
Required Side Yard – Two Family Dwelling	
Corner Lot Setback from Each Street Abutting the Lot	50 ft.
Maximum Building Height	35 ft.
Minimum Floor Area – Single Family Dwelling	One Story: 750 sq. ft. on the ground floor Two Story: 600 sq. ft. on the ground floor, 900 sq. ft. total Split and Bi-Level: 900 sq. ft. above grade
Minimum Floor Area – Two Family Dwelling	900 sq. ft. per dwelling unit

Footnotes

- 1) The minimum horizontal distance between side lot lines shall not be less than 75% of the minimum road frontage requirement except for those lots on a cul-de-sac created in conformance with [Section 4.23](#) herein. (8 March, 2006)

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**SEC 7.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Keeping of Domestic Animals – [Section 4.21](#)
- 2) Accessory Buildings - [Section 4.15](#)
- 3) Private Roads - [Chapter 19](#)
- 4) Landscaping for Non-Residential Use – [Section 4.26](#)
- 5) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
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**CHAPTER 8**

**R-2, MEDIUM DENSITY RESIDENTIAL**

**SEC 8.01 DESCRIPTION AND PURPOSE**

R-2, Medium Density Residential - This district is established to control and contain an already existing density growth pattern which has developed within the R-1 area near the M-21 highway corridor. This district also includes that portion of the developed Alto community which is located in Lowell Charter Township. The R-2 district is intended for concentrated development (platted subdivisions) which will necessitate the provision of public services. The character of development is suburban.

**SEC 8.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) Single family dwellings
- b) Home occupations per [Section 4.45](#) herein
- c) Wind Energy Systems 65 ft. or less in height per [Section 4.32](#). (3 Dec, 2008)
- d) Adult Day Care Home ( 1-6 adults) (1 July, 2009)
- e) Adult Foster Care Family Home (1-6 adults) (1 July, 2009)
- f) Family Child Care Home (1-6 minor children) (1 July, 2009)

**SEC 8.03 SPECIAL LAND USES**

*(30 June, 1984)*

The following uses may be permitted in the R-2 District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Two family dwellings with public sanitary sewer
- b) Churches, schools, libraries, community halls, parks and playgrounds
- c) Group Child Care Home (7-12 minor children) (1 July, 2009)
- d) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)
- e) Adult Foster Care Large Group Homes, Homes for the Aged and Nursing Homes per [Section 22.03\(k\)](#) herein. (21 January, 2019)

**SEC 8.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the R-2 District subject to the provisions of [Section 4.15](#).

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**CHAPTER 8 - R-2, MEDIUM DENSITY RESIDENTIAL  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

**SEC 8.05 DISTRICT (BULK) REGULATIONS**

<b>Single Family Dwellings/All other Permitted &amp; Special Uses <u>without</u> Public Sanitary Sewer</b>	
- Minimum Lot Area	40,000 sq. ft.
- Minimum Road Frontage	165 ft.
- Required Front Yard	40 ft.
- Required Rear Yard	30 ft.
- Required Side Yard	20 ft.
<b>Single Family Dwellings <u>with</u> Public Sanitary Sewer</b>	
- Minimum Lot Area	14,000 sq. ft.
- Minimum Road Frontage	100 ft.
- Required Front Yard	40 ft.
- Required Rear Yard	25 ft.
- Required Side Yard	10 ft.
<b>Two Family Dwellings Only <u>with</u> Public Sewer</b>	
- Minimum Lot Area	20,000 sq. ft.
- Minimum Road Frontage	125 ft.
- Required Front Yard	40 ft.
- Required Rear Yard	25 ft.
- Required Side Yard	10 ft.
Corner Lot Setback from Each Street Abutting the Lot	50 ft.
Maximum Building Height	35 ft.
Minimum Floor Area	
One Story	750 sq. ft. on the ground floor
Two Story	600 sq. ft. on the ground floor, and 900 sq. ft. total
Split and Bi-Level	900 sq. ft. above grade
Two Family Dwelling	900 sq. ft. per dwelling unit

**SEC 8.06 ADDITIONAL REQUIREMENTS**

a) **General Requirements**

- 1) Keeping of Domestic Animals – [Section 4.21](#)
- 2) Accessory Buildings - [Section 4.15](#)
- 3) Landscaping for Non-Residential Use – [Section 4.26](#)

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- 4) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
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**CHAPTER 9**

**R-3, HIGH DENSITY-MULTIPLE FAMILY**

**SEC 9.01 DESCRIPTION AND PURPOSE**

R-3, High Density - Multiple Family - This district is designed to control and contain an already existing high density growth pattern which has developed within the R-1 area abutting the western Lowell City limit. While not intended to encroach upon other land uses, development patterns, or incorporated areas, the district as contained within its mapped limits shall provide for the widest range and mixture of multiple family housing types such as garden apartments, townhouses, etc. Mobile home parks are not provided in the R-3 District. See MHP District. (28 Aug, 87)

**SEC 9.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) Single family dwellings
- b) Home occupations per [Section 4.45](#) herein
- c) Two family dwellings
- d) Adult Day Care Home ( 1-6 adults) (1 July, 2009)
- e) Adult Foster Care Family Home (1-6 adults) (1 July, 2009)
- f) Family Child Care Home (1-6 minor children) (1 July, 2009)
- g) Wind Energy Systems 65 ft. or less in height per [Section 4.09](#). (3 Dec, 2008)

**SEC 9.03 SPECIAL LAND USES**

*(30 June, 1984)*

The following uses may be permitted in the R-3 District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Churches, schools, libraries, community halls, parks and playgrounds
- b) Multiple family dwellings with public sanitary sewer
- c) Clinical/Medical offices
- d) Nursing or convalescent homes per [Section 22.03\(k\)](#)
- e) Group Child Care Home (7-12 minor children) (1 July, 2009)
- f) Adult Foster Care Large Group Home (13-20 adults), Adult Foster Care Small Group Home (up to 12 adults), and Adult Foster Care Congregate Facility (more than 20 adults) provided that such uses comply with the District Requirements for a single family dwelling when located in the AG-

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1 and AG-2 Zones and with the District Requirements for a multiple family dwelling if located in an R-3 Zone.

Such use shall also not be closer than 1500 feet to: a licensed group child care home; an adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; an adult foster care congregate facility as defined herein; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections. (1 July, 2009)

- g) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)

**SEC 9.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the R-3 District subject to the provisions of [Section 4.15](#).

**SEC 9.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area Single Family Dwelling/All other permitted & Special Uses <u>with</u> Public Sanitary Sewer	10,000 sq. ft.
Minimum Road Frontage	80 ft.
Minimum Lot Area Two Family Dwellings <u>with</u> Public Sanitary Sewer	15,000 sq. ft.
Multi-Family Dwellings <u>with</u> Public Sanitary Sewer	4000 sq. ft. per dwelling unit 8 d.u./acre
Minimum Road Frontage	100 ft.
Required Front Yard	40 ft.
Required Rear Yard	25 ft.
Required Side Yard	10 ft. each side
Corner Lot Setback from Each Street Abutting the Lot	40 ft.
Maximum Building Height	35 ft.

**CHAPTER 9 - R-3, HIGH DENSITY-MULTIPLE FAMILY  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

Minimum Floor Area – Single Family One Story Two Story	750 sq. ft. on the ground floor Two Story: 600 sq. ft. on the ground floor, and 900 sq. ft. total
Split and Bi-Level Two Family Dwelling	Split and Bi-Level: 900 sq. ft. above grade 900 sq. ft. per dwelling unit
Minimum Floor Area – Two Family	900 sq. ft. per dwelling unit
Minimum Floor Area – Multi-Family Efficiency 1 Bedroom 2 Bedroom 3 Bedroom Excess of 3 bedrooms	375 sq. ft. 600 sq. ft. 780 sq. ft. 940 sq. ft. 940 sq. ft.+ 80 sq. ft. for each additional room

Footnotes

- (1) Minimum spacing between detached buildings shall not be less than the height of the higher building measured from the lowest first floor elevation.

**SEC 9.06 ADDITIONAL REQUIREMENTS**

a) **General Requirements**

- 1) Keeping of Domestic Animals – [Section 4.21](#)
- 2) Accessory Buildings - [Section 4.15](#)
- 3) Landscaping for Non-Residential Use – [Section 4.26](#)
- 4) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
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**CHAPTER 10**

**MHP MOBILE HOME PARK**

**SEC 10.01 DESCRIPTION AND PURPOSE**

MH, High Density - Mobile Home Park - In recognition of the growing trend toward mobile homes and mobile home parks and the need for well-located and properly developed areas to accommodate them, this district is designed to control and contain within its mapped limits such use under appropriate construction and development standards in order to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes shall be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area shall also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

**SEC 10.02 ELIGIBILITY**

The site of a mobile home park must be within a MHP - Mobile Home Park Zoning district in order to be eligible for approval of a special use permit. (28 Aug, 87)

**SEC 10.03 SPECIAL USE PERMIT REQUIRED**

Before any other type of permit for a mobile home park can be secured, a special use permit by the Planning Commission must first be obtained. All standards for a special use permit, and all requirements, including site plan approval by the Planning Commission must be met. See [Chapter 20](#) for special use permit application procedures.

**SEC 10.04 SPECIAL CONDITIONS AND LIMITATIONS FOR MOBILE HOME PARKS**

In addition to satisfying the requirements for a special use permit, the following shall also govern the development of a mobile home park.

- a) All mobile home parks shall conform to the standards specified in Act 419 of the Public Acts of 1976 as amended, the Mobile Home Commission Rules, October, 1985 as amended and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1984, as amended. (28 Aug, 87)
- b) All mobile homes shall be skirted within thirty (30) days of placement within the mobile home park and must meet the standards of Act 419 of the Public Acts of 1976, as amended. (28 Aug, 87)
- c) All mobile homes shall be anchored when installed in a mobile home park with only those systems which are approved by Act 419 of the Public Acts of 1976, as amended. (28 Aug, 87)
- d) Wind Energy Systems 65 ft. or less in height per [Section 4.32](#). (3 Dec, 2008)

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**CHAPTER 10 – MHP MOBILE HOME PARK  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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- e) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)

**SEC 10.05 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the MHP District subject to the provisions of [Section 4.15](#).

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## CHAPTER 11

### C, GENERAL COMMERCIAL DISTRICT

#### SEC 11.01 DESCRIPTION AND PURPOSE

C, General Commercial - The area zoned general commercial represents the part of the Township which is desirable for general commercial uses. Located along M-21 (Fulton Street) and adjacent to the City of Lowell, the district primarily serves the R-2, R-3 and MH Residential Zoning Districts. Also available here is the potential for shared public services with the city. The character of commercial uses to be located here are those which can help to reflect an identity other than roadside or highway strip commercial.

#### SEC 11.02 PERMITTED USES

*(7 July, 2004)*

Land and buildings in this district may be used for the following uses only:

- a) Retail establishments.
- b) Personal and business services.
- c) Hotels and motels per [Section 22.03\(c\)](#).
- d) Medical and dental clinics.
- e) Offices and banks.
- f) Restaurants, delicatessens, coffee houses including sit-down and carry out establishments excluding those with drive in or with drive through facilities.
- g) Offices for governmental agencies, libraries, museums, and similar public uses.
- h) Business or trade schools.
- i) Dancing, art, and music studios.
- j) Health and physical fitness establishments provided that any massage services shall comply with Lowell Township Ordinances.
- k) Research and testing laboratories.
- l) Mortuaries and funeral homes.
- m) Ambulance service establishments.
- n) Dry cleaning drop-off/pick-up establishment provided no cleaning is done on the premises
- o) Motor vehicle detailing establishments excluding spray painting and body repair of motor vehicles.

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- p) The repair or assembly of products sold by a permitted use in this district provided it does not constitute the principal use and all such work is performed inside.
- q) Catering establishment.
- r) Pet shop including grooming services.
- s) Tire shops.
- t) Indoor or outdoor commercial recreation facilities such as bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments, pool and billiard establishments or similar uses per [Section 22.03\(e\)](#).
- u) Retail building supply and equipment stores.
- v) Retail nurseries and garden centers.
- w) Printing, lithography, publishing, and photocopy establishments.
- x) Laundromats but only if public water and sanitary sewer are provided
- y) Veterinary establishments without kennel services.
- z) Essential public services.
- aa) Accessory buildings and uses customarily incidental to any of the uses allowed – not including any manufacturing or treatment activities
- bb) Child Care Center (1 July, 2009)
- cc) Adult Foster Care Congregate Facility (more than 20 adults) (1 July, 2009)

### SEC 11.03 SPECIAL LAND USES

*(7 July, 2004)*

The following uses may be permitted in the C, General Commercial District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)
- b) Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or modular homes, and similar uses per [Section 22.03\(g\)](#).
- c) Adult entertainment businesses per [Section 22.03\(p\)](#)
- d) Veterinary establishments with kennel services.
- e) Housing for the elderly, including retirement housing, convalescent and nursing care facilities per [Section 22.03\(k\)](#).
- f) Mini-warehouses and self-storage facilities. Outside storage of any items including vehicles, boat trailers, building materials or similar items is prohibited.

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- g) Automatic and self-serve vehicle wash facilities per [Section 22.03\(i\)](#).
- h) Churches, public or private clubs, lodges, or similar places of assembly and banquet halls. (31 May, 2017)
- i) Restaurants which have drive up or drive through windows per [Section 22.03\(d\)](#).
- j) Motor vehicle service stations and gas stations which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services. All such services shall take place within an enclosed building and no materials or parts shall be kept outdoors. Limited outdoor repair of vehicles is permitted provided such activities do not create a nuisance to adjacent properties. (See [Section 22.03\(h\)](#))
- k) Gas station/convenience stores per [Section 22.03\(h\)](#).
- l) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- m) Lumberyards
- n) Public and private parks and recreation facilities. (1 July, 2015)
- o) Temporary Housing Facility (2 March, 2016)

**SEC 11.04 ACCESSORY USES**

Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the C District subject to the provisions of [Section 4.15](#).

**SEC 11.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area for All other Permitted & Special Uses	30,000 sq. ft.
Minimum Road Frontage	100 ft.
Required Front Yard	75 ft.
Required Rear Yard	50 ft.
Required Side Yard	<ul style="list-style-type: none"> <li>• For buildings with no roof overhang when in or adjacent to a commercial district, no side yard is required; but when a side yard is provided, it shall be a minimum of 15 feet.</li> <li>• For all other buildings the side yard shall be 15 feet.</li> <li>• When adjacent to a residential use or a residential district, the minimum side yard shall be 50 feet.</li> </ul> (7 July, 2004)
Corner Lot Setback from Each Street Abutting the Lot	50 ft.
Maximum Building Height	35 ft.

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**SEC 11.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Accessory Buildings - [Section 4.15](#)
- 2) Landscaping for Non-Residential Use – [Section 4.26](#)
- 3) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
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**SEC 11.07 FAÇADE REQUIREMENTS FOR ALL COMMERCIAL BUILDINGS**

*(7 July, 2004)*

Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, including I-96, shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Township building code, fire code and other applicable Township Ordinances.

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**CHAPTER 12**

**LI, LIGHT INDUSTRIAL**

**SEC 12.01 DESCRIPTION AND PURPOSE**

*(20, April 2009)*

This district permits most compounding, assembling or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials.

**SEC 12.02 PERMITTED USES**

Land and buildings in this district may be used for the following uses only:

- a) Light manufacture, compounding, processing, producing, packaging, treating, fabrication and assembling from previously prepared materials, (excluding raw materials) of any of the following:
  - (1) Textiles and textile products, including woven fabric, knit goods, floor coverings, yarn and thread, and other textile goods.
  - (2) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  - (3) Furniture and fixtures.
  - (4) Paperboard containers, building paper, building board, and bookbinding.
  - (5) Plastics, perfumes and synthetic fibers.
  - (6) Engineering, measuring, optical, medical, photographic, and similar instruments.
  - (7) Jewelry, silverware, toys, athletic equipment, musical instruments, signs and displays, office goods and equipment, including computers, electronics and associated devices and equipment.
- b) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- c) The preparation, processing, sorting or packaging of food and farm products, including meats, dairy products, fruits, vegetables, seafood, grains, legumes, baked goods, confectionery products, beverages, and similar foods and farm products.
- d) Printing and publishing.
- e) Machine shops
- f) Tool and die establishments.

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- g) Crating and packing services.
- h) Buildings, structures and uses accessory and customarily incidental to the above uses.
- i) Other principal uses similar to the above listed uses provided that Planning Commission finds that the operational characteristics and effects of such uses are compatible with the uses listed above.

**SEC 12.03 SPECIAL LAND USES**

The following uses may be permitted in the LI District upon authorization as a Special Land Use by the Planning Commission in accordance with the provisions of [Chapter 20](#).

- a) Warehouse and storage buildings including self storage or mini-warehouse facilities. Outdoor storage of vehicles, boats, trailers, recreational vehicles and similar items is permitted provided that such storage areas are substantially screened as viewed from the road by the storage buildings themselves or by landscaping or fencing as may be required by the Planning Commission in accordance with the requirements of [Section 4.26](#) herein.
- b) Truck terminals, including maintenance and service facilities
- c) Lumber and wood products, including mill work, prefabricated structural wood products and containers.
- d) Agricultural service establishments such as but not limited to the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; the centralized collection, storage, processing and distribution of farm products to wholesale and retail markets.
- e) Research, design and development facilities, testing and experimental laboratories.
- f) Contractor equipment yards and operations including but not limited to businesses engaged in excavating, drilling, utility installation, fencing, landscaping, painting, plumbing, electrical, cement, heating and air conditioning, and similar uses provided that all goods, supplies, materials and equipment but not including vehicles shall be stored or kept inside a fully enclosed building or substantially screened as viewed from the road by the buildings on the property or by landscaping or fencing as may be required by the Planning Commission in accordance with the requirements of [Section 4.26](#) herein.
- g) Commercial fuel depots.
- h) Park and ride lots operated by a public agency.
- i) Metal products.
- j) Asphalt, concrete or similar refining and manufacturing.
- k) Salvage yards and recycling facilities.
- l) Refuse and garbage incinerators.
- m) Scrap tire collection sites and scrap tire processors.
- n) Manufacture of gas, coke, or coal tar products.

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- o) Manufacture of ammunition, fireworks, or other explosives.
- p) Stockyards and slaughterhouses.
- q) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- r) Solid waste processing facility, including composting as an incidental use.
- s) Essential public service structures and buildings which are above ground and located outside street rights of way, including electrical substations.
- t) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)
- u) Vehicle repair or body shops including shops with wrecker service provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
- v) Sale/rental & display of the following; temporary mobile storage units (pods) and temporary refuse collection units; farm and garden products including fencing and equipment; pre-cast concrete products; utility trailers, animal trailers, and similar trailers; empty or filled fuel or other liquid tanks; and granite or marble or similar products or raw materials.
- w) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- x) Buildings, structures and uses accessory and customarily incidental to the above uses.
- y) Other principal uses similar to the above listed special land uses provided that Planning Commission finds that the operational characteristics and effects of such uses are similar to the uses listed above.

**SEC 12.04 ACCESSORY USES**

The following Accessory uses, buildings, and structures which are customarily incidental to any principal uses are permitted in the LI District subject to the provisions of [Section 4.15](#).

**SEC 12.05 DISTRICT (BULK) REGULATIONS**

Minimum Lot Area All permitted & Special Uses	1 Acre
Minimum Road Frontage	165 ft.
Required Front Yard	40 ft.
Required Rear Yard (1)	50 ft.
Required Side Yard (1)	30 ft. each side
Corner Lot Setback from Each Street Abutting the Lot	40 ft.
Maximum Building Height	35 ft.

Footnotes

- (1) Required yards shall be doubled when abutting a parcel containing any dwelling unit or residential district (R1, R2, R3, and MHP).

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**SEC 12.06 DEVELOPMENT REQUIREMENTS**

- a) All outdoor storage of materials and equipment related to the principal use except vehicles shall be screened from the view of adjoining properties and roadways as may be required by the Planning Commission. Such screening, if required, shall consist of a solid fence or wall, an earthen berm or landscaping.
- b) Drives and service roads to industrial buildings must be paved. All utilities must be placed underground.
- c) Loading areas shall be located so that trucks and other vehicles do not need to maneuver on a public road to access the loading area.
- d) All refuse containers shall be placed within a three sided solid enclosure which is at least two feet higher than the container and the container shall not be located in a front yard.
- e) Structure Facade - Approximately 25% of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or decorative concrete block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.
- f) Compliance with the following performance standards:
  - (1) Sound - The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed such level, the measurable noise emanating from the premises may equal but not exceed such traffic noise. Within industrial districts, sound levels not exceeding seventy (70) decibels may be permitted. In addition, objectionable sounds of any intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to create a nuisance or hazard to adjacent properties.
  - (2) Vibration - All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured at any lot line of its source.
  - (3) Odor - The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clear air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
  - (4) Toxic Gases - The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
  - (5) Glare and Heat - Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any

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- point along the lot line, except during the period of construction of the facilities to be used and occupied.
- (6) Radio-Active Materials - Radio-active materials shall not be emitted so as to be unsafe to human health or life.
- (7) Electromagnetic Radiation - The rules and regulations of the Federal Communications Commission as amended as of the effective date of this Ordinance with respect to the propagation and dissemination of electromagnetic radiation must be followed and hereby made a part of this Ordinance.
- (8) Drifted and Blown Material - The drifting or airborne transmission beyond the lot line of soot, particles, or debris from any stockpile shall be unlawful and may be summarily caused to be abated.
- (9) Smoke, Dust, Dirt, and Fly Ash - It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period of or periods aggregating more than two (2) minutes in any one-half (1/2) hour which is:
- i. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines and which is hereby made a part of this ordinance. The umbrascopes readings of smoke densities, however, may be used when correlated with the Ringelmann Chart; and
  - ii. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (i) above, except when the emission consists of only water vapor.
- The quantity of gas-borne solids shall not exceed two-tenths (0.20) grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
- (10) Liquid Wastes - No discharge shall be permitted at any point into any private sewage disposal system, or street, or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements, except in accord with water quality standards of the Michigan Water Resources Commission, adopted by Michigan State Legislature and administered by the Michigan Department of Natural Resources; and with the standards of such other state commissions having jurisdiction thereof.
- (11) Solid Wastes - No on-site burial of solid wastes shall be permitted. Accumulation of recyclable material is possible, provided that the material is stored and screened in a non-nuisance manner, not detrimental to the public health, and is in accordance with provision 12.06 (n)(1) through (11). Recycling must take place within 60 days after storage or stock piling. Off-site disposal shall be made at any sanitary landfill or solid waste disposal site licensed by the State of Michigan.

**SEC 12.07 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Accessory Buildings - [Section 4.15](#)
- 2) Landscaping for Non-Residential Use – [Section 4.26](#)
- 3) Parking of Commercial and Recreational Vehicles and Trailers – [Section 4.20](#)
- 4) Signs – [Chapter 18](#)
- 5) Off-Street Parking – [Chapter 23](#)
- 6) Outdoor Lighting Requirements – [Section 4.28](#)
- 7) Fences – [Section 4.31](#)

**b) Development Procedures**

- 1) Site Plan Review – [Chapter 21](#)
- 2) Special Use Permits – [Chapter 20](#)
- 3) Site Condominiums – [Chapter 17](#)

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses – [Section 4.34](#)
- 2) Zoning Board of Appeals – [Chapter 24](#)

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**CHAPTER 13**

**FH, FLOOD HAZARD OVERLAY DISTRICT**

**SEC 13.01 DESCRIPTION AND PURPOSE**

*(1 August, 2012)*

The purpose of the Flood Hazard Overlay Zone is to apply specific controls on the use of land in those areas of the Township which are subject to predictable and periodic inundation. Such regulations, while permitting reasonable economic use of said lands, will help protect the public safety and health, and prevent or minimize public and private economic losses caused by periodic flooding, and preserve the ability of flood plains to carry and discharge a base flood.

**SEC 13.02 DEFINITIONS**

For purposes of this Section the following definitions shall apply:

Flood or Flooding- A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland waters; (2) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Area: Land, which on the basis of available flood plain information is subject to a one percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): A map of the Township prepared by the Federal Emergency Management Agency, which identifies the 100 and 500 year flood plain and other related flood information; and which is used as the official floodplain map for flood insurance purposes.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevations of the base flood.

100 Year Flood Plain: Same as Flood Hazard Area. Also referred to as the flood plain.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be reserved in order to discharge the base flood. Floodway is also the same as the Regulatory Floodway.

**SEC 13.03 APPLICABILITY**

All land and land uses within the designated flood hazard area shall be subject to the terms specified herein and the provisions and requirements of the National Flood Insurance Program, as constituted in

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accord with the National Flood Insurance Act of 1968, as amended, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vd. 41, 207, October 26, 1976, as amended.

### SEC 13.04 100 YEAR FLOOD PLAIN DELINEATION

- a) The boundaries of the 100 year flood plain within Lowell Charter Township shall be as determined by the report entitled The Flood Insurance Study, Kent County, Michigan as amended, Federal Emergency Management Agency, with accompanying Flood Insurance Rate Maps, Flood Boundary Maps and Floodway Maps for Lowell Charter Township Community Number 260972 Map Numbers 26081C0466A, 26081C0470A, 26081C0486A, and 26081C0487A. Within the flood plain area, a regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Maps.
- b) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration flood plain studies are being questioned, the Township Engineer shall modify the boundary of the 100-year flood plain only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.

### SEC 13.05 PERMITTED USES

This district is an overlay district and is intended to supplement the regulations of any underlying zone. The applicant must therefore conform to the use and bulk area regulations of the underlying district as well as to the specific flood proofing regulations of the Flood Hazard Overlay Area as provided in [Chapter 13](#).

### SEC 13.06 FLOOD PLAIN REGULATIONS

- a) Filling of the Flood Plain.  
Filling within the flood hazard area with any material in any manner which does not involve the construction or installation of a structure or building may be allowed by the Zoning Administrator provided such filling is first approved by the Michigan Department of Natural Resources. Evidence of this approval shall be provided to the Zoning Administrator before any filling of the flood plain occurs.
- b) Construction in the Flood Plain.  
The construction of a structure or building in the flood plain may be permitted upon authorization as a Special Land Use in accordance with the provisions of [Chapter 20](#) herein and the provisions listed below:
  - (1) In addition to the information required by [Chapter 20](#) and [Chapter 21](#) for submission of a Special Land Use request the applicant shall provide the following information:
    - i. A description and drawing of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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- ii. A certified land survey illustrating the elevation and location of the flood hazard area, areas in the flood plain which are proposed to be filled and the proposed structure and /or building and appropriate additional site information as deemed necessary by the Planning Commission.
  - iii. Proof that the proposed development has been approved by the Michigan Department of Natural Resources shall be provided as a condition of approval.
- (2) In approving a Special Land Use for construction in the flood plain the following standards shall be met:
- i. New or replaced water supply shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water;
  - ii. On-site waste water disposal systems shall be located so as to avoid impairment of or contamination from the systems during flooding;
  - iii. When the limit of the 100-year flood has been provided by the Federal Insurance Administration, all structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood elevation or together with attendant utility and sanitary facilities, shall be flood proofed to at least one foot above the 100-year flood elevation;
  - iv. New construction must be anchored to prevent flotation, collapse, or lateral movement due to flood water related forces;
  - v. Construction methods and practices used shall minimize flood damage;
  - vi. Construction materials and utility equipment used shall be resistant to flood damage or located to avoid flood damage.
  - vii. The applicant shall provide appropriate building and site plans and engineering data to demonstrate compliance with the above standards.

**SEC 13.07 DISCLAIMER OF LIABILITY**

- a) The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris.
- b) Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the 100-year floodplain will be free from flood damage. This Ordinance does not create liability on the part of Lowell Charter Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

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**CHAPTER 14**

**OPEN SPACE PLANNED UNIT DEVELOPMENT DISTRICT (OS-PUD)**

**SEC 14.01 INTENT AND PURPOSE**

*(19 Aug, 02)*

**a) Intent**

- (1) The Open Space PUD-Planned Unit Development district is intended to: (1) promote more creative, economical and efficient use of land; (2) allow for the integration of community facilities; (3) preserve open space, natural areas and wildlife habitat; and (4) offer an alternative to the design of subdivisions.
- (2) The provisions of this Chapter are not intended as a device for circumventing the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development and densities consistent with the Master Plan, with modifications and departures from generally applicable Zoning Ordinance requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making.
- (3) This Ordinance is intended to permit a degree of controlled flexibility and consequently allow more creative and imaginative design in the development of planned areas than is possible under other zoning districts provided within the Lowell Charter Township Zoning Ordinance.

**b) Purpose**

- (1) The OS-PUD District is designed for the following purposes:
- (2) To require a process for designing residential communities in which the first and most important step is identifying the land that is to be preserved as open space.
- (3) To allow residential developments to have varied lot sizes, and to allow buildings and roads to be placed to preserve natural features.
- (4) To preserve wildlife habitat.
- (5) To encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.

**SEC 14.02 AUTHORIZATION**

An Open Space PUD zoning district may be approved in any location recommended for Rural Agricultural or Residential use by the Lowell Charter Township Master Plan or any location zoned AG-2, R1, R2, or R3. The granting of an Open Space Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance.

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An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

### SEC 14.03 QUALIFYING CONDITIONS

Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

- a) For parcels zoned AG-2 or R1 or planned for RA or LDR use the proposed OS-PUD shall consist of a minimum of 20 contiguous acres. For parcels zoned R2 or R3 or planned for MDR or HDR use the proposed OS-PUD shall consist of five contiguous acres.
- b) The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this Ordinance.

### SEC 14.04 PERMITTED USES

Land and buildings in an Open Space PUD may only be used for the following uses or combination of such uses:

- a) Single family detached dwelling units.
- b) Two family attached dwelling units (duplexes) provided that the parcel is zoned R1, R2 or R3 or planned for LDR, MDR or HDR uses.
- c) Multi-family dwelling units but only if the land requested for rezoning to Open Space PUD is recommended for High Density Residential land use in the Lowell Charter Township Master Plan and public sanitary sewer and water is provided.
- d) Limited farming activities are permitted if conducted within the PUD. For purposes of this Section, farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of the PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the PUD.
- e) Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, horse stables and similar recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the PUD and designed to be used primarily by residents of the PUD.
- f) Other uses permitted by right and Special Use in the RA, R1, R2 and R3 zoning districts.
- g) Accessory uses, structures and buildings which are customarily associated with the uses specified above.

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**SEC 14.05 DEVELOPMENT REQUIREMENTS**

a) The lot area, lot width, road frontage, building setback and yard requirements applicable within an OS-PUD shall be determined by the Planning Commission and Township Board in order to achieve the purposes of this section, to carry out the site design principles in [Section 14.08](#) and to apply proper site planning criteria to achieve integration of the project with the characteristics of the project area. Other criteria that shall be used in making these determinations shall include the following:

- (1) Number and type of dwelling units.
- (2) Proximity and impact of the OS-PUD on adjacent existing and future land uses.
- (3) Topography of the site.
- (4) Provision of water, sanitary sewer and storm sewer or approval of the Kent County Health Department for on-site well and septic systems.
- (5) Access for emergency vehicles to all dwellings.

b) **Sidewalks**

For areas recommended for Medium or High Density Residential land use in the Master Plan, the Planning Commission may require sidewalks in accordance with the Township’s subdivision regulations.

c) **Grading**

- (1) To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. In appropriate cases, retaining walls may be required.
- (2) All areas indicated as Dedicated Open Space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this Section. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar recreational improvements and amenities may be placed in the natural Dedicated Open Space areas if approved by the Planning Commission and Board.
- (3) Grading within the PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so have a minimal effect upon the environmental characteristics of the land as reasonably feasible.

d) **Private Roads**

Private roads within a PUD shall conform to the private road requirements of this Ordinance. The Planning Commission and Board however, may modify the requirements for private roads as permitted by [Section 19.08](#) of this Ordinance.

e) **Utilities**

- (1) The OS-PUD shall be served by either private or community owned well and septic system approved by the Kent County Health Department or by a public water and sanitary sewer

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system. All OS-PUD's shall comply with applicable Township Ordinances which regulate public water and sanitary sewer service.

- (2) Stormwater management shall comply with the requirements of Lowell Charter Township as contained in this Ordinance and other applicable Township, County or State requirements.

f) **Outdoor Lighting**

All exterior lighting shall comply with the lighting requirements of [Section 4.28](#) herein.

g) **Maximum Building Height**

Unless justification satisfactory to the Planning Commission is submitted by the applicant, no building shall exceed 2- 1/2 stories or 35 feet in height, whichever is less.

h) **Signs**

Unless justification satisfactory to the Planning Commission is submitted by the applicant, the Township's Sign Ordinance shall be complied with in all aspects.

i) **Minimum Dwelling Unit Size**

The minimum size of a dwelling unit shall be as set forth in the Table of General Bulk Regulations at the end of this Ordinance.

**SEC 14.06 OPEN SPACE REQUIREMENTS**

a) **Open Space shall be provided as follows:**

- (1) For properties which are master planned for RA or LDR or which are currently zoned AG-2 or R1, a minimum of 40 percent of the gross site area shall be preserved as Dedicated Open Space.
- (2) For properties which are master planned MDR or HDR or which are currently zoned R2 or R3, a minimum of 20 percent of the gross site area shall be preserved as Dedicated Open Space.
- (3) All areas identified as Primary Conservation Areas in [Section 14.08](#) shall be preserved as Dedicated Open Space, however, only one-half of the Primary Conservation Area shall be counted as part of the 40 percent or 20 percent Dedicated Open Space required by this Section depending upon the zoning or Master Plan designation as noted above.
- (4) The remainder of the land to be counted as Dedicated Open Space shall consist of Secondary Conservation Areas as defined in [Section 14.08](#).

b) **Areas Not Considered Dedicated Open Space**

The following land areas shall not be considered as Dedicated Open Space.

- (1) The area within any public street right-of-way.
- (2) The area within private road access easements.

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- (3) Any easement for overhead utility lines.
- (4) Fifty percent of areas devoted to ball fields, golf courses, community buildings, and similar recreational facilities.
- (5) The area within a platted lot or site condominium lot.
- (6) Off street parking areas.
- (7) Detention and retention ponds.
- (8) Community drainfields.

**c) Standards of Dedicated Open Space**

The following standards shall apply to the Dedicated Open Space provided in the development:

- (1) Dedicated Open Space shall be for use by all residents of the PUD, subject to reasonable rules and regulations. In the case of a golf course, pool, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees and assessments for use.
- (2) If the site contains a lake, stream or other body of water, the Township may require that a portion of the Dedicated Open Space abut the body of water.
- (3) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help preserve or enhance the existing rural view.
- (4) A portion of the Dedicated Open Space shall be reasonably usable by residents of the PUD.
- (5) Dedicated Open Space is encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- (6) Dedicated Open Space shall be located so as to be reasonably accessible to the residents of the PUD. Pedestrian access points to the Dedicated Open Space areas from the interior of the PUD shall be provided and shall be clearly identified by signs or a visible improved path for safe and convenient access.
- (7) A golf course may qualify as Dedicated Open Space provided the area devoted to the golf course shall not comprise more than 50 percent of the Dedicated Open Space.

**d) Guarantee of Dedicated Open Space**

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all Dedicated Open Space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Open Space PUD plan, unless an amendment is approved by the Township Board.

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The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

- (1) Indicate the proposed allowable use(s) of the Dedicated Open Space.
- (2) Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Dedicated Open Space.
- (3) Provide standards for scheduled maintenance of the Dedicated Open Space including necessary pruning, harvesting of trees and new plantings.
- (4) Provide for maintenance to be undertaken by Lowell Charter Township in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the property within the PUD.

**SEC 14.07 DENSITY AND NUMBER OF DWELLING UNITS**

a) Density Table

Master Plan Category	Zoning District	Maximum Average Density
RA, Rural Agricultural	AG-2	.25 units/acre (1 du/4 acres)
LDR, Low Density Residential	R1	.5 units/acre (1 du/2 acres)
MDR, Medium Density Residential	R2	1.08 du/acre w/o sewer 3.11 du/acre w/ sewer (SF units only) 4.34 du/acre for two family dwellings (10,000 sq. ft. of lot area per dwelling; 20,000 sq. ft. per two family unit)
HDR, High Density Residential	R3	4.35 du/acre for single family 2.90 du/acre for two family 11 du/acre for multi-family (3 Oct, 2018)

b) **Formula to Determine Number of Dwellings**

The number of dwellings which may be constructed within an OS-PUD shall be determined as follows:

- (1) Determine gross site area (include existing right-of-way).
- (2) Subtract all areas identified as Primary Conservation Areas in [Section 14.08](#).
- (3) Subtract one-half of acreage devoted to a golf course.
- (4) Multiply by the permitted density from the Density Table.

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c) **Formula for Additional Dwellings**

Additional dwellings above what is allowed by [Section 14.07\(b\)](#) may be permitted at the discretion of the Township Board and Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the OS-PUD. Items which could be added to an OS-PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- (1) Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
- (2) Additional landscaping to preserve or enhance the rural view along the roadway.
- (3) Enhancement of existing wetlands, subject to applicable regulations.
- (4) Provision of additional unique open space or mature stands of trees that would be of recognizable benefit to the Township residents.
- (5) Provision of a public or private community water and/or sanitary sewer system.
- (6) If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in the Density Table by the gross acreage of the site which includes wetlands, floodplains, bodies of water, steep slopes, golf courses, and portions of the site within existing road right-of-way. In no case shall the number of dwelling units exceed what is permitted by this subsection.

**SEC 14.08 PROCEDURES FOR APPLICATION AND REVIEW OF PHASE I AND PHASE II PRELIMINARY SITE PLAN**

- a) **Application.** An applicant for a OS-PUD rezoning shall submit an application provided by the Township along with the appropriate fees as established by the Township Board to the Township Clerk.
- b) **Staff Conference.** Following the application and fee submittal, the applicant shall meet with the Zoning Administrator, the Township Planner or Township Engineer. The applicant may provide a conceptual drawing or other information about the project or property.

The purpose of this meeting is to explain the Open Space PUD site plan design and review process to the applicant along with Township site development requirements to assist the applicant in preparing a site plan for review by the Planning Commission.

- c) **Preliminary Site Plan Review:** Following the above conference, the applicant shall submit 8 copies each of a Natural Features Map and a Phase I Preliminary Site Plan prepared according to the following requirements:
  - (1) **Natural Features Map and Preliminary Site Plan**

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The applicant shall prepare these two plans using the four step design process described below.

The first plan shall be referred to as the Natural Features Map and shall be prepared according to Steps 1 and 2 below.

The second plan shall be referred to as the Phase I Preliminary Site Plan and shall be prepared according to Steps 3 and 4 and shall also contain the information required by this [Section 14.08\(d\)](#) for Preliminary Site Plans.

STEP 1	Identify Areas to be Preserved / Natural Features Map
--------	---

(2) Prepare a separate Natural Features Map of the proposed OS-PUD development that identifies the Primary Conservation and Secondary Conservation Area which shall include:

i. Primary Conservation Areas

- wetlands, creeks, streams, ponds, lakes or other bodies of water
- floodplains
- steep slopes (20% or over)

ii. Secondary Conservation Areas

- significant wildlife habitats
- woodlands
- farm land
- meadows and hedgerows
- farm buildings and fences
- historic, cultural, and archeological features
- views into and out of the site

(3) Next, identify on the Natural Features Map those Secondary Conservation areas which shall be preserved as Dedicated Open Space in addition to all Primary Conservation Areas. These Secondary Conservation areas shall constitute at least 20% of the site according to the requirements of [Section 14.06](#) herein.

(4) Next, identify and label on the Natural Features Map potential development areas where houses can be located.

(5) Next, determine the number of houses permitted for the site by [Section 14.07](#) herein.

STEP 2	Locate Houses on Natural Features Map
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- (6) On the same Natural Features Map, illustrate the tentative location of house sites. Within Open Space PUD developments, house sites shall be identified before determining the location of lot lines and streets. The location of house sites shall be based upon the following criteria:
- i. House sites shall be located within the potential development areas identified in Step 1. A house site shall not be located within the Primary Conservation Areas and the Secondary Conservation Areas identified in Step 1 as Dedicated Open Space.
  - ii. Whenever possible, houses should be placed so that the predominant view from the house is of open space and not of dwellings on the opposite side of the street.
  - iii. Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
  - iv. In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. If such dwellings are permitted, they should be one story to avoid walkout type dwellings from having the appearance of a three story dwelling and detracting from the rural view.

STEP 3	Locate Streets and Trails on the Preliminary Site Plan
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- (7) Next on a separate plan to be known as the Phase I Preliminary Site Plan, illustrate the location of streets and trails. The following criteria shall apply when locating streets and trails. (For Steps 3 and 4, the site plan shall also contain the information required by [Section 14.08\(d\)](#) herein for Preliminary Site Plans).
- i. Avoid crossing wetland, wildlife habitat, or other sensitive natural areas with streets. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.
  - ii. Avoid long straight or curving street segments that encourage speeding; shorter straight segments at 90 degrees to each other are preferable.
  - iii. Whenever possible, street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.
  - iv. Where possible, streets should allow single loading of house sites, which allows all homes views of open spaces within the development.
  - v. Every effort should be made to connect each street with another so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.

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- vi. Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods.
- vii. Whenever possible, streets serving new developments should be designed to connect with adjoining properties.
- viii. OS PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the Primary and Secondary Conservation Areas. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4	Draw Lot Lines on the Preliminary Site Plan
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- (8) On the same plan as prepared for Step 3, the Phase I Preliminary Site Plan, draw lot lines within the development and also conform to the following:
  - i. Lots shall be of a size and width necessary to obtain approval from the Kent County Health Department. If permitted by the KCHD, septic drainfields may be located within designated open space areas outside the lot lines.
  - ii. As part of the Preliminary Site Plan, the applicant shall provide documentation from the Kent County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
  - iii. If the applicant is also seeking approval for the private road, information required by [Chapter 19](#) herein shall also be submitted.
  - iv. In some cases, house lots may extend into the Primary Conservation Area, but the boundaries of the Primary Conservation Area shall be designated as a “no disturb” area.
  - v. The Natural Features Map plan prepared according to Steps 1 and 2 above along with the Phase I Preliminary Site Plan prepared according to Steps 3 and 4 shall be submitted to the Planning Commission for preliminary site plan review according to the procedures of this Ordinance.

**d) Phase I Preliminary Site Plan Requirements**

The Phase I Preliminary Site Plan shall contain the following unless specifically waived by the Planning Commission:

- (1) Date, north arrow, and scale which shall not be more than 1” = 100’.
- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property including common street address.
- (4) Size of parcel.

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- (5) Existing and proposed topographical contours at a minimum of five feet intervals on the site and to a distance of 50 feet outside the site.
- (6) All lot or property lines with dimensions.
- (7) Location of existing drainage courses, floodplains, lakes, streams, wetlands and other water - bodies.
- (8) Existing zoning and land use of the proposed site and all adjacent properties.
- (9) Location and uses of all buildings within 100 feet of the property lines.
- (10) Location and description of existing and proposed signs and exterior lighting on the site.
- (11) Location and description of all existing and proposed structures on the site.
- (12) Location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of parking spaces and typical dimensions.
- (13) General location and size of proposed landscaped areas and buffer strips.
- (14) General indication of phases of development.
- (15) Specific designation of all uses that are to be conducted upon the premises and the location of such uses.
- (16) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water runoff will be ultimately discharged.

**e) Narrative Requirements**

The applicant shall submit nine copies of a project narrative with the following information:

- (1) The proposed density, number, and types of dwelling units.
- (2) If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities.
- (3) Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.

**f) Environmental Impact Assessment**

The Planning Commission may require an environmental impact assessment as part of the Phase I or Phase II Preliminary Plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters:

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.

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- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
- (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
- (5) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
- (6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department; County Road Commission; County Drain Commissioner; Department of Environmental Quality; immediate school district; local board of education; county sheriff's department; local fire department and other appropriate agencies.
- (7) Traffic impact study.
- (8) An economic feasibility study for the principal uses of the proposed PUD.
- (9) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

**g) Review of Phase I Preliminary Development Plan**

The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof.

**h) Phase II Preliminary Development Plan**

- (1) After receiving the recommendations of the Planning Commission on the Phase I preliminary development plan, the applicant for PUD rezoning shall submit a revised Plan to the Township office in accordance with the requirements for Phase II Preliminary Plan Review as contained below.

Eight copies of the plan shall be forwarded to the Planning Commission. Reports may be prepared by the Township Planner or Engineer.

- (2) The Phase II Preliminary development plan shall contain all of the information required below unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD:
  - i. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Phase I Preliminary Development Plan, including all of the recommendations of the Planning Commission, or if the applicant has not incorporated all of such recommendations, the Phase II development plan shall indicate such fact and

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shall state the basis or grounds upon which such recommendations have not been included.

- ii. Location of existing and proposed water and sewer lines.
- iii. A schedule of development and projected staging.
- iv. Additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general, and

**i) Public Hearing on Phase II Preliminary Development Plan and Rezoning**

The Planning Commission shall hold a public hearing for consideration of the Phase II Preliminary Development Plan and Rezoning.

Notice of the hearing shall be as required in [Section 25.04](#) herein. (Oct 4, 2006)

**j) Consideration of Phase II Preliminary Development Plan**

Following the public hearing, the Planning Commission shall recommend either approval, denial, or approval with conditions the PUD rezoning request and Phase II Preliminary Development Plan and make its recommendation to the Township Board.

**k) Standards of Approval**

In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent, purpose, and objectives of the PUD district and the following standards:

- (1) Granting of the Planned Unit Development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
- (2) In relation to the existing zoning of the subject or surrounding lands, the proposed type and density of use shall not result in a undue burden in need for public services, facilities and utilities.
- (3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Chapter.
- (4) The Planned Unit Development shall not have a substantial negative effect on the character of the surrounding area.
- (5) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.
- (6) Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- (7) Designs around existing hedgerows and treelines between fields or meadows, and minimize impacts on woodlands.

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- (8) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road right-of-ways.
- (9) Avoids new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (10) Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.
- (11) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (12) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

**l) Consideration of PUD Rezoning and Final Site Plan by Township Board**

The Township Board shall review the PUD Final Site Plan and rezoning and the recommendations submitted by the Planning Commission. The Board shall hold a public hearing per [Section 25.04](#) herein. The Township Board shall determine whether the PUD development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the PUD development plan and grant the rezoning request. Once approved the PUD Plan shall be called the Final PUD Plan.

The applicant shall make any revisions as required by the Board and submit them to the Zoning Administrator. Upon approval three sets shall be stamped as approved. One set shall be returned to the applicant, one set retained by the Zoning Administrator, and one set provided to the Township Clerk.

Unless otherwise specifically stated in the PUD Ordinance, adoption of a PUD Ordinance shall be considered to constitute site condominium site plan, special land use and private road approval as applicable for all facilities shown within the approved PUD plan.

**m) Conditions of Approval**

The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and

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economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and land owners immediately adjacent to the proposed project, and the community as a whole.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the applicant and the Township Board.

### SEC 14.09 AMENDMENTS TO APPROVED PUD

- a) An approved Final PUD Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- b) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than ten (10) feet.
- (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- (4) Changes of building materials to a higher quality.
- (5) Changes in floor plans which do not alter the character of the use.
- (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (7) Changes required or requested by the Township for safety reasons.
- (8) Changes which will preserve the natural features of the site without changing the basic site layout.

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- (9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

**SEC 14.10 PERFORMANCE GUARANTEES**

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein.

In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

**SEC 14.11 TIME LIMITATIONS ON DEVELOPMENT**

Each OS-PUD shall be under construction within one year after the date of approval of the Final PUD Plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the OS-PUD or any part thereof shall be of no further effect, at the conclusion of said period of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

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**SEC 14.12 ENVIRONMENTAL STANDARDS APPLICABLE TO ALL PUD DISTRICTS**

*(28 May, 93) (19 Aug, 02)*

The following provisions shall be followed to protect the environment of the Township: (19 Aug, 02)

- a) Each project shall be designed to have minimal adverse effect on the environment. Special emphasis shall be placed on maintaining the quality of groundwater, streams, and rivers. Trees shall be preserved wherever feasible.
- b) Development in environmentally sensitive areas, such as wetlands, natural drainage courses, and floodplains, shall not be permitted. Floodplains shall include all flood-prone areas along any rivers or streams with a drainage area of at least 1 square mile in area. Development on slopes exceeding 12 percent shall not be permitted unless justification satisfactory to the Planning Commission is submitted by the applicant.
- c) Access drives and roads, but not parking areas, may be permitted to cross environmentally sensitive areas if evidence is presented showing that natural drainage courses are not negatively impacted and that no other reasonable or prudent alternatives exist.
- d) A wetlands determination, approved or conducted by the Township's Engineers, shall be made if requested by the Planning Commission.
- e) Evidence, approved by the Township's Engineers, shall be presented to document that the peak rate of stormwater runoff after development is no greater than the peak rate of stormwater runoff prior to development. Evidence, approved by the Township's Engineers, shall be presented to demonstrate that all existing and proposed on-site and off-site stormwater improvements will adequately handle all stormwater associated with 100-year storm events. Special consideration shall be given to protecting existing drainage areas, lakes, and streams, whether or not they are on site or off site.

The following standards shall be met for all stormwater management facilities:

- (1) Stormwater storage and/or infiltration structures that protect water quality and minimize flooding shall be required for all developments. Storage facilities may include but are not limited to detention basins, retention basins, infiltration trenches, swales with check dams, and other facilities.
- (2) Detention and retention basins shall be safely and adequately designed to control runoff. Retention and detention basins shall have an overflow system designed to safely control 100-year frequency storm events. Basins shall be permanently stabilized to minimize erosion.
- (3) Stormwater management conveyance, storage, infiltration measures, and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.

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- (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners. Stormwater from upstream and off-site locations shall be conveyed around or through the site or may be stored on site.
- (5) A primary storage system that manages runoff from storms up to a 25-year frequency and 24-hour duration shall be provided.
- (6) Detention basins and conveyance systems shall be designed to safely control and accommodate a secondary drainage system to direct runoff from storms greater than a 25-year and 24-hour frequency and duration up to a 100-year event.
- (7) For a 25-year frequency and 24-hour duration storm event, the discharge runoff rate shall not exceed the peak rate of 0.2 cfs per acre for the entire site.
- (8) Unless otherwise approved, stormwater discharge shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, to allow for natural infiltration, to allow suspended sediment particles to settle, and to remove pollutants.
- (9) Watercourses shall not be dredged or cleared of vegetation or deepened, widened, straightened, stabilized, or otherwise altered without approvals from the Planning Commission and applicable permits from the Township Board and the MDNR. If the watercourse is a designated county drain, approval from the Kent County Drain Commissioner shall be obtained. Any other applicable permit requirements shall also be obtained prior to approval.
- (10) Design criteria, based upon professionally accepted principles, to trap or contain discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials shall be incorporated to meet the requirements of the MDNR and Lowell Township.
- (11) Drainage systems shall be designed to protect public health and safety and to be visually attractive.
- (12) Phased development shall provide storage of stormwater for the entire site as part of the initial phase of construction.
- (13) Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development or earth change.
- (14) Surface water must be discharged or conveyed around, through, or from the development or earth change area at a controlled release rate sufficient to prevent erosion.
- (15) If lakes, ponds, rivers, creeks, streams, or other watercourses and wetlands are located on or near the site, erosion control measures that trap sediment shall be encouraged. Other measures may be required if reasonably determined to be necessary to protect a watercourse or wetland.

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- (16) The creation or retention of vegetated buffer strips shall be encouraged along the edges of all lakes, ponds, creeks, streams, other watercourses, and wetlands when reasonably determined to be necessary to protect the watercourse.
  - (17) Unless a variation is approved, detention and retention basins with banks steeper than one on three (vertical to horizontal) shall not be permitted.
  - (18) Detention basins and associated berms and landscaping shall be designed to protect public safety and to be visually attractive (refer to the United States Department of Agriculture, Soil Conservation Service Agricultural Handbook No. 590; Ponds--Planning, Design, Construction).
- f) All stormwater leaving the site or entering a regulated wetland shall be treated to ensure that the water is free of greases, oils, and other impurities. Treatment options may include mechanical skimming, submerged pond outlets, and sequential settling ponds, as approved by the Township's Engineers.

Regulated wetlands may be used for on-site retention/detention if documentation, approved by the Township's Engineers, demonstrates that the quality and amount of water entering the wetland will not damage or destroy the habitat of the wetland. Review and approval may be required by the Kent County Drain Commissioner and the MDNR.

Stormwater retention/detention areas shall be encouraged to follow natural contours and to have an irregular shape so as to appear as natural looking as possible. Dry basins and drainage swales shall be designed for dual passive and/or recreational uses wherever possible.

All stormwater runoff discharged into a wetland shall be diffused to nonerosive velocities before it reaches the wetland.

All stormwater facilities shall be properly maintained by the property owner, including fencing where appropriate. A guarantee shall be posted with the Township to ensure that the stormwater facilities are properly maintained. Such a guarantee shall be filed with the Township Clerk and shall be in full compliance with Section 5.05(1) of the Michigan Zoning Enabling Act as amended. The amount of the guarantee shall be equal to the cost of annual maintenance as estimated by the Township's Engineers. Such a guarantee shall be used by the Township to pay for proper stormwater maintenance if it is not maintained by the property owner. The amount of the guarantee shall never be less than the estimated cost for annual maintenance.

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**CHAPTER 15**

**I-96 PLANNED UNIT DEVELOPMENT ZONING DISTRICT (I-96 PUD)**

**SEC 15.01 INTENT AND PURPOSE**

The I-96 Planned Unit Development Zoning District (I-96 PUD) is a recommendation of the Lowell Charter Township Master Plan. It is specifically intended to allow for a variety of complementary land uses in a planned setting on land located west of Alden Nash Avenue between Cascade Road and I-96. This land, which is highly visible from adjacent major roadways, presents challenges and opportunities in designing land uses which are compatible with and protective of the site’s wetlands, wooded areas, open land and steep slopes

The I-96-PUD regulations are intended to permit development of this location in accordance with the recommendations of the Master Plan while allowing a developer to utilize creativity in blending the different uses according to a unified theme. Development requirements which would normally apply to the uses may be modified to allow a project to be designed as a more desirable environment for working, shopping and living than one produced in accordance with typical zoning ordinance controls.

The objectives of the I-96 PUD are:

- a) To allow a mix of uses, structures, and open space which, through the use of best development practices, can be designed to be considerably compatible with each other but also with existing and planned uses on nearby properties;
- b) To achieve a unified development that will be a visually appealing and well-organized land use at the entranceway to Lowell Charter Township.
- c) To allow for the design of developments that achieve better utilization of land than is possible through strict application of standard zoning controls;
- d) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and does not adversely affect wetlands, the natural drainage pattern, and other natural site features;
- e) To achieve a unified mix of land uses, building styles and building and road placement that will function efficiently and be aesthetically pleasing.
- f) To provide for the regulation of legal land uses not otherwise explicitly authorized within this Ordinance.

**SEC 15.02 CRITERIA FOR REZONING**

- a) A I-96 PUD zoning district may be approved by the Township Board, (the Board) following a recommendation from the Planning Commission, in any location recommended for the I-96 Planning Area by the Lowell Charter Township Master Plan in accordance with the procedures, regulations, and standards of this Chapter.

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- b) The I-96 PUD shall be served by public water and sanitary sewer unless it can be demonstrated that these public utilities cannot reasonably and practically be extended to serve the property. On-site use of water and sanitary sewer services if proposed to be provided shall require the specific approval of the Township Board.
- c) In order to qualify for a rezoning request to the I-96 PUD district, the entire parcel or contiguous parcels under the same ownership, which were of record as of the date of adoption of this Chapter 15 and which were designated on the Township Master Plan for I-96 Planning Area must be included in any application for such rezoning.

### SEC 15.03 PERMITTED USES

Land and buildings may be used for the following purposes:

- a) Permitted uses and accessory uses in the [C, Commercial](#) zone and the [LI, Light Industrial](#) zone according to the applicable standards in the Table of District Regulations herein.
- b) Special Land Uses in the [C, Commercial](#) zone and the [LI, Light Industrial](#) zone according to the applicable standards in the Table of District Regulations herein. However, the following special land uses are specifically prohibited in the I-96 PUD District:
  - Adult entertainment businesses as defined by [Section 22.03\(p\)\(1\)](#) herein.
  - Salvage yards and recycling facilities.
  - Refuse and garbage incinerators.
  - Scrap tire collection sites and scrap tire processors.
  - Manufacture of gas, coke, or coal tar products.
  - Manufacture of ammunition, fireworks, or other explosives.
  - Stockyards and slaughterhouses.
  - Blast furnaces and petroleum refining.
- c) The Township Board after receiving a recommendation from the Planning Commission may permit other land uses not otherwise permitted in the C, and LI zoning districts if, in the opinion of the Board, the other uses complement and are compatible with the permitted and special land uses, are compatible with nearby existing and permitted land uses, and meet the intent and objectives of the I-96 PUD zoning district and the intent of the Township Master Plan.
- d) Commercial uses allowed by Sections 15.03 (a) and (b) shall not occupy more than 15 percent of the entire gross acreage zoned I-96 PUD. The percent measurement shall be determined by the area of individual lots occupied by such commercial uses, accompanying off street parking areas, and accessory uses and buildings.

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If a commercial use is not located on an individual lot or shares a lot with an industrial use the measurement shall include the area encompassing the outer limits of the such commercial uses, accompanying off street parking areas, and accessory uses and buildings.

Additional commercial area above the 15 percent noted by this Section may be allowed at the discretion of the Township Board based on a recommendation of the Planning Commission if it is determined that the additional commercial area meets all or some of the following criteria:

- (1) The commercial use(s) proposed will meet a specific market need according to information presented by the applicant.
- (2) The commercial use(s) proposed satisfy the objectives of [Section 15.01](#) herein.
- (3) The commercial use(s) proposed is best suited to the location occupied by the I-96 PUD rather than other commercial zoned lands in Lowell Charter Township or there is insufficient or suitable land available for the proposed use elsewhere in the Township.

**SEC 15.04 MODIFICATION OF DEVELOPMENT STANDARDS**

The lot area, lot width, road frontage, building height, setback and yard requirements, general provisions, signs, landscaping and screening requirements, lighting, and parking regulations contained in this ordinance which would apply for the zoning district in which the use or uses proposed are normally allowed and which would be the most restrictive for the uses proposed shall be met except that the Township Board following a recommendation from the Planning Commission may increase, decrease or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the intent and purpose of this Article. Other criteria which shall be used in making these determinations shall include the following:

- a) Whether the modification requested will result in a project that better satisfies the intent and objectives of this Article;
- b) Whether the modification requested will result in building placement, height, size and style and in road locations that will achieve a unified development theme compatible with adjacent existing and future land uses;
- c) Whether the modification requested is necessary to provide effective stormwater management, preserve existing natural features, or make available meaningful open space;
- d) Whether the modification requested will improve emergency vehicle and personnel access;
- e) Whether the modification requested will improve pedestrian circulation;
- f) Whether the modification requested will improve traffic safety, decrease visual blight, distraction, or clutter, and otherwise protect the public health, safety, and general welfare.

**SEC 15.05 DEVELOPMENT STANDARDS**

- a) District Regulations and Modifications. The requirements contained in the Table of District Regulations of this Zoning Ordinance which would apply for the zoning district in which the use

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or uses are permitted shall be met unless the requirements are modified as allowed by [Section 15.04](#) herein.

- b) Project Completion and Maintenance. An I-96 PUD project approved under this section shall be developed under the control of a legal document such as restrictive covenants or a condominium master deed which have requirements for the completion, ongoing maintenance and enforcement of its provisions in compliance with the approved I-96 PUD rezoning for the property regardless of ownership. Such legal document shall be provided to the Township Attorney for review and approval before occupancy permits are issued. The document shall be recorded with the Kent County Register of Deeds after approval and a copy of the recorded document provided to the Township.
- c) Street Requirements. All streets within an I-96 PUD Zoning District shall be public streets and shall comply with the requirements of the Kent County Road Commission.
- d) Building Height.
  - (1) Buildings located within 75 feet of the right of way of Cascade Road and Alden Nash Avenue shall not exceed a height of 35 feet.
  - (2) Buildings proposed to be located beyond 75 feet of the right of way of Cascade Road and Alden Nash Avenue which are proposed with a height greater than 35 feet may be approved if the additional height is approved by the Township Fire Chief and the Township Board, based on a recommendation from the Planning Commission. The Planning Commission and Board in allowing a greater height shall first determine that the vertical and horizontal dimensions of the proposed building, the design, color and materials of the upper and most visible portion of the building, the building color and materials, and the location on the site complement the other proposed buildings on the site and provides an aesthetic scenic view from nearby roadways and properties and that the additional height does not detract significantly from the surrounding rural landscape. If necessary, such buildings must also obtain the approval of the Federal Aviation Administration.

A digitized photo simulation of the proposed building within the context of the project and nearby properties may be required to demonstrate compliance with these criteria.
- e) Sidewalks and Pedestrian Circulation. Sidewalks shall be provided along both sides of all streets within the I-96 PUD unless otherwise modified as allowed by Section 15.04 herein. Sidewalks shall be a minimum of five feet in width and constructed and maintained in accordance with the Lowell Charter Township Sidewalk Maintenance Ordinance.

The Planning Commission may also require other pedestrian walkways to be provided within an I-96 PUD in order to improve pedestrian access to and between buildings, ensure pedestrian safety or to provide a recreational amenity throughout the development. The type of surface and width of such walkways shall be determined by the Planning Commission.

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f) Landscaping

- (1) *Perimeter Landscaping.* The perimeter of the area proposed for rezoning to I-96 PUD, including the area abutting existing streets, shall be maintained in its existing state to a minimum depth of 50 feet from the right of way line or shall be supplemented with additional plantings so as to preserve or enhance the rural view along the existing street and minimize the visual impact of buildings in the I-96 PUD from off-site view.

The use of earthen berms may only be utilized if in the discretion of the Planning Commission and Township Board the berm or berms do not detract from the rural view and if the berm or berms are necessary to provide an effective buffer for adjacent or nearby lands or the public streets.

- (2) *Interior Landscaping.*

- i. Landscaping shall be provided for each individual lot within the I-96 PUD in accordance with the requirements of [Section 4.26](#) herein.
- ii. Deciduous trees shall be provided within all street rights of way a minimum of 100 feet apart unless a different distance is specified by the Township Board following a recommendation from the Planning Commission. The trees shall be a mixture of species with a minimum caliper of three inches at planting. The trees are also subject to the approval of the Kent County Road Commission.
- iii. All landscape areas including landscape islands shall be served by an underground irrigation system.

g) Building Façade Requirements

- (1) *Façade* At least 50% of that portion of a structure or building, be it in the front, side, or rear, which directly faces a private street or public street with no buildings in between such streets shall be finished with face brick, wood, glass, stone, or fluted cement block, stucco-like material, aluminum or vinyl wrap or corrugated metal; provided, however, that the Planning Commission and Township Board may approve other materials, if such materials are compatible with those on buildings located on adjacent or nearby lands and, provided further that such materials shall comply with the architectural, safety and other requirements of the Township building code, the fire code, and other applicable Township ordinances.

- (2) *Wall designs and features.* Buildings with walls more than 100 feet in length which directly face Cascade Road, Alden Nash Avenue or I-96 with no other buildings in between shall be designed to incorporate one or more of the following features for approximately every 100 feet in wall length in order to mitigate the visual impact of such large buildings with monotonous and featureless walls which directly face the public right of way:

- i. Arched entryways, canopies or awnings.
- ii. Providing changes in the plane of a wall such as offsets, or projecting ribs which are at least 12 inches in width.

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- iii. Change in texture, color or masonry pattern.
  - iv. Pilasters, piers or columns.
  - v. Windows.
  - vi. False windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.
  - vii. Other applications as approved by the Planning Commission which meet the intent of this Section.
- h) Driveways. Driveways shall comply with the applicable requirements of the Township Access Management Regulations stated in [Section 22.01](#) of this ordinance. Any driveway proposed to directly access Cascade Road shall be located to minimize the negative impact of vehicle headlight glare and turning movements on residential uses across Cascade Road.
- i) Loading Areas. Truck docks and loading and unloading areas shall be located so they do not directly face Cascade Road or in the opinion of the Planning Commission are situated and /or screened sufficiently to minimize negative impacts on the residential uses across Cascade Road.
- j) Waste Receptacle Facilities.
- (1) All outdoor waste receptacles shall be enclosed by a solid wall on three sides with a minimum height of six feet or one foot above the height of the waste receptacle, whichever is greater. The enclosure shall be constructed of wood, brick, decorative concrete, vinyl, steel, aluminum or composite boards or other material matching the principal building on the parcel. Chain-link fence is prohibited as an enclosure material.
  - (2) The front of the enclosure shall be gated and shall be protected with steel bump guard posts at the front entrance area. The gate shall be made of metal, wood or other durable opaque material. Chain-link fence is prohibited as a gate material. The gate(s) shall have a closing latch and shall remain closed at all times except during servicing.
  - (3) The waste receptacle base shall be at least nine feet by six feet in area, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
  - (4) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage vehicles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- Waste receptacles and enclosures shall be located in the rear yard no closer than three feet from the rear lot line, or may be located in a non-required side yard unless otherwise approved by the Planning Commission.
- k) Outdoor Lighting. All outdoor lighting shall comply with the requirements of [Section 4.28](#).



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- l) Signs. Signs shall comply with the requirements of [Chapter 18](#).
- m) Performance Standards. Land or buildings shall not be used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical disturbance; glare; liquid or solid refuse or wastes; or other dangerous or objectionable substance, condition, or element in such a manner or such amount as to adversely affect the environment or surrounding community as measured from the property line.

The following standards shall specifically apply:

- (1) Baffling or muffling devices or other precautionary means shall be employed with processes or operations causing objectionable noise characteristics to prevent objectionable levels when measured off the property during normal operation.
  - (2) Operations, processes or products which, during normal operations, emit odors that are detectable at any point beyond the property from any use are prohibited.
  - (3) Any operation which produces intense glare or heat shall be conducted only within an enclosed or screened area and in such a manner that the glare or heat emitted will not be discernible off the property line.
  - (4) Every use shall be so conducted so that the vibration generated by the use cannot be detected off the property without the use of instruments.
- n) Outside Use and Storage. All uses shall be conducted wholly within a completely enclosed building, except that outside storage of materials and equipment is permitted, subject to the following restrictions:
    - (1) Materials shall not be kept or stored in any required yard or on the street side of a corner lot.
    - (2) Outside storage areas shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height or placed so they are not substantially visible from residential districts or public thoroughfares. The finished side of any wall, fence or other similar storage screen shall face adjacent properties or roads.
  - o) Stormwater Management.
    - (1) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
    - (2) All provisions for stormwater management shall comply with the requirements of [Section 14.12\(e\)](#) and [\(f\)](#) and the Stormwater Management Ordinance of Lowell Charter Township.

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- p) Environmental Considerations.
  - (1) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
  - (2) Wooded areas and mature individual trees shall be preserved insofar as practicable.
  - (3) Access drives and roads may be permitted to cross environmentally sensitive areas if evidence is presented showing that natural drainage courses are not negatively impacted and that no other reasonable or prudent alternatives exist.
  
- q) Screening of Outdoor Features.
  - (1) Roof top equipment shall be screened by parapet walls or other design feature to reduce their profile and appearance from off site. This screening shall be illustrated on the building elevation plans.
  - (2) All ground mounted equipment such as transformers, fuel storage tanks, product storage tanks, and outdoor mechanical equipment, shall be shown on the site plans along with the proposed method of screening and screening materials.

**SEC 15.06 APPLICATION AND REVIEW PROCEDURES**

- a) Application.

An applicant for an I-96 PUD rezoning shall submit to the Township an application provided by the Township along with the appropriate fees and escrow amount as established by the Township Board.

If the area proposed for rezoning to I-96 PUD is also to be developed as a site condominium according to [Chapter 17](#) of this Zoning Ordinance or as a platted subdivision according to the Township Subdivision Ordinance, the applicant may also submit the applicable application in conjunction with the rezoning request to I-96 PUD. The two applications may then be reviewed together provided all procedures and submittal requirements for each application are met.
  
- b) Staff Conference.

Following the application and fee submittal, the applicant shall meet with the Zoning Administrator, the Township Planner or Township Engineer. The applicant may provide a conceptual drawing or other information about the project or property.
  
- c) Preliminary Review.

Following the staff conference, the applicant shall submit nine paper copies along with an electronic copy of a Project Narrative, a Natural Features Map and a Preliminary PUD Site Plan prepared according to the following requirements:

  - (1) *Project Narrative Requirements:* The project narrative shall contain the following information:

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- i. A description of the proposed development including how it will meet the objectives of [Section 15.01](#), general types of land uses, phasing of development, recreational amenities, preservation of natural features and other information which describes the development.
  - ii. Type of development; plat, site condominium, metes and bounds, or other.
  - iii. Method of providing water and sanitary sewer. If on-site systems are to be provided the applicant shall provide documentation from the Kent County Health Department that the soil types in the area are generally acceptable for on-site well and septic systems. If the proposed project will be served by public water and / or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities.
  - iv. A table, which specifically details all modifications from the zoning regulations which would otherwise apply for the zoning district in which the use or uses proposed are normally allowed.
  - v. Any buildings or structures which may exceed 35 feet in height.
- (2) *Natural Features Map*. This is a separate map drawn to scale which shall illustrate wooded areas, significant individual mature trees, wetlands, creeks, streams, ponds, lakes or other existing bodies of water, flood plains and slopes which are 20 % or more. The determination of the existence of wetlands and floodplain areas on a lot shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environment, Great Lakes and Energy or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.
- (3) *Preliminary PUD Site Plan*. The Preliminary PUD Site Plan shall illustrate the development of the entire property requested for rezoning to the I-96 PUD district. The plan shall contain the following information unless specifically waived by the Planning Commission:
- i. The information contained on the Natural Features Map.
  - ii. Date, north arrow, and scale which shall not be more than 1" = 100'.
  - iii. Locational sketch of site in relation to surrounding area.
  - iv. Legal description of property.
  - v. Size of parcel and any proposed lots to be created with size and dimensions.
  - vi. Existing and proposed topographical contours at a minimum of 10 feet intervals on the site and to a distance of 50 feet outside the site.
  - vii. Existing zoning of the proposed site and all adjacent properties.
  - viii. Location and uses of all buildings within 200 feet of the property lines.
  - ix. Natural areas to be preserved.
  - x. Location and dimensions of all existing and proposed streets, driveways, parking areas.

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- xi. General location of proposed perimeter landscaped areas and buffer strips.
- xii. General indication of phases of development and types of uses proposed.
- xiii. Trails or walkways outside of the street right of way.
- xiv. Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water runoff will be ultimately discharged.
- xv. Any buildings proposed including building configuration, setbacks, parking, driveway location, and buildings higher than 35 feet.

If the applicant is also applying concurrently for a site condominium or plat approval, the information required by the applicable Township ordinances may also be included on the Preliminary PUD Site Plan or a separate plan may be submitted which meets the requirements of the applicable Township ordinances.

- (4) *Environmental Impact Assessment.* The Planning Commission may require an environmental impact assessment as part of the Preliminary PUD Site Plan or Final PUD Site Plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters:

- i. The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation.
- ii. Traffic congestion. A separate traffic impact study may be requested
- iii. Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
- iv. Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;

The Planning Commission may also request review comments from local and State agencies.

- (5) *Review of Preliminary PUD Site Plan.* The Planning Commission shall review the preliminary development plan and the site condominium or plat as the case may be, and make recommendations to the applicant in order that a Final PUD Site Plan can be prepared. This shall be considered as Preliminary PUD Site Plan approval.

d) Final Review.

After receiving the recommendations of the Planning Commission on the Preliminary PUD Site Plan and site condominium or plat as the case may be, the applicant for PUD rezoning shall submit nine copies of the Final PUD Site Plan to the Township office in accordance with the requirements for Final Plan Review as contained in [Section 21.05](#) herein and [Section 15.05](#) herein. The Final PUD Site Plan shall contain all of the information required by the Planning Commission in its review of the Preliminary PUD Site Plan. Information required for site condominium or plat approval as applicable shall also be provided.

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- (1) *Planning Commission Public Hearing.* The Planning Commission shall hold a public hearing for consideration of the Final PUD Site Plan and rezoning. Notice of the hearing shall be as required in [Section 25.04](#) herein. Following the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the I-96 PUD rezoning request and Final PUD Site Plan.

The Planning Commission shall base its recommendation on compliance with the standards of [Section 15.06 \(d\)\(2\)](#) herein. An ordinance creating the proposed PUD zoning district shall be prepared for consideration by the Planning Commission at the public hearing.

The applicant shall make any revisions to the PUD Site Plan as required by the Planning Commission and submit the revised PUD Site Plan to the Township Board no later than 12 months after the Planning Commission's hearing on the Final PUD Site Plan.

- (2) *Standards of Approval.*

In making its recommendation, the Planning Commission shall find that the proposed PUD meets the following standards:

- i. The proposed PUD meets the objectives of the I-96 PUD district contained in [Section 15.01](#) and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning;
- ii. The proposed PUD complies with all qualifying conditions of [Section 15.02](#) of this chapter;
- iii. Protects, to the extent practicable all woodlands, floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities;
- iv. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
- v. The development has been designed to minimize the impact on nearby land uses;
- vi. Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site;
- vii. The proposed PUD meets the site plan review standards of [Section 21.06](#) of the Zoning Ordinance.

- (3) *Township Board Public Hearing*

After receiving the recommendation of the Planning Commission, the Township Board shall hold a public hearing for consideration of the Final PUD Site Plan and rezoning. Notice of the hearing shall be as required in [Section 25.04](#) herein. The Board shall base its decision on compliance with the approval standards of [Section 15.06 \(d\)\(2\)](#) herein.

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Upon a determination that a proposed project meets such standards the Township Board may approve the Final PUD Site Plan and grant the rezoning request. The approval of an I-96 PUD rezoning application shall require an amendment of the Township Zoning Ordinance and Official Zoning Map. An approval granted under this Chapter shall constitute a part of the Lowell Township Zoning Ordinance.

The applicant shall make any revisions as required by the Board and submit them to the Zoning Administrator. Upon approval two sets shall be stamped as approved and signed by the Planning Commission Chair. One set shall be returned to the applicant and one set retained by the Township Clerk.

- (4) *Conditions of Approval.* The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to ensure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- i. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration, residents, and land owners immediately adjacent to the proposed project, and the community as a whole.
- ii. They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- iii. They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the applicant and the Township Board.

**SEC 15.07 PHASING AND INDIVIDUAL SITE PLAN APPROVAL**

- a) Phased Construction. If a development is to be constructed and occupied in phases over some period of time, the applicant must still obtain I-96 PUD rezoning for the entire site proposed for the I-96 PUD.

The applicant may request Final PUD Site Plan approval for only certain phases of the land proposed for rezoning and construct the improvements approved for those phases. The improvements shall be designed and built so they function independently of any future improvements.

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Areas not included for Final PUD Site Plan approval shall retain their Preliminary PUD Site Plan approval from the Planning Commission under [Section 15.06\(c\)\(5\)](#). A request for approval of a Final PUD Site Plan for the remaining phases of the approved I-96 PUD zoning district shall comply with the requirements of [Section 15.06 \(d\)](#) through [15.10](#) except that any approvals shall apply only to the site plan portion of the request. A new application shall be submitted and provide the information required by [Section 15.06\(a\)](#) herein.

- b) **Individual Site Plan Approval.** In their approval of an I-96 PUD Zoning District, the Planning Commission may subsequently authorize individual lots or buildings to be developed or constructed subject to approval by the Planning Commission under the terms of [Chapter 21](#) of this ordinance pertaining to site plan review and the applicable requirements [Section 15.05](#) herein and other requirements of this Chapter 15. Those uses identified in [Section 15.03](#) shall require a public hearing and shall be reviewed in accordance with the requirements for Special Land Uses as set forth in [Chapter 20](#).

All such site plans for individual lots and buildings shall comply with the approved Final PUD Site Plan of the I-96 PUD Zoning District, including all terms and conditions imposed by the Planning Commission and Township Board in their approval.

### SEC 15.08 AMENDMENTS TO APPROVED PUD

- a) An approved Final PUD Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- b) **Minor Amendments.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:
- (1) Reduction of the size of any building and/or sign.
  - (2) Movement of buildings which do not reduce the approved setbacks.
  - (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
  - (4) Changes of approved building materials to the same or higher quality.
  - (5) Internal rearrangement of a parking lot which does not reduce the required number of parking spaces or improves access locations or design.
  - (6) Changes required or requested by the Township for safety reasons.
  - (7) Changes which will preserve the natural features of the site without changing the basic site layout.
  - (8) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not

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material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application

**SEC 15.09 PERFORMANCE GUARANTEES**

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the I-96 PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

**SEC 15.10 TIME LIMITATIONS ON DEVELOPMENT**

Each I-96 PUD shall be under construction within one year after the date of approval of the Final PUD Plan and adoption of a zoning ordinance amendment by the Township Board. Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a Final PUD Site Plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

If the I-96 PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the I-96 PUD or any part thereof shall be of no further effect at the conclusion of said period of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

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**CHAPTER 16**

**INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT (I-PUD)**

**SEC 16.01 DESCRIPTION AND PURPOSE**

*(7 July, 2004)*

The I-PUD Industrial Planned Unit Development District is established in order to designate certain areas within the Township as available for light industrial uses and warehousing and storage purposes. Any of such uses are to be carried out so as not to have serious adverse effects upon adjacent or nearby lands or the public streets. The district does not permit uses which result in adverse effects by reason of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire or other hazards, environmental pollution or other adverse effects.

Further, the district is intended only for such uses that would implement the following objectives:

- a) Flexibility and creativity in the design, construction and operation of a permitted land use.
- b) Efficient design and layout of streets and service drives.
- c) Efficient location and use of utilities adequate to the uses being served.
- d) Effective storm water management so as to avoid serious adverse effects upon the subject lands or on adjacent or other lands by reason of stormwater drainage, erosion, pollution or otherwise.
- e) Effective measures for the protection of other land uses, so as to avoid adverse effects by reason of the establishing and operation of any of the permitted uses.
- f) Sufficient measures for the protection of public health and safety.
- g) The I-PUD District shall be available only for lands designated in the Township Master Plan for Industrial Uses.

**SEC 16.02 LANDS ELIGIBLE FOR DISTRICT**

Lands eligible for zoning in the I-PUD District shall be only those lands designated for industrial use on the Future Land Use Map or within the text of the Township Master Plan; no other lands shall be included in the district.

**SEC 16.03 PERMITTED LAND USES**

Land, buildings and structures in the I-PUD District shall be used for the following purposes only:

- a) Warehousing, storage, or transfer buildings, but excluding the storage or transfer of bulk petroleum or related products, garbage, or rubbish.
- b) Truck terminals, including maintenance and service facilities.

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- c) Light manufacture, compounding, processing, producing, packaging, treating, fabrication and assembling from previously prepared materials, but excluding raw materials, of any of the following:
  - (1) Textiles and textile products, including woven fabric, knit goods, floor coverings, yarn and thread, and other textile goods.
  - (2) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  - (3) Lumber and wood products, including mill work, prefabricated structural wood products and containers.
  - (4) Furniture and fixtures.
  - (5) Paperboard containers, building paper, building board, and bookbinding.
  - (6) Plastics, perfumes and synthetic fibers.
  - (7) Engineering, measuring, optical, medical, photographic, and similar instruments.
  - (8) Jewelry, silverware, toys, athletic equipment, musical instruments, signs and displays, and office goods and equipment, including computers and associated devices and equipment.
  - (9) Metal products
- d) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- e) Research, design and development facilities, testing and experimental laboratories.
- f) Printing and publishing.
- g) Trade and industrial schools.
- h) Tool and die manufacturing establishments.
- i) Essential public service structures and buildings which are above ground and located outside street rights of way, including electrical substations.
- j) Building contractors, provided that all goods, supplies, materials and equipment shall be stored or kept inside a fully enclosed building.
- k) Other uses similar to the above listed uses provided that the Township Board determines, following a recommendation from the Planning Commission, that the operational characteristics and effects of such uses are compatible with the uses listed above and that such uses comply with the intent and purposes of the I-PUD district as set forth in [Section 16.01](#).
- l) Customary accessory buildings and uses.
- m) Towers and antennas over 35 feet in height per [Section 4.41](#) herein (6 August, 2014)

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### SEC 16.04 LAND USES PERMITTED BY SPECIAL APPROVAL ONLY

- a) The following uses may be permitted only when authorized by the Township Board as special approval uses, but such uses shall not otherwise be permitted:
  - (1) The preparation, processing, sorting or packaging of food and farm products, including meats, dairy products, fruits, vegetables, seafood, grains, legumes, baked goods, confectionery products, beverages, and similar foods and farm products.
  - (2) Agricultural service establishments such as but not limited to the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; the centralized collection, storage, processing and distribution of farm products to wholesale and retail markets.
- b) Such special approval use may be given by the Township Board as a part of its approval as an ordinance establishing an I-PUD District, or it may be given at a subsequent time, but in any event, such approval shall be given only after public hearing by the Planning Commission, with public notice in the same manner and to the same extent as required for consideration of a proposed I-PUD District.
- c) If as a part of a proposed I-PUD, the Township Board is being requested to consider any of such special approval uses, then the notice of the Planning Commission public hearing for the I-PUD shall specify that the district, if approved, may include the special approval use being requested.
- d) The Planning Commission shall make a recommendation on any requested special approval use, but the recommendation shall not be binding upon the Township Board. If the Township Board desires to depart from any special approval use recommendation made by the Planning Commission, it shall not be necessary for the Board to refer the matter of the special approval use back to the Planning Commission, prior to making a decision thereon.

### SEC 16.05 MINIMUM SITE AREA

Any land zoned in the I-PUD District shall be not less than 30 acres in area; provided, however, that the Township Board in its discretion may approve a smaller area of land rezoning in the I-PUD District if the Board finds that the intent and purposes of this chapter will nevertheless be achieved and if the Planning Commission has recommended that such smaller land area be zoned in the district.

### SEC 16.06 MINIMUM I-PUD REQUIREMENTS

All lands zoned in the I-PUD District shall comply with the following requirements:

- a) **Minimum lot area and minimum lot width**

The minimum lot area for a lot or parcel of land within the I-PUD District shall be one acre, and any such lot or parcel shall have a minimum of 150 feet of street frontage.
- b) **Minimum building setbacks.**
  - (1) 100 feet from all I- PUD boundaries.

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- (2) 100 feet from all existing street rights-of-way.
- (3) 50 feet from all interior street rights of ways.
- (4) 200 feet from all dwellings.
- (5) 100 feet from all wetlands and natural drainage areas.
- (6) 30 feet from side lot lines
- (7) 50 feet from the rear lot line

c) **Landscaping Requirements.**

- (1) Landscape Plan - The applicant shall provide a separate, detailed landscape plan, illustrating the location and type of significant existing vegetation and the location, size and type of proposed plantings. The landscape plan shall show compliance with the landscaping requirements of this subsection, and the I-PUD shall be landscaped accordingly.
- (2) Perimeter Landscaping - The required setback area along the perimeter of the I-PUD, including the area abutting existing streets, shall be maintained in its existing state or shall be planted with plants native to Michigan, or a combination of these methods shall be used so as to preserve or enhance the rural view along the existing street or lot line and minimize the visual impact of buildings in the I-PUD. The use of earthen berms is discouraged but berms may be utilized if in the discretion of the Planning Commission and Township Board the berm or berms do not detract from the rural view and if the berm or berms are necessary to provide an effective screen to block or obscure the view of the I-PUD uses from adjacent or nearby lands or the public streets.
- (3) Parking Lot Landscaping
  - i. One deciduous tree shall be planted and maintained in a growing condition for each ten required parking spaces. Such trees shall have a 2-1/2 inch caliper measured at one foot above ground level.
  - ii. At least 60 percent of the required trees shall be planted in curbed and landscaped islands located in required parking and loading areas. The remaining trees may be planted adjacent to the parking area, along buildings, in building setbacks, or in other areas as approved by the Planning Commission.
- (4) Front Yards

The front yards of all lots abutting interior streets in the I-PUD shall be landscaped and maintained with grass and shrubs and/or trees as approved by the Planning Commission.
- (5) Maintenance and Replacement of Landscaping Materials - All landscaping shall consist of hardy plant materials and, once planted, shall be maintained thereafter in a healthy condition. Plant materials shall be maintained in a healthy and growing condition. Any dead or diseased plant material shall be replaced within one growing season.

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- (6) **Fencing** - No chain-link fencing shall be permitted within 100 feet of all rights-of-way and PUD boundaries.
- (7) **Prohibited Trees** - The following trees shall not be included in an I-PUD District: Box elder, silver maple, elm, aspen, cottonwood, willow, horse chestnut (nut bearing), and tree of heaven, catalpa, and female ginkgo.
- d) **Parking and Loading**
- The following requirements shall be complied with for all off-street parking and loading areas:
- (1) A minimum of one parking space shall be provided for each employee on the largest working shift. A minimum of two additional parking spaces, plus one for every ten required parking spaces shall be provided for non-employees.
- (2) All parking and loading areas shall be set back at least 50 feet from all PUD boundaries, public streets and at least 200 feet from all residential dwellings.
- (3) Loading areas shall not be located on that portion of a building which faces existing exterior roads. Buildings which are located along the Highway I-96 right of way shall not have loading areas facing or otherwise substantially visible from Highway I-96.
- e) **Requirements for entry/exit drives:**
- (1) Driveways shall comply with the applicable requirements of the Township access management regulations stated in [Section 22.01](#) of this ordinance.
- (2) Driveways intersecting public streets shall comply with the applicable design standards of the Kent County Road Commission.
- f) **Interior Street Requirements.** All interior streets (regardless of the use they are intended to serve) shall comply with the Kent County Road Commission Standard Section for Industrial and Commercial Streets, as published by the County Road Commission in its Requirements and Specifications for Plat Development.
- g) **Uses to be Fully Enclosed.** All operations, activities, equipment, and storage, except vehicle travel, parking and loading, shall be contained within a fully enclosed building unless otherwise permitted by the Planning Commission and Township Board in their approval of the I-PUD.
- h) **Secondary Containment Structures.** Secondary containment structures shall be installed and maintained to the extent required by State law and under the regulations of agencies having jurisdiction, so as to protect the land and the surrounding environment from spills of hazardous liquids or other harmful effects.
- i) **Land Coverage.** No more than 50 percent of the I-PUD may be covered by principal and accessory buildings.
- j) **Outdoor Lighting** - All outdoor lighting shall comply with the requirements of [Section 4.28](#)
- k) **Signs** - Signs shall comply with the requirements of [Chapter 18](#).

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- l) **Industrial Performance Standards** - The industrial performance standards stated in [Section 12.06](#) shall be complied with. In their discretion, the Planning Commission and Township Board, or either of them, may require the applicant to demonstrate, through the use of qualified technical persons and generally accepted testing techniques, that the effects of any operation or activity within the I-PUD shall have no appreciable adverse impact on the subject lands or on adjacent or other lands. Such demonstration shall include the extent and nature of protective devices and measures, or other proposed means, so as to assure that such adverse effects will not result from any of the proposed uses within the I-PUD.
- m) **Structure Facades** - At least 50% of that portion of a structure or building, be it in the front, side, or rear, which faces a private street or public street, shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material; provided, however, that the Planning Commission and Township Board may approve other materials, if such materials are compatible with those on buildings located on adjacent or nearby lands and, provided further that such materials shall comply with the architectural, safety and other requirements of the Township building code, the fire code, and other applicable Township ordinances.
- n) **Building and Structure Height** - Buildings and structures shall not exceed 35 feet in height, except that the Planning Commission and Township Board may permit a greater height for the purpose of enclosing mechanical appurtenances for a permitted principal use and otherwise as permitted by [Section 4.16](#) of this Ordinance.
- o) **Sidewalks** - The Planning Commission may require sidewalks within an I-PUD, in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring sidewalks, the Planning Commission shall consider the following criteria:
- (1) The number, location, types and use(s) of buildings proposed within the I-PUD.
  - (2) The amount of pedestrian and vehicular traffic likely to be generated by the proposed uses.
  - (3) The inter-relationship of the I-PUD interior streets with the nearby public street system.
- p) **Modification of Minimum Requirements** - The above-stated minimum requirements may be modified by the Planning Commission and Township Board, in their discretion. In determining whether to approve modification of any such minimum requirements, the following criteria shall be considered:
- (1) The nature of existing and future land uses adjacent to and near the site.
  - (2) Whether or not the modification requested will result in a project which better satisfies the purposes of the I-PUD Zone.
  - (3) Whether or not the modification of the regulation requested will have an adverse impact on nearby properties and uses.
  - (4) Whether or not the modification of the regulation requested will result in the preservation of a significant natural feature on the site such as trees, wetlands, swales, or steep slopes.

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- (5) Whether or not the modification of the regulation requested is necessary due to the topography of the site.
- (6) Whether or not the modification of the regulation requested will impede or improve access for fire, police, and emergency vehicles.

### SEC 16.07 PROCEDURES FOR APPLICATION AND REVIEW OF AN INDUSTRIAL PUD SITE PLAN

- a) **Application** - An applicant for an Industrial PUD rezoning shall submit to the Township Clerk an application provided by the Township along with the appropriate fees as established by the Township Board to the Township Clerk.
- b) **Staff Conference** - Following the application and fee submittal, the applicant shall meet with the Zoning Administrator and the Township Planner or Township Engineer. The applicant may provide a conceptual drawing or other information about the proposed development.  

The purpose of the staff conference is to explain the I-PUD site plan design and review process to the applicant along with Township site development requirements, to assist the applicant in preparing a PUD plan for review by the Planning Commission and Township Board.
- c) **Preliminary and Final Site Plan Review** - Following the staff conference, the applicant shall submit 8 copies each of a Phase I Preliminary Site Plan prepared according to the requirements of [Section 14.08\(d\)](#), [\(e\)](#) and [\(f\)](#) of this Ordinance.

The Preliminary Site Plan shall illustrate the development of the entire site being requested for rezoning.

The procedures of [Section 14.08\(g\)](#) through [14.08\(j\)](#) and [14.08\(l\)](#) and [\(m\)](#) shall then be complied with.

- d) **Phased Development of an I-PUD** - If a development is to be constructed and occupied in phases over some period of time, the applicant may nevertheless obtain I-PUD rezoning for the entire site proposed for the I-PUD, in the discretion of the Planning Commission and Township Board and in compliance with the provisions of this Chapter. In such cases, the I-PUD final development plan shall, however, include such extent of detail with respect to the entire site as the Planning Commission and Township Board may require. In evaluating the final development plan of an I-PUD, where portions thereof are expected to be developed in phases, the Planning Commission and Township Board may require that the plan depict, at a minimum, particular or common features or facilities, such as interior streets, utility service, storm water control measures, entrance and exit locations, earth changes, water supply, sanitary sewage disposal measures, interior lot lines, building envelopes, tree preservation and other major features of the I-PUD.

In their approval of a phased I-PUD, the Planning Commission and Township Board may authorize individual lots or buildings to be developed or constructed as subsequently approved by the Planning Commission under the terms of [Chapter 21](#) of this ordinance, pertaining to site plan

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review; provided, however, that all such site plans for individual lots or buildings shall be subject to a public hearing by the Planning Commission. Such public hearing shall be preceded by the publication and mailing of notice in the same manner and to the same extent as is required for notice of Planning Commission public hearings for approval of a special land use.

All such site plans for individual lots and buildings shall comply with the approved final development plan of the I-PUD, including all terms and conditions imposed by the Planning Commission and Township Board in their approval of the I-PUD.

### SEC 16.08 STANDARDS OF APPROVAL

In making its recommendation, the Planning Commission and Township Board shall determine that the proposed I-PUD complies with the intent, purposes, and objectives of the I-PUD district and the following standards:

- a) Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the development and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
- b) In relation to the existing zoning of the subject or surrounding lands, the proposed type and density of use would not result in a undue burden on existing public services and facilities.
- c) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Chapter.
- d) The Planned Unit Development shall not have a substantial negative effect on the character of the surrounding area.
- e) Protects, to the extent practicable floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for necessary roads and utilities.
- f) Protects the rural roadside character by establishing buffer zones along roads abutting the site corridors and improves public safety and vehicular carrying capacity of these existing roads by avoiding development that has access directly onto existing roadways.
- g) The individual lots, buildings, and roadways, are designed to minimize the alteration of environmental site features.

### SEC 16.09 AMENDMENTS TO APPROVED PUD

Amendments to an approved Industrial PUD shall comply with the requirements of [Section 14.09](#) of this Ordinance

### SEC 16.10 PERFORMANCE GUARANTEES

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned

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upon faithful compliance with all of the provisions and requirements of the Industrial PUD and construction and placement of all of the improvements therein.

In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

### SEC 16.11 TIME LIMITATIONS ON DEVELOPMENT

Each Industrial PUD shall be under construction within one year after the date of approval of the Final PUD Plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the Industrial PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the Industrial PUD.

If the Industrial PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the Industrial PUD or any part thereof shall be of no further effect, at the conclusion of said period of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

### SEC 16.12 ENVIRONMENT STANDARDS

An Industrial PUD shall comply with the requirements of [Section 14.12](#).

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**CHAPTER 17**

**SITE CONDOMINIUM SUBDIVISIONS**

**SEC 17.01 PURPOSE AND SCOPE**

*(3 Nov, 04)*

Site condominium subdivisions are developments utilizing land division on the basis of condominium ownership. Such developments are not regulated by the Land Division Act, Public Act 288 of 1967 as amended and therefore the review and approval procedures required by that Act are not applicable. The purpose of these regulations is to set forth the procedures under which site condominium subdivision are to be reviewed in Lowell Charter Township.

**SEC 17.02 DEFINITIONS**

In addition to the definitions given in [Chapter 2](#), the following words and terms are defined for use in this Section:

**Building Envelope** - The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

**Condominium Act** - Public Act 59 of 1978, as amended.

**Condominium Project** - A plan or project consisting of not less than two condominium units if established and approved in conformance with Condominium Act.

**Condominium Structure** - The principal building or structure intended for or constructed upon a lot or building envelope, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

**Condominium Unit** - That portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

**Convertible Area** - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

**Expandable Condominium** - A condominium project to which additional land may be added in accordance with the Condominium Act.

**General Common Element** - The common elements other than the limited common elements

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**Limited Common Element** - An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.

**Lot:**

- a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.
- b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

**Master Deed** - The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

**Site Condominium Subdivision** - A division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

### SEC 17.03 ZONING COMPLIANCE

Site condominium projects may be approved in any zoning district. All site condominium lots and structures shall conform to the use, size, height, frontage, lot area, front, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located

For the purposes of determining compliance with this Ordinance, each condominium unit and its appurtenant limited common element shall be considered the equivalent of a lot as defined in [Chapter 2](#) and [Section 17.02](#).

### SEC 17.04 SITE CONDOMINIUM PLANS

Required Content - All site condominium plans submitted for approval shall include the following:

- a) A description which describes the nature and intent of the proposed project.
- b) A complete legal description of all included property.
- c) An ownership disclosure statement which gives the names of all parties which have ownership interests in the project or other written evidence that the applicant has the right to purchase the property from the owners of record.
- d) A minimum of 8 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance and which also illustrate the location, size, shape, area and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit. The location, size, shape, area

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and intended use of general common elements within the site condominium should also be shown.

- e) A utility plan showing all sanitary sewer, water and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities.
- f) A storm drainage and storm water management plan, including all lines, drains, basins, and other facilities.
- g) The use, occupancy restrictions, and maintenance provisions for all general common elements as will be contained in the Master Deed.
- h) A street construction, paving and maintenance plan for all streets within the proposed development.
- i) A statement from the Lowell Charter Township Treasurer that all applicable site plan review fees have been properly paid.

### SEC 17.05 STREETS

- a) **Private Streets** - All private streets in a site condominium shall be constructed to the standards as given in [Chapter 19](#) of this Ordinance.
- b) **Public Streets** - All public streets in a site condominium shall be constructed to the standards required by the Kent County Road Commission for platted streets.

### SEC 17.06 UTILITIES

Extension and provision of utilities shall be provided as may be required by the Township Board as conditions of approval. The site condominium plans shall include all the necessary easements granted to Lowell Charter Township, Kent County or others for the purpose of constructing, operating, inspecting, maintaining and repairing all utilities.

Lowell Charter Township may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines and street lights within the site condominium project.

### SEC 17.07 PROCEDURES TO REVIEW A SITE CONDOMINIUM

The Lowell Charter Township Board must review and approve all site condominium projects before improvements are initiated and before the Master Deed is recorded. The review process shall consist of the following steps:

- a) **Step 1- Preliminary Plan Review by Planning Commission**
  - (1) An application for review of a preliminary site condominium plan shall be initiated by submitting a minimum of eight copies of the plan to the Township Clerk along with an application and fee schedule established by the Township Board. Plans submitted for the preliminary review shall include the information required in [Section 17.04](#) herein.

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- (2) As part of the review, the Planning Commission shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing.

Notice of the hearing shall be as required in [Section 25.03](#) herein.

- (3) The Planning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in [Sections 17.05](#) and [17.06](#) of this Chapter, the requirements of Article 4 of the Township Subdivision Ordinance and the applicable requirements of the Township Zoning Ordinance. All of the requirements for plats, as set forth in Article 4 of the Township Subdivision Ordinance, shall be requirements for site condominium projects.

In its review of a site condominium plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development, layout and design, and other aspects of the proposed project.

- (4) Preliminary plans as applicable shall be submitted to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Natural Resources and other appropriate agencies having direct approval or permitting authority over all or any part of the plan. Approval of a site condominium plan shall not be considered to be final until the plan is fully in compliance with the requirements of the reviewing agencies.
- (5) After reviewing the preliminary site condominium plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Any revisions to the preliminary plan as required by the Planning Commission shall be made by the applicant and reviewed by the Planning Commission before the plan is forwarded to the Township Board

**b) Step 2- Final Plan Review by Township Board**

- (1) After revising the plan according to the Planning Commission’s recommendations the applicant shall submit to the Township Clerk a minimum of 8 copies of the final site condominium plan. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (2) The Township Board shall review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article 4 of the Township

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Subdivision Ordinance and other applicable procedures, standards and requirements provided by this section.

Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. Site condominium approval shall not serve as the authorization of land uses and construction on individual units within the site condominium. Uses and construction on individual units are subject to authorization under applicable provisions in this Ordinance.

### **SEC 17.08 MASTER DEED – CONTENTS**

All provisions of the site condominium plans which are approved by the Lowell Charter Township Board must be incorporated as part of the approved Master Deed for the site condominium. A copy of the Master Deed as recorded with the Kent County Register of Deeds must be provided to the Lowell Charter Township Clerk within ten (10) days after recording.

### **SEC 17.09 PERFORMANCE GUARANTEES**

In addition to the requirements given in [Section 21.09](#), a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be deposited with the Charter Township of Lowell to guarantee the installation and completion of common improvements associated with the project such as public streets, street lights, sanitary sewer, water supply, drainage facilities, and sidewalks. The amount of the deposit shall be not less than the estimated cost of the improvements.

### **SEC 17.10 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PLAN**

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Township Board, including any conditions of approval.

### **SEC 17.11 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS**

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel of land established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium may be occupied or used until all required improvements in the site condominium project have been completed and all necessary utilities installed.

### **SEC 17.12 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS**

Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this section.

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**SEC 17.13 CHANGES IN CONDOMINIUM DEVELOPMENTS**

Any change proposed in connection with a for which a final site condominium plan has previously been approved shall be regulated by this section.

- a) The following definitions shall apply:
- (1) “Exempt change” means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
    - i. a change in the name of the project; in the name of a street within the project; or in the name of the developer;
    - ii. a change in the voting rights of co-owners or mortgagees; or
    - iii. any other change in the site condominium which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a which is subject to regulation.
  - (2) “Major change” means a major change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:
    - i. an increase in the number of site condominium units;
    - ii. any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.
  - (3) “Minor change” means a minor change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that will result in:
    - i. a decrease in the number of site condominium units;
    - ii. a reduction in the area of the building site for any site condominium unit;
    - iii. a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
    - iv. a reduction in the total combined area of all limited common elements of the site condominium;



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- v. any other minor variation in the site configuration, design, layout, topography or other aspect of the which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.
- b) Any change which constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of the site condominium, and shall also be reviewed and approved by the Township Board, as provided in this section for the original review and approval of preliminary and final plans.
- c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this section for an original approval.
- d) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt change shall be filed with the Township Clerk.

**SEC 17.14 TIME LIMIT**

No approval of a final site condominium project plan shall be effective for a period of more than one year, unless construction of the project commences within that one year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one year period may be extended for additional periods of time as determined appropriate by the Township Board if the extension is applied for by the applicant within the effective period of the approval. (28 May, 93)

**SEC 17.15 VARIANCES**

As stated in [17.07\(a\)\(3\) of this section](#), site condominiums are subject to the requirements for platted subdivisions as stated in Article 4 of the Township Subdivision Ordinance. Further, as stated in [Section 17.07\(b\)\(2\)](#) of this section, the Township Board is to review, and then approve, deny or approve with conditions, a site condominium plan in accordance with the standards and requirements stated in Article 4 of the Township Subdivision Ordinance.

A variance, however, may be granted from the provisions of said Article 4 of the Township subdivision ordinance, with respect to a site condominium project or any part thereof. Such a variance may be granted by the Township Board after recommendation thereon by the Planning Commission, and upon a determination that practical difficulty or unnecessary hardship would result from compliance with a provision of said Article 4.

- a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of said Article 4 with respect to a site condominium project, site condominium unit or any part thereof.
- b) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Planning Commission.

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- c) In considering whether a variance shall be recommended, in the case of the Planning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
  - (1) That there are special circumstances or conditions affecting the property, that would make the strict application of a provision of said Article 4 impracticable or unreasonable.
  - (2) That the granting of the requested variance would not be detrimental to the site condominium development or to adjacent or nearby lands.
  - (3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
  - (4) That the granting of the requested variance would not violate any provision of the Michigan Condominium Act.
  
- d) A variance from any other provision of this section, not involving said Article 4 of the subdivision ordinance, shall be considered by the Board of Zoning Appeals, in accordance with the applicable provisions of this ordinance concerning the Board of Zoning Appeals.

## CHAPTER 18

### SIGNS

#### SEC 18.01 PURPOSE

*(28 May, 93)*

The intent of this Ordinance is to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in Lowell Charter Township. The purpose of the limitations, regulations, and standards established herein is to:

- a) Promote the public peace, health, and safety of residents and visitors;
- b) Protect the natural beauty and distinctive character of Lowell Charter Township;
- c) Protect commercial districts from visual chaos and clutter;
- d) Provide an environment which fosters growth and development of business;
- e) Protect property values;
- f) Eliminate distractions which are hazardous to motorists and pedestrians;
- g) Protect the public's ability to identify establishments and premises; and
- h) Protect the public's interest in public buildings, public streets, roads and highways and open spaces.

#### SEC 18.02 SCOPE

This Ordinance shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of sale displays; scoreboards at athletic fields; flags of any nation, government, corporate or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers or names; or any display or construction not defined herein as a sign.

#### SEC 18.03 DEFINITIONS

For the purpose of this Ordinance the following words or phrases are defined as follows:

**Abandoned Sign** - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.

**Administrator** - The Planning Director, or his assigns, for Lowell Charter Township.

**Advertising Display Area** - The advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports for a sign,

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whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area.

**Agricultural Industry Sign** - A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm and also including signs for farm organizations.

**Animated Sign** - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

**Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare with "Marquee").

**Awning/Canopy Sign** - Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.

**Banner Sign** - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this Ordinance.

**Bench Sign** - A sign located on any part of the surface of a bench or seat placed on or adjacent to a right-of-way.

**Billboard** - A sign directing attention to a use, activity, message, product or service which is not conducted on the lot or parcel upon which the sign is located.

**Clearance (of a Sign)** - The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Commercial Establishment** - a business operating alone in a free standing building; a business independent of other businesses located in the same freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door that may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area; a business completely separated from other businesses by walls from the ground up and with a door or entrance that may regularly be used by the public for exclusive ingress and egress to that business and that may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons. (4, September, 2013)

**Community Special Event Sign** - A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and/or whose purpose is charitable, philanthropic, religious or benevolence.

**Construction Sign** - A sign which displays the name or names of principal contractors, architects and lending institutions responsible for the construction on the site where the sign is placed.

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**Copy** - The wording on a sign surface in either permanent or removable letter form.

**Development/Building Identification Sign** - A sign which identifies a development or building by its recognized name, not including a product or service.

**Directional Sign** - A sign giving directions or instructions which provides direction for vehicular or pedestrian circulation in or out of a development. A directional sign shall not contain advertising display copy.

**Directory Sign** - A sign which displays the names and locations of occupants or the use of a building.

**Facade** - The entire building front including the parapet.

**Face of Sign** - The area of a sign on which the copy or display is placed.

**Farm Identification Sign** - A sign which identifies the name of the farm, or the family or the person operating the farm.

**Farm Product Sign** - A sign which advertises farm products as defined herein for sale.

**Festoons** - A string of ribbons, tinsel, flags, pennants or pinwheels.

**Flag Sign/Flutter Flag Sign** - A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework attached to one or more poles positioned in the ground in a non-permanent fashion or hung from a building or structure. A flag which is not part of a festoon and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature. *See Figure 18-02. (2 April, 2014)*

**Flashing Sign** - A sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include changeable copy signs, animated signs, as defined in this Ordinance, or signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign").

**Freestanding Sign** - A sign structurally separated from a building being supported by one or more poles or braces, or attached directly to the ground or on a foundation resting on the ground.

**Government Sign** - A sign erected and maintained by Lowell Charter Township, the county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property, or facility.

**Ground Sign** - A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

**Height (of a Sign)** - The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (Compare with "Clearance").

**Illegal Sign** - A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

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**Illuminated Sign** - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Incidental Sign** - A sign, emblem, or decal informing the public of the goods, facilities, or services available on the premises, (e.g. a credit card sign or a sign indicating hours of business).

**Inflatable sign** - (Balloon sign) Any three dimensional object, including a tethered balloon, capable of being filled with air or gas whether or not such object contains a message or lettering.

**Maintenance** - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**Mansard** - A sloped roof or roof-like facade architecturally comparable to a building wall.

**Marquee** - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with “awning”).

**Marquee Sign** - A sign attached to or supported by a marquee structure.

**Nameplate** - A non-electric on-premise sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Non-Commercial Sign** - A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. For example, a sign identifying or promoting a candidate for public office, promoting a viewpoint or issue or notification of a personal event such as a birthday or birth of a child.

**Nonconforming Sign** - A sign which was legally erected prior to this Ordinance but which does not now conform to this Ordinance.

**Occupancy** - The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Off-Premise Sign** - A sign which advertises an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

**On-Premise Sign** - A sign which pertains to the use of the premises on which it is located.

**Painted Wall Sign** - A sign which is applied with paint or similar substance on the face of a wall.

**Parapet** - The extension of a false front or wall above a roofline.

**Person** - An individual, corporation, association, firm or partnership.

**Permanent Sign** - A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the current Michigan Building Code.

**Point-of-Sale Sign** - A sign which carries only the name of the firm, major enterprise, or products offered for sale on the premises.

**Pole Sign** - A free standing sign which is supported by a structure, poles, or braces provided the width of the structure, poles, or braces are less than 50 percent of the width of the sign.

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**Pole Cover** - A material which encloses or decorates a pole or other structural support of a sign.

**Political Sign** - A sign used in connection with a local, state, or national election or referendum.

**Portable Freestanding Sign** - A portable sign that is not affixed to a building or structure and by its nature may be or is intended to be moved from one location to another including but not limited to "A" frame signs or signs on movable trailers, devices such as banners, pennants, festoons, streamers, search lights, twirling signs, sidewalk or curb signs, inflatable signs, and signs held or carried by a person and wire frame signs. (2 April, 2014)

**Portable Sign** - A sign not permanently affixed to the ground, a structure or building.

**Projecting Sign** - A sign which is attached to and projects from a wall or other structure not specifically designed to support the sign.

**Real Estate Sign** - A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease or rent.

**Reader Board Sign** - means one of the following:

- a) **Manual:** A sign on which the letters or pictorials are changed manually.
- b) **Electronic Reader Board/Digital Display Sign:** A sign or portion thereof that displays electronic, digital, pictorial or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays and video display signs. (5 Dec, 2011)
- e) **Multi – vision Sign:** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

**Roofline** - The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Roof Sign** - A sign erected or constructed wholly upon or over the roof of a building and supported on the roof structure.

**Rotating Sign** - A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

**Sidewalk Sign** - An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. Also called a sandwich board sign.

**Sign** - A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, goods, service or displaying or depicting other information.

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**Sign Area** - The area shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces or uprights of the sign.

Only the area of the largest face of a double-faced sign shall be calculated in determining sign area.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

**Sign Owner** - person who owns a sign is the sign owner. The owner of the premises upon which a sign is located is presumed to be the owner of the sign, unless facts showing that someone else is the owner are submitted to the Zoning Administrator.

**Snipe Sign** - A sign that is attached to a utility pole, tree, fence, or any object located or situated on public or private property.

**Street Banner Sign** - A sign which is stretched across and hung over a right-of-way.

**Subdivision Identification Sign** - A sign identifying or recognizing a platted subdivision, condominium complex, or residential development.

**Under-Canopy Sign** - A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Use** - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**Vehicle Sign** - A vehicle including but not limited to automobiles, trucks, boats, trailers, semi-trailers or airplanes which is not being used or parked during the normal course of business and which contains a sign painted on, incorporated in, or attached directly to the vehicle which is conspicuously parked or located for the primary purpose of displaying the sign excluding numbers painted on a vehicle signifying the price of a vehicle offered for sale.

**Video Display Sign** - A sign which displays moving images of television quality.

**Wall Sign** - A sign including painted, individual letter, and cabinet signs, and signs on a mansard which are attached parallel to and extending not more than fifteen (15) inches from the wall of a building.

**Window Sign** - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or exterior.

**Wire frame signs** - A portable sign made of corrugated plastic, vinyl, cardboard, poster board or similar material which is supported by or attached to a rigid frame made from metal, plastic, wood or similar material. *See Figure 18-01.* (2 April, 2014)

#### **SEC 18.04 GENERAL PROVISIONS**

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It shall be unlawful for any person to erect, place, or maintain a sign in Lowell Charter Township except in accordance with the provisions of this Ordinance.

- a) **Signs Prohibited** - The following types of signs are prohibited in all zoning districts:
  - (1) Abandoned signs.
  - (2) Animated signs.
  - (3) Bench signs.
  - (4) Rotating signs.
  - (5) Signs imitating or resembling official traffic or government signs or signals.
  - (6) Snipe signs.
  - (7) Vehicle signs. (4 Mar, 2009)
  - (8) Video Display Sign. (4 Mar, 2009)
  
- b) **Permits Required** - Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in [Section 18.11](#) of this Ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
  
- c) **Signs Not Requiring Permits** - The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:
  - (1) Construction signs of five square feet or less.
  - (2) Directional signs of five square feet or less.
  - (3) Holiday decorations.
  - (4) Political signs - not to exceed twenty square feet in sign area. (18 Ju1, 97)
  - (5) Public signs or notices, or any sign relating to an emergency.
  - (6) Real estate signs of five square feet or less.
  - (7) Incidental signs, provided such signs do not occupy more than eight square feet of advertising display area.
  - (8) Agricultural Industry Signs. (4 Mar, 09)
  - (9) Farm Identification Signs. (4 Mar, 09)
  
- d) **Maintenance** - All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced. The Building Official shall have the right order the repair or removal of any sign which is unsafe, as defined by the current Michigan Building Code.
  
- e) **Lighting** - Unless otherwise specified by this Ordinance all signs may be illuminated. (4 Feb, 04)

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- (1) Lighting for signs shall conform to the applicable lighting regulations of Lowell Charter Township.
  - (2) Where lighting is provided, signs shall be internally lighted where practical. Lighting fixtures mounted exterior to the sign shall be mounted above the sign and shall not emit light rays above the sign's highest horizontal plane.
  - (3) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.
  - (4) The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premises is open for business.
  - (5) No sign may be illuminated by flashing, oscillating or intermittent lighting.
- f) **Required Sign Setbacks and Height of Permitted Signs:**
- (1) No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. Except Development/Building Identification signs and Subdivision Identification Signs which may be placed in approved boulevard median strips, all permanent signs shall be set back of the property line. (18 Ju1, 97)
  - (2) Height and Overhang:
    - i. A wall sign shall not project beyond the ends of the wall to which it is attached;
    - ii. A wall sign shall not extend beyond the window sills of the floor above, the top of the wall to which it is attached, or twenty (20) feet above the finished grade at the building wall, whichever is lowest;
    - iii. A sign shall not project into the public right-of-way of any adjacent street;
    - iv. A freestanding sign, if mounted on a pole or other support structure, shall not exceed the height of twenty-five (25) feet and shall have a minimum clearance between the ground and the bottom of the sign of ten (10) feet. If ground mounted, a freestanding sign shall not exceed a height of five (5) feet and shall not create an obstructed view of approaching traffic;
    - v. Subdivision Identification signs and Development/Building Identification signs shall be ground mounted and shall not exceed five (5) feet in height.
- g) **Landscaping** - The base treatment for a freestanding sign shall be landscaped to achieve a pleasant aesthetic appearance.
- h) **Sign Contractor's License** - No person may engage in the business of erecting, altering, relocating, constructing, or maintaining of signs without a valid building contractor's license with

the State of Michigan. The contractor shall also be a registered contractor with Lowell Charter Township.

- i) **Portable Signs** – Portable signs are allowed in all zoning districts subject to the following requirements (4 Mar, 2009):
- (1) General Requirements-
- i. A permit is required for all portable signs except as noted herein and as exempted by [Section 18.04\(c\)](#) herein.
  - ii. Portable signs shall not be allowed above the roof line or above the 2/3 point of the height restrictions for exterior lighting as required by [Section 4.28](#) herein which ever is greater.
  - iii. Portable signs shall not interfere with lines of sight required for safe driving conditions.
  - iv. Portable signs shall not be located within the road right of way.
  - v. Lighting for portable signs shall be in accordance with [Section 4.28\(h\)](#) of the Zoning Ordinance.
  - vi. Community special event signs are permitted in any Zoning District, subject to the following:
    - (a) Such signs may be located either on or off the lot on which the special event is held.
    - (b) The display of such signs shall be limited to the 14 days immediately preceding the special event that is being advertised.
    - (c) Such signs shall have a maximum size of 32 square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of 15 feet
    - (d) Such signs shall be removed within 72 hours of the conclusion of the special event that is being advertised.
    - (e) A permit is required for a community special event sign.
    - (f) More than one such sign is allowed per parcel.
  - vii. A portable sign shall not be displayed if it is torn, bent, faded, not upright, unreadable or otherwise unsightly. (2 April, 2014)
- (2) Portable Sign Requirements in the GC, General Commercial, Commercial PUD, Light Industrial and Industrial PUD Zoning Districts.
- i. General Requirements:
    - (a) Portable signs shall not exceed 32 sq. ft. in area except that festoons as defined and regulated herein are not subject to this limitation.

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- (b) Any or all portable signs permitted by this Section may be displayed on a parcel at any one time subject to the applicable regulations of this Section.
- ii. Permit Required for Certain Display Periods:
  - (a) A permit shall be required for portable signs displayed from 9:00 PM on Sunday to 6:00 AM on Friday. No more than three such four day permits will be issued per calendar year per parcel.
  - (b) No permit is required for portable signs displayed from 6:00 AM on Friday through 9:00 PM on Sunday.
- iii. Inflatable Signs
  - (a) An inflatable sign shall not exceed 12 inches in any dimension.
  - (b) One inflatable sign is permitted for every 10 feet of road frontage.
  - (c) The property owner shall be responsible for any damage caused by loose balloons including the cost of removing balloons from power lines.
  - (d) An inflatable sign shall not be used as an off premise sign.
- iv. Festoons
  - (a) The maximum lineal footage of a festoon allowed on any parcel shall be three times the length of the road frontage abutting the parcel. For corner lots the longest road frontage shall be used.
  - (b) Individual flags, pennants or pinwheels that make up the festoon shall not exceed 240 inches square each.
  - (c) If installed over or above an entrance drive from a public road or street, festoons shall be a minimum of 14 ft. above grade.
  - (d) Flags and pennants not over 240 inches square each may be combined with inflatable signs but the total number shall not exceed one flag, balloon or pennant for every 10 feet of road frontage in combination.
  - (e) Festoons shall not be used as an off premise sign.
- v. Banner Signs
  - (a) No more than two banner signs may be displayed per parcel at any one time.
  - (b) Each banner sign shall not exceed 32 sq. ft.
  - (c) Each end must be secured in place.
- vi. Portable Freestanding Sign. No more than two freestanding portable signs shall be permitted per parcel at any one time except for wire frame signs as defined herein. (2 April, 2014)

- vii. Vehicle Signs
    - (a) One vehicle sign may be permitted for each road frontage abutting the parcel.
    - (b) If the vehicle sign is used as an off-premise sign, then the vehicle sign shall count towards the number of off-premise signs allowed on a parcel.
  - viii. Flags Signs
    - (a) Not more than six flag signs may be displayed on a parcel at any time.
    - (b) A flag sign shall not exceed 15 sq. ft.
  - ix. Off Premise Signs
    - (a) Not more than two per parcel
    - (b) Not over 32 feet square each
    - (c) Placed only with permission of property owner.
  - x. Wire frame signs as defined herein are permitted subject to the following requirements (2 April, 2014):
    - (a) Maximum size of four sq. ft. per sign.
    - (b) One sign is permitted for each 50 feet of road frontage or fraction thereof.
    - (c) No more than four such signs shall be displayed per parcel at any one time.
    - (d) A permit is not required.
    - (e) Wire frame signs may be displayed at all times subject to the maintenance provisions of [Section 18.04 \(i\)\(1\)\(vii\)](#) herein.
- (3) Portable Sign Requirements in All Other Zoning Districts
- i. Only one portable sign shall be permitted on a parcel at any one time. Inflatable signs and festoons are prohibited.
  - ii. Portable signs shall be displayed for no more than a total of 90 days in any calendar year.
  - iii. Portable signs shall not exceed 32 square feet in area and shall have a maximum height above ground level of six feet.
  - iv. No permit shall be required.

**SEC 18.05 SIGNS PERMITTED IN ALL ZONING DISTRICTS**

The following signs are allowed in all zones:

- a) All signs not requiring permits ([Section 18.04\(c\)](#)).

- b) One construction sign for each street frontage of a construction project, not to exceed sixty-four (64) square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
- c) One non-illuminated real estate sign per lot or premises, not to exceed five (5) square feet in sign area; provided, however that on parcels which are two (2) acres in size or larger, a real estate sign may not exceed a sign area of sixty-four (64) square feet.
- d) Signs may be placed only on private property and only with the permission of the property owner. (18 Jul, 97)
- e) One property address sign per premises which only identifies the address number and street. Such sign shall not exceed five (5) square feet.
- f) One nameplate or under-canopy sign per premises, provided such sign does not exceed eight (8) square feet.
- g) Directional signs, provided each sign does not exceed five (5) square feet.
- h) Any sign permitted by this Chapter 18 may contain a non-commercial message. (5 September, 2012)

**SEC 18.06 SIGNS PERMITTED IN THE AG-1, AG-2, R-1, R-2, R-3, MHP, AND RESIDENTIAL PUD ZONING DISTRICTS**

The following signs are allowed in the AG-1, AG-2, R-1, R-2, R-3, and MHP zoning districts.

- a) All signs permitted in [Section 18.05](#) of this Ordinance.
- b) One subdivision identification sign per entrance road for each subdivision development not to exceed sixty-four (64) square feet in sign area.
- c) For permitted non-residential uses, including churches and synagogues, one (1) freestanding sign not to exceed sixty-four (64) square feet in sign area, and one wall sign not to exceed sixty-four (64) square feet in sign area.
- d) **Off Premise Signs for Farm Products** - Off premise signs for the sale of farm products as defined herein are subject to the following regulations (4 Mar, 2009):
  - (1) Such signs shall only be displayed in the AG-1, AG-2 and R-1 Zoning Districts.
  - (2) Such signs shall not exceed 12 sq. ft. in size and the top of the sign shall not be more than six feet above grade.
  - (3) No more than four such signs shall be permitted on any parcel.
  - (4) Such signs shall not be attached to trees, utility poles, fence posts or the like.
  - (5) The signs shall be maintained in good repair and shall not be allowed to become faded, broken or illegible.

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- (6) The signs shall not be placed in the road right of way and shall not interfere with the line of sight required for safe driving.
  - (7) The sign shall not contain any moving parts and shall not be lighted.
  - (8) The sign shall only be placed with the permission of the property owner.
  - (9) No permit shall be required.
- e) **Home Occupation Signs** - Signs for home occupations shall not exceed eight square feet and may be a free standing sign or attached to a wall. A free standing home occupation sign shall not be higher than four feet above grade as measured to the top of the sign. If attached to a wall the sign shall not be more than eight feet above grade as measured on the wall to which the sign is attached. (4 Mar, 2009)

### **SEC 18.07 SIGNS PERMITTED IN “C” COMMERCIAL ZONING DISTRICT**

The following signs are allowed in the “C” zoning districts:

- a) All signs as permitted in [Section 18.05](#) of this Ordinance.
- b) One freestanding sign or one point-of-sale sign per development. The size of the sign shall not exceed two square feet of sign for every five feet of lot width as measured at the building setback line. In no event shall the sign exceed 125 square feet in sign area.

Signs for automobile service stations, public garages and filling stations shall be regulated by [Section 22.03\(h\)\(13\)](#). (18 Ju1, 97)

The free standing sign which is permitted by this Section may contain language pertaining to a use, activity, business, product or service not provided or sold on the premises containing the free standing sign provided the size of the free standing sign does not exceed the size otherwise permitted by this Section. (4, Mar 2009)

- c) One development/building identification sign per development or building, whichever is most restrictive, not to exceed thirty-two (32) square feet of total sign area.
- d) A commercial establishment shall be permitted to have either a wall sign or an awning /canopy sign according to the following regulations (4, September, 2013):

(1) Wall Sign

- i. Each commercial establishment as defined herein is permitted to have 1.5 sq. ft. of wall sign area for every one foot of lineal width of the commercial establishment with the width measured parallel to and at the main entrance of the commercial establishment between the side walls of the commercial establishment. The maximum size of any single wall sign or the cumulative square footage of all wall signs for a commercial establishment shall not exceed 500 sq. ft. per wall.
- ii. Each commercial establishment may place more than one wall sign on the exterior wall or walls of the commercial establishment which directly face or front upon a public street

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and above the exterior entrance to the commercial establishment if the entrance does not face or front upon a public street.

- (2) Awning/ Canopy Sign. Each commercial establishment as defined herein may place one awning/canopy sign on the exterior wall or walls of the commercial establishment which directly face or front upon a public street and above the exterior entrance to the commercial establishment if the entrance does not face or front upon a public street. Such sign shall not exceed 32 square feet in total sign area.
- (3) Window signs, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
- e) One directory sign per development or building, not to exceed twenty (20) square feet in total sign area.
- f) One nameplate or under-canopy sign per premises, provided such sign does not exceed eight (8) square feet.
- g) **Reader Boards**. All wall and freestanding signs may include reader boards subject to the following regulations (4 Mar 2009):
  - (1) For signs which are 50 square feet or less in area the reader board shall not consist of more than 75% of the allowable sign area.
  - (2) For signs which exceed 50 square feet in area the reader board shall not exceed 50% of the allowable sign size.
  - (3) An electronic reader board shall not have any scrolling, animated or flashing text or images.
  - (4) The dwell time, defined as the interval of change between each individual message, shall be at least 10 seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
  - (5) The sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or which results in a nuisance to the driver.
  - (6) An electronic reader board may serve as a window sign but shall not exceed more than 25% of the area of the window.

#### **SEC 18.08 SIGNS PERMITTED IN THE “LI”, INDUSTRIAL ZONING DISTRICT**

The following signs are permitted in the “LI” zoning district:

- a) All signs as permitted in [Section 18.05](#) and [18.07](#) of this Ordinance, except for pole signs.
- b) (5 Dec, 2011) Billboards provided that such signs comply with all provisions regulating billboards in the Highway Advertising Act (Public Act 106 of 1972, as amended) and provided further that each billboard sign structure is built with a monopole construction and shall not exceed 25 feet in height above (1) the natural grade of the ground on which the billboard sits or,

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(2) the grade of the abutting roadway, whichever is higher. Furthermore, each billboard shall be separated from each adjacent or other billboard by a distance not less than 1000 feet, whether or not on the same side of the highway. No billboard face shall exceed 378 square feet in total sign area. No billboard shall be located more (farther) than 200 feet from the public right-of-way of the I-96 expressway.

Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard structure. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall comply with the minimum spacing requirement set forth above.

A billboard which is or has an electronic reader board shall also comply with all of the following requirements:

- (1) The entire sign may consist of an electronic reader board.
- (2) For an electronic reader board, the dwell/on time, defined as the interval of change between each individual message, shall be at least six (6) consecutive seconds and a change of message must be accomplished within one (1) second or less.
- (3) An electronic reader board sign shall not exceed a maximum illumination of two -tenths foot candles over ambient light levels measured at a distance of 150 feet from the face of the sign. However, even if such signs comply with the illumination requirements mentioned above, such signs shall not: be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eye sight; otherwise interfere with the driver's operation of a motor vehicle or; be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- (4) Prior to the issuance of a sign permit for an electronic reader board billboard, and prior to any such sign being installed or converted, the applicant shall provide to the Zoning Administrator a written certification from the manufacturer of the sign demonstrating that the illumination settings for the sign comply with the maximum illumination requirements of this Section 18.08(b)
- (5) An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to automatically adjust to the surrounding light conditions.
- (6) An electronic reader board sign shall not have any flashing, blinking, strobe, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/ fade-out, oscillating, moving text, image, or display or simulated movement of text, display or images.

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(7) An electronic reader board sign shall not have a white background in order to reduce glare.

An existing billboard or billboard face that is located anywhere in the Township more than 200 feet from the public right-of-way for the I-96 expressway shall not be increased in size or converted or changed to an electronic reader board, digital, double-faced, V-type or Tri-vision format, style or face(s).

A billboard or billboard face which is not located within the Industrial Zoning District or Industrial Planned Unit Development Zoning District and which existed as of the effective date of amendment of this section in 2011 (December 7, 2011) but which is located within 200 feet of the public right-of-way for the I-96 expressway shall not be converted or changed to an electronic reader board, digital, double-faced, V-type or Tri-vision format, style or face(s) unless it can be demonstrated that the billboard or billboard face or faces was in full compliance with all of the applicable regulations of the Township Zoning Ordinance in effect at the time the billboard or billboard face or faces was initially erected.

The number of billboards that may exist at any one time in the Township shall not exceed 18. (18 June, 2018)

c) **Off Premise Signs for Farm Products** - Off premise signs for the sale of farm products as defined herein are subject to the following regulations (4 Mar 2009):

- (1) Such signs shall only be displayed in the LI and IPUD Zoning Districts.
- (2) Such signs shall not exceed 12 sq. ft. in size and the top of the sign shall not be more than six feet above grade.
- (3) No more than four such signs shall be permitted on any parcel.
- (4) Such signs shall not be attached to trees, utility poles, fence posts or the like.
- (5) The signs shall be maintained in good repair and shall not be allowed to become faded, broken or illegible.
- (6) The signs shall not be placed in the road right of way and shall not interfere with the line of sight required for safe driving.
- (7) The sign shall not contain any moving parts and shall not be lighted.
- (8) The sign shall only be placed with the permission of the property owner.
- (9) No permit shall be required.

#### SEC 18.09 NONCONFORMING SIGNS

a) **Determination of Legal Nonconformity** - Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation “legal nonconforming” provided that:

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- (1) The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.
  - (2) The sign was authorized by a valid permit or variance or complied with all applicable laws on the date of adoption of this Ordinance.
- b) **Loss of Legal Nonconforming Status** - A legal nonconforming sign may lose this designation if:
- (1) The sign is relocated or replaced.
  - (2) The structure or size of the sign is altered in any way except towards compliance with this Ordinance. This does not refer to change of copy or normal maintenance.
  - (3) **Maintenance and Repair of Nonconforming Signs** - The legal nonconforming sign is subject to all requirements of this Ordinance regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent appraised damage or deterioration, it must be brought into conformance with this Ordinance or removed.

#### **SEC 18.10 CONSTRUCTION SPECIFICATIONS**

- a) **Compliance with Building and Electrical Codes** - All signs shall be constructed in accordance with the requirements of the current Michigan Building Code and the National Electrical Code.
- b) **Anchoring**
  - (1) No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
  - (2) All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- c) **Wind Loads** - All signs, other than wall signs, shall be designed to withstand the wind load pressure specified for its size and type in the current Michigan Building Code as approved by Lowell Charter Township.
- d) **Additional Construction Specifications**
  - (1) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
  - (2) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the current Michigan Building or Fire Prevention Codes.
  - (3) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than five (5) feet horizontally or vertically from any conductor or public utility guy wire, unless specifically waived by the Township Electrical Inspector.

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**SEC 18.11 ADMINISTRATION AND ENFORCEMENT**

- a) **Sign Ordinance Administrator** - The Zoning Administrator is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Ordinance, both in letter and in spirit.

The Building Official is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Township for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

- b) **Application for Permits** - Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Zoning Administrator by the property owner upon a form provided by the Zoning Administrator and shall include the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) The type of sign as defined in this Ordinance.
- (4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
- (5) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

- c) **Permit Fees** - An application for a permit filed with the Zoning Administrator shall be accompanied by the payment of a fee, which shall be in accordance with the fee schedule adopted by the Township Board.

- d) **Issuance and Denial** - The Zoning Administrator shall issue a permit and permit sticker for the erection, alteration, or relocation of a sign within seven (7) days of receipt of a valid application from the property owner, provided that the sign complies with all applicable laws and regulations of the Township. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Zoning Administrator, he shall give a written notice within seven (7) days to the applicant along with a brief statement of the reasons for denial. The Zoning Administrator may suspend or revoke an issued permit for a false statement or misrepresentation of fact in the application.

- e) **Permit Conditions, Refunds, and Penalties** - If a permit is denied, the permit fee will be refunded to the applicant within seven (7) days of the denial.

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If no inspections have been made and no work authorized by the permit has been performed, the permit fee may be refunded to the applicant upon request upon return of the permit and permit sticker to the Zoning Administrator within 30 days of issuance.

A permit issued by the Zoning Administrator becomes null and void if work is not commenced within 120 days of issuance. If work authorized by the permit is suspended or abandoned for 120 days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

- f) **Inspection Upon Completion** - Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Building Official upon completion of the work. The Building Official may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Zoning Administrator, or Building Official, may require in writing upon issuance of a permit that he be notified for inspection prior to the installation of certain signs.

- g) **Violations** - When, in the opinion of the Zoning Administrator, a violation of the Ordinance exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the Ordinance of which the individual may be in violation and shall state that the individual must correct the alleged violation or appeal to the Zoning Board of Appeals.

If, upon inspection, the Zoning Administrator or Building Official finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Zoning Administrator or Building Official shall issue a written order to the sign owner and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of the order.

In cases of emergency, the Zoning Administrator or Building Official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as provided in the current Michigan Building Code.

- h) **Removal of Signs by the Zoning Administrator** - The Zoning Administrator or Building Official may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator together with an additional twenty (20) percent for inspection and incidental costs.

If the amount specified in the notice is not paid within ninety (90) days of the notice, it shall become a lien against the property of the sign owner (unless the sign owner does not own the premises upon which the sign is located), and will be certified as an assessment against the property.

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For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

- i) **Penalties** - Any person who fails to comply with the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or shall be imprisoned in the County jail for not more than ninety (90) days or both. Each and every day during which any illegal erection, construction, reconstruction, alteration, moving of signs, maintenance or use shall continue shall be deemed a separate offense.

**SEC 18.12 SEVERABILITY CONFLICT WITH OTHER ORDINANCES AND CODIFICATION**

- a) **Severability** - The provisions of this Ordinance are severable and it is the intention of the Lowell Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.
- b) **Conflict with Other Ordinances** - To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinances shall be cumulative. Where the provisions of any other Ordinance conflict with the provisions of this Ordinance, this Ordinance shall prevail and its terms shall control. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall remain in full force and effect.
- c) **Codification** - It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Lowell Charter Township Development Code; and that sections of this Ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be re-numbered or re-lettered, and typographical errors which do not affect the intent, may be corrected by the Township Board without need of Public Hearing, by filing a corrected or re-codified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization. (28 May, 93)

**CHAPTER 19**

**PRIVATE STREETS**

**SEC 19.01 APPLICABILITY**

*(20 Mar, 06)*

- a) Private streets are permitted in the Rural Agricultural District (AG-2), the Rural Low Density Residential District (R-1) and the Open Space Planned Unit Development (OS-PUD District).
- b) Private streets are permitted only when they provide access to a minimum of five lots, principal buildings or dwelling units or combination thereof. A private street which provides or is intended to provide access to less than five lots, principal buildings or dwelling units shall not be permitted.

**SEC 19.02 EXISTING PRIVATE STREETS**

After the effective date of this amendment, no existing private street shall be extended to provide access to a lot, dwelling or building which was not provided access by the private street as of the effective date of this amendment, unless the existing private street is brought into compliance with the minimum standards for private streets as required by this Section. An extension of an existing private street as permitted by this section shall be constructed to the farthest lot line of the lot served by the private street extension.

Existing private streets may be improved, upgraded and maintained but not extended without being subject to these regulations.

Vacant lots existing as of the effective date of this amendment (May 6, 2006) which are served by an existing private street and which conform to the minimum lot size and lot frontage requirements of this Ordinance may be issued a building permit subject to compliance with all other applicable Township regulations.

**SEC 19.03 PROCEDURE FOR PERMITTING OF PRIVATE STREETS**

a) **Application and Fee**

An application to establish, construct or extend a private street shall be filed with the Township Clerk along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

- (1) The name or names of the owners of the property containing the proposed private street.
- (2) Permanent parcel number or legal description of the property over which the private street is to be constructed.

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- (3) Eight copies of a site plan sealed by a registered engineer or surveyor which shall illustrate at a minimum the following information:
  - i. A site location map to scale which shows the location of the parcel containing the street to surrounding properties, streets and dwelling units within one-half mile of the site.
  - ii. All of the lots which will be served by the private street.
  - iii. The precise location, route, elevations, dimensions, specifications and design of the private street and any proposed extensions of the street, existing or proposed curb cuts and the location and distance to any public street which the private street is to intersect.
  - iv. A profile of the proposed street.
  - v. The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private street right-of-way or within 20 feet either side thereof. Utility placement shall comply with the applicable requirements of the Kent County Road Commission.
- (4) A street maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.

b) **Public Hearing** (4 Oct, 2006)

Private streets shall be reviewed by the Planning Commission following a public hearing. A notice of the hearing shall be as required by [Section 25.04](#) herein.

If a private street is part of a site condominium, platted subdivision, Open Space Planned Unit Development, or Open Space Preservation Project, the public hearing will be held as part of the required review procedure.

c) **Review by Planning Commission**

- (1) The Planning Commission shall review this information to determine compliance with the standards and requirements for private streets as contained herein and may consult with the Township Fire Chief, and Township Attorney, Engineer or Planner who shall provide written reports as requested by the Commission.
- (2) Following the public hearing if the Planning Commission finds that the application meets the requirements of this Section, the application shall be approved. If, in its approval, the Commission requires revisions to be made to the plans these revisions shall be made and verified by the Zoning Administrator or their agent. Upon approval of the required revisions and payment of any required escrow fees, the Zoning Administrator shall issue a Construction Permit for the construction of the private street.

This Construction Permit shall consist of a stamp noting the date of approval. Two copies of the private street plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township.

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This Construction Permit is not a Final Private Street Permit and does not authorize the construction of any buildings on lots to be served by the private street. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private street has not commenced before this date, the permit shall expire.

The Planning Commission, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Township Clerk before the permit expires and the Planning Commission finds that an extension is warranted due to circumstances beyond the control of the applicant. If a permit expires a new Construction Permit shall be required before construction can begin.

- (3) If the Planning Commission denies the application, the written reasons for denial shall be provided to the applicant within 15 working days of the date of denial.
- (4) Final Private Street Permit Requirements - Upon completion of construction of the private street, the applicant shall provide to the Zoning Administrator:
  - i. A letter from a registered professional engineer or surveyor that the street has been constructed in compliance with the approved private street plans.
  - ii. Documentation that the street maintenance agreement, access easement and deed restrictions have been recorded with the Kent County Register of Deeds office.
  - iii. The Zoning Administrator or Township Engineer may also conduct an inspection of the private street to ensure that all other requirements of this Section have been met.
  - iv. An entrance permit from the Kent County Road Commission.
  - v. A copy of the approved private street plans in paper and in an electronic format as approved by the Township.
- (5) Final Private Street Permit Issuance - Upon approval of items required for final compliance and payment of all required fees and escrow amounts, the Zoning Administrator shall issue a Final Private Street Permit.
- (6) Permits for Buildings on Private Streets - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private street unless:
  - i. the private street has been completed in accordance with an approved Final Private Street Permit, or
  - ii. the applicant for the building permit or the owner(s) of the private street right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private street in accordance with the approved private street construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private street is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.

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No more than two building permits shall be issued under this sub section and no occupancy permits shall be issued until the private street is constructed and a Final Private Street Permit is issued.

d) **Procedure for Paving of an Approved Private Street**

A private street which has been approved under the provisions of this Chapter 19 herein and which has been constructed with a gravel surface to serve less than four dwellings in compliance with [Section 19.05\(a\)](#) herein but which is subsequently proposed to be paved so as to serve more than three dwellings shall not be subject to the public hearing requirements of this sub-section. However, the construction plans for paving shall be submitted to the Township Clerk who shall forward such plans to the Township Engineer for review and approval before such street is paved. Before a building permit is issued for the lots to be served by the newly paved portion of the private street the requirements of [Section 19.03\(c\)\(4\)](#) and [\(5\)](#) must be met.

**SEC 19.04 MINIMUM STANDARDS FOR ALL PRIVATE STREETS**

- a) A private street shall be located within a private street easement. Such easement shall not be less than 66 feet in width or more than 86 feet in width at any point except that the radius for a cul-de-sac easement shall be a minimum of 60 feet and a maximum of 75 feet.

The private street may be located anywhere within the private street easement, allowing for the required shoulder, drainage ditch or drainage course.

- b) A lot shall have frontage on the private street easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located except that the minimum frontage for a lot on a cul-de-sac shall be regulated by [Section 4.23](#) herein
- c) The private street shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private street meeting Kent County Street Commission standards as to design, location, and maintenance shall be erected and maintained where such private street adjoins any public street.
- d) The area in which the private street is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet. All overhead branches extending over the travel surface of the private street shall be trimmed and maintained to a height of 14 feet above the private street.
- e) A stop sign shall be installed at the intersection of the private street with the public street. The sign shall comply with the requirements of the Kent County Street Commission.
- f) All private streets shall widen at any dead end so there is at least a 40 feet radius driving surface turnaround. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved by the Township Fire Chief. If an island is provided within the turnaround area, a larger radius may be required in order to accommodate fire fighting apparatus.

- g) A private street shall have a minimum street grade of 0.6 percent. All private streets shall not exceed a maximum grade of six percent. The Planning Commission, however, upon recommendation of the Township Engineer, may allow a maximum grade of up to eight percent for a private street if it is reasonably determined that such increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development.
- h) A private street shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private street crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must comply with applicable Kent County Road Commission requirements.
- i) A dwelling unit which derives its primary access from a private street shall display a house number in a manner so that the number is at all times readily visible from the private street. The house numbers shall be a minimum of three inches in height.
- j) The edge of the private street driving surface shall be no closer than 50 feet from any existing dwelling unit located on a parcel adjacent to the private street.
- k) A private street that intersects a public street shall be at least 150 feet from a public or private street which intersects the same street as measured between the centerlines of the streets or the private street shall directly align with any opposing public or private street.

**SEC 19.05 CONSTRUCTION STANDARDS FOR ALL PRIVATE STREETS**

- a) For private streets which provide access to less than four dwellings the following standards shall apply.
  - (1) The standards set forth in [Section 19.04](#) herein.
  - (2) The private street, in all other respects, shall comply with the construction standards of the Kent County Road Commission Local Road Typical Section No. 2 as illustrated therein with the following exceptions:
    - i. The private street need not be paved.
    - ii. The gravel shall be a minimum of eight inches deep.
    - iii. The gravel surface shall be a minimum of 20 feet wide.
- b) For a private street or connected private street system which provides access to at least 4 but no more than 12 dwellings the following standards shall apply.
  - (1) The standards set forth in [Section 19.04](#) herein.
  - (2) The private street, in all other respects, shall comply with the construction standards of the Kent County Road Commission Local Road Typical Section No. 1 as illustrated herein except that the width of the bituminous pavement shall be a minimum of 18 feet.

- c) For a private street or connected private street system which provides access to more than 12 dwellings the following standards shall apply.
  - (1) The standards set forth in [Section 19.04](#) herein.
  - (2) The private street, in all other respects, shall comply with the construction standards of herein the Kent County Road Commission Local Road Typical Section No. 1 as illustrated except that the total width of the bituminous pavement shall be a minimum of 24 feet.

As an alternative to sub-section (2) above the following standard shall apply:
  - (3) The private street, in all other respects, shall comply with the construction standards of the Kent County Road Commission Local Road Typical Section No.3 as illustrated herein except that the total width of the bituminous pavement shall be a minimum of 26 feet.

**SEC 19.06 PRIVATE STREET MAINTENANCE AGREEMENT**

The applicant(s) and/or owner(s) of the proposed private street shall provide to the Township a recordable or recorded street maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such streets and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private street. These documents shall include provisions for the following:

- a) A method of financing the maintenance of the private street and/or easements in order to keep the street in a safe and usable condition.
- b) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
- c) A notification that no public funds of the Charter Township of Lowell will be used to build, repair, or maintain the private street.
- d) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary and easements for public and private utilities.
- e) Each of the owners of property utilizing the street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the street.
- f) If the private street entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the Township Fire Chief.

**SEC 19.07 SECOND ACCESS**

A private street system or interconnected public and private street system shall not serve more than 50 lots or dwellings units, unless a second means of ingress and egress is provided for all of the lots or

dwelling served. This secondary access shall meet the minimum standards for public and/or private streets, as the case may be, as required by applicable Lowell Charter Township Ordinances.

**SEC 19.08 OPEN SPACE PLANNED UNIT DEVELOPMENTS (OS-PUD)**

If the private street is part of an Open Space Planned Unit Development the private street standards contained herein may be modified by the Planning Commission and approved by the Township Board if the modifications are necessary to achieve the intent and purposes of the OS-PUD regulations.

**SEC 19.09 EXTENSION OF PRIVATE STREET TO ADJACENT PROPERTY**

In the case of an Open Space Planned Unit Development a private street may be required to be extended to the adjacent property line by the Planning Commission and Township Board according to the following criteria;

- a) The adjacent property shall have its own street access to the public street system;
- b) The street extension is necessary to provide a secondary means of access for emergency vehicles.
- c) The street extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the public street system to access adjoining residential areas.
- d) The street extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant. If such a connection is required the applicant shall construct the street to the adjacent property line at the time that the private street is built OR the applicant shall record an agreement to construct the street connection when the adjacent property develops and the Planning Commission determines the necessity of the street connection. Upon completion of the connection the applicant shall record a statement that the connection shall remain open at all times for the uninterrupted movement of people and vehicles.

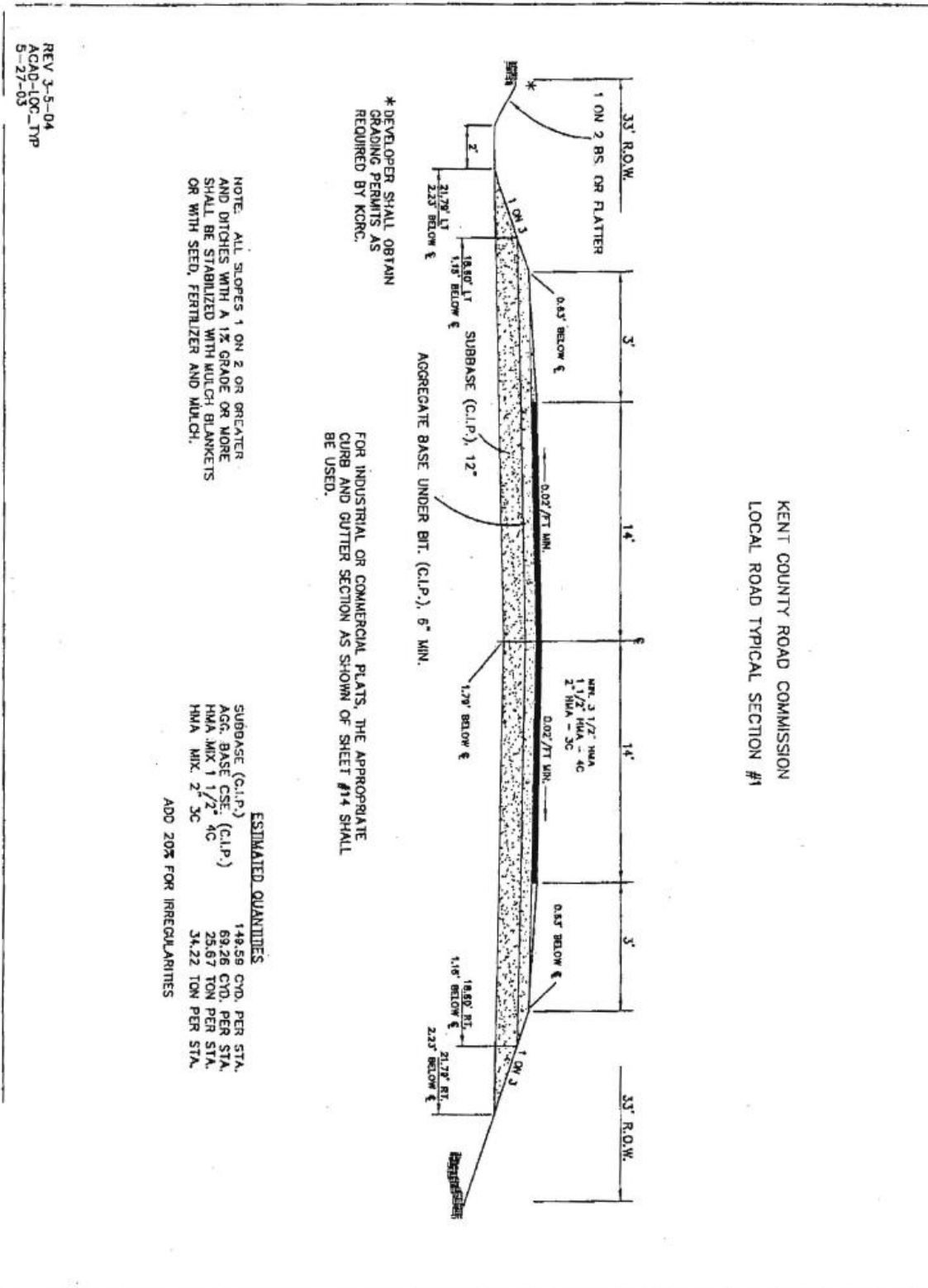
**SEC 19.10 VOLUNTARY PAVING OF PRIVATE STREET**

If an applicant desires to pave a private street which is not required to be paved by this ordinance, the street shall be paved and constructed to the standards of the Kent County Road Commission for a local street except for width.

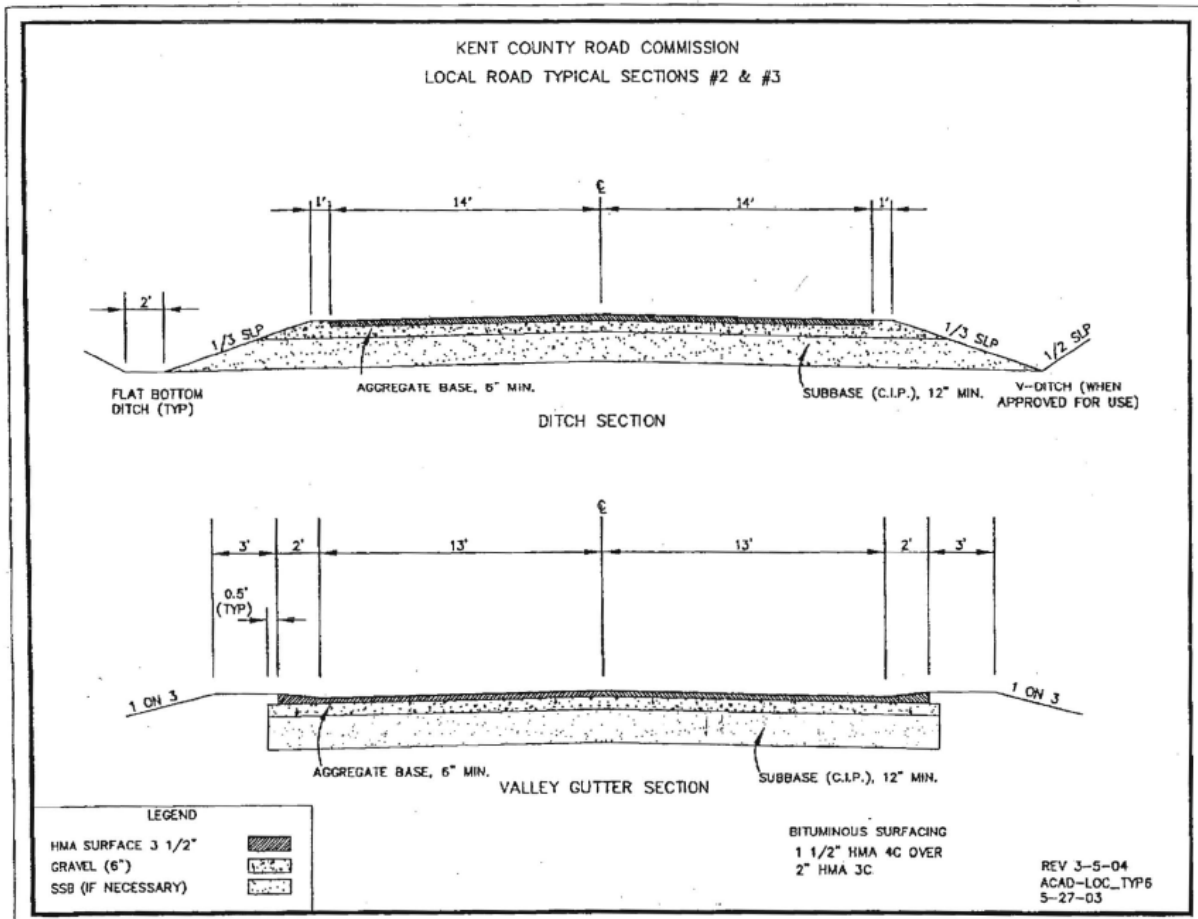
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LOWELL CHARTER TOWNSHIP ZONING ORDINANCE



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**CHAPTER 20**

**SPECIAL LAND USE PERMITS**

**SEC 20.01 PURPOSE OF SPECIAL LAND USES**

Uses allowed only by Special Land Use permit have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for Special Land Uses, and for placing conditions upon such permits. An applicant for a special use permit must additionally comply with all other applicable regulations of Lowell Charter Township including a building permit.

**SEC 20.02 SPECIAL LAND USE PROCEDURE**

Application for a Special Land Use permit shall be submitted and processed under the following procedures:

- a) An application shall be submitted to the Township offices on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Township Board.
- b) **Site Plan Requirement:** Site plan approval is required for a Special Land Use permit. Applications for a Special Land Use permit shall therefore also be accompanied by nine copies of a site plan which shall contain the information for final site plans required by [Chapter 21](#) herein. The application materials shall then be forwarded to the Planning Commission.
- c) **Additional Information:** The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to the provision for public or private utilities, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, and the impact on public utilities.
- d) **Public Hearing:** Prior to making a decision on a Special Land Use request, the Planning Commission shall hold a public hearing. Notification of the hearing shall be in accordance with [Section 25.03](#) herein.

**SEC 20.03 GENERAL STANDARDS**

To approve a Special Land Use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for specific Special Land Uses:

- a) The Special Land Use shall be established, designed, and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof, and will be compatible with the character of the area in which the Special Land Use is proposed.

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- b) The Special Land Use must not have a substantial adverse effect on water and sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and circulation, and pedestrian safety and shall not result in lighting which is contrary to the purposes of the lighting regulations of this Zoning Ordinance.
- c) The Special Land Use must not have a substantial adverse effect on police and fire services and other public safety and emergency services.
- d) The Special Land Use must not have a substantial adverse effect on the need and demand for other public services.
- e) The Special Land Use must not have a substantial adverse effect on the natural environment of the site and nearby properties.
- f) The Special Land Use must be consistent with the intent and purposes of this ordinance and the Lowell Charter Township Master Plan.

**SEC 20.04 DECISION**

Following a public hearing, the Planning Commission shall either grant or deny a permit for such Special Land Use. The decision on a Special Land Use shall be incorporated in a written statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Clerk of the Township.

**SEC 20.05 EXISTING VIOLATIONS**

A Special Land Use permit shall not be issued for a new use or a structure on property where any violation of this ordinance exists.

**SEC 20.06 CONDITIONS OF APPROVAL**

The Planning Commission may impose reasonable conditions on the approval of a Special Land Use. Conditions may include but are not limited to items related to drainage, soil erosion, pedestrian and vehicle movement, safe site design, fencing, screening, landscaping, loading, parking, lighting, signs, and hours of operation. The Commission may also require that a Special Land Use be subject to an annual review by the Planning Commission. Said conditions shall meet the following requirements:

- a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- b) Be designed to insure that said use is compatible with adjacent land uses and activities.
- c) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- d) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- f) The conditions imposed with respect to the approval of a Special Land Use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions imposed and any changes to these conditions. In its discretion the Commission may require the conditions to be recorded with the Kent County Register of Deeds.

**SEC 20.07 EXPIRATION OF PERMIT**

A Special Land Use shall be valid upon approval by the Planning Commission. The Special Land Use however shall expire one year from the date of Planning Commission approval if actual construction of a substantial portion of the improvements included in the approved Special Land Use and site plan have not commenced and proceeded meaningfully toward completion during that period.

Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a Special Land Use permit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

**SEC 20.08 AMENDMENT TO AN APPROVED SPECIAL LAND USE**

Any person owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved Special Land Use, any conditions attached to the approval of the Special Land Use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of [Section 20.03](#) herein.

Examples of a major change may include but are not limited to a substantial increase in the hours of operation, a substantial expansion of the land area devoted to outdoor activity, a substantial increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would substantially increase traffic or a change in the conditions of approval which may result in a substantial adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use and expanding the building containing the use if such expansion would increase the intensity of the use.

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Any major change shall be considered in the same manner as set forth in [Section 20.02](#) of this Ordinance which would require a public hearing. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

If the requested changes apply only to a component of an approved site plan which is part of an approved Special Use the requirements of [Section 21.10](#) herein shall apply.

### **SEC 20.09 VALIDITY OF PERMIT**

Planning Commission approval of a Special Land Use permit shall be valid regardless of change of ownership of the parcel(s) receiving the Special Land Use permit, provided that all standards and conditions are complied with by any subsequent land owner.

If a use authorized by a Special Land Use permit ceases for a period of three years the Special Land Use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures in [Section 20.02](#) herein. The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special Land Use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.

### **SEC 20.10 REVOCATION OF PERMIT**

If a violation of any of the conditions or standards imposed on a Special Land Use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the Special Land Use and the Planning Commission that such violation exists and that the permit may be revoked if the violation is not corrected within 15 days of such notification.

If said violation is not corrected with this 15 day period, the Planning Commission may revoke the permit following a public hearing noticed in accordance with the requirements of [Section 25.03](#) herein. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

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## CHAPTER 21

### SITE PLAN REVIEW

It is recognized that land uses and their location may possess distinct characteristics which may affect the community, its residents and its thoroughfares. It is, therefore, necessary to require submission of a site plan for review in accordance with guidelines and criteria set forth herein in order to ensure safe development and to avoid adverse impacts in the Township. (7 May, 2008)

#### SEC 21.01 PURPOSE

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance; and to achieve the purposes of the Lowell Township Master Plan.

#### SEC 21.02 SITE PLAN REQUIRED

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- a) Planning Commission review is required for the following:
  - (1) Any new principal non residential use or a residential use containing three or more dwelling units. Site plan review under this section is not required for a single or two family dwelling.
  - (2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
  - (3) Special land uses and planned unit developments.
  - (4) Open space preservation projects per [Section 22.04](#) herein.
  - (5) Mobile home parks.
  - (6) All other uses requiring site plan approval as required by this Ordinance.
  - (7) A lighting plan is required for all new or expanding uses or if additional lighting is to be provided for an existing use. See [Section 4.28\(c\)](#) of this Zoning Ordinance for lighting plan requirements.
  
- b) **Staff Review.** The following uses shall be reviewed by the Township Zoning Administrator, and may be reviewed by the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements and all other

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applicable requirements of the Zoning Ordinance.

The Zoning Administrator may also refer the following uses, except for farm buildings, to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance. Review of site plans by staff shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

- (1) Expansion of an existing use or building which does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
- (2) Construction of a building or structure which is accessory to the principal use or building.
- (3) For farm buildings as defined herein the applicant shall provide an accurate drawing to the Zoning Administrator illustrating the property proposed for the building, dimensions of the building, setbacks from lot lines and other information pertaining to the building as may be required by the Zoning Administrator to determine compliance with applicable Township Ordinances. A building permit is not required for a farm building except as may be required by the State of Michigan Construction Code.

### **SEC 21.03 APPLICATION REQUIREMENTS**

An application for site plan review along with nine sets of the site plan shall be submitted to the Township offices along with the fee as set by the Township Board in accordance with the submittal schedule established by the Planning Commission which is available in the Township offices.

In addition to the site plan prints the applicant shall also provide an electronic version of the site plan in a form acceptable to the Township.

The application shall at a minimum contain the following information:

- a) The applicant's name, address and phone number.
- b) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
- c) The name, address and phone number of the owner(s) of record if different from the applicant.
- d) The address of the property.
- e) Legal description of the property.
- f) Current zoning.

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- g) Project description.
- h) Size of the parcel in acres.
- i) Signature of the applicant and owner of the property.

**SEC 21.04 PRELIMINARY SITE PLAN CONTENTS & PROCEDURES**

- a) If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.
- b) Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.
- c) Upon receipt of the preliminary site plan and application, the preliminary plan may be forwarded to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.
- d) The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.
  - (1) Existing adjacent streets and proposed streets, public or private, as well as buildings and land uses within 100 feet of the site.
  - (2) Parking lots and access points.
  - (3) Proposed buffer strips or screening.
  - (4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, water courses, ponds, floodplains, hills, and similar natural features.
  - (5) Existing and proposed buildings.
  - (6) General topographical features including existing contour intervals not greater than ten feet.
  - (7) Proposed method of providing public or private utilities including storm drainage.
  - (8) Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.
- e) The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

**SEC 21.05 FINAL SITE PLAN CONTENTS & PROCEDURES**

- a) If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval except for all PUD applications requiring approval by this

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Ordinance. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

- b) Upon receipt of the site plan and application, a copy may be forwarded to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.
- c) Site Plan Requirements. The final site plan shall be drawn at a scale of not more than one inch equals 100 feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.
  - (1) The date on which the site plan was prepared.
  - (2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
  - (3) A north arrow and legal description based upon the most current survey.
  - (4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
  - (5) Existing and proposed topographic elevations at a minimum of two feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
  - (6) Direction of storm water drainage and how storm water runoff will be handled in accordance with the requirements of the Kent County Stormwater Management Ordinance.
  - (7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
  - (8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site; and the location and design specifications of the proposed driveway.
  - (9) Location and size of all existing and proposed water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins; location of septic tank and drain fields; and utility easements serving the site.
  - (10) Location and type of all required and proposed sidewalks, bike paths, and other walkways.
  - (11) Location, type and size of any walls, fences or other screening devices.
  - (12) Location of all proposed landscape materials, including size and type of plantings, in accordance with the requirements of [Section 4.26](#) of this ordinance.
  - (13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening.
  - (14) Existing and proposed utility poles

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- (15) Proposed signs in compliance with [Chapter 18](#) of this Ordinance.
  - (16) Proposed parking areas and access drives in accordance with [Chapter 23](#) of this Ordinance showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
  - (17) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways. A separate lighting plan shall be submitted which complies with the requirements of [Section 4.28](#) of this Ordinance.
  - (18) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
  - (19) Location of existing and proposed slopes which are 20 percent or greater.
  - (20) Zoning and land use on adjacent properties.
  - (21) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.
  - (22) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of a site.
  - (23) Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.
- d) The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on public safety, existing utilities, the environment and natural features.
- In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.
- e) Final Site Plan Approval Procedures
- (1) The Planning Commission shall review the site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve the site plan with conditions.
  - (2) If approved, the applicant shall revise the site plan as required by the Planning Commission and submit the final site plan to the Zoning Administrator, Township Planner, Engineer, Fire Chief or others as necessary to insure that all revisions as required by the Planning Commission have been made. The Commission may require that the revised site plan be brought back to the Commission before approval is granted.

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- (3) Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated and signed by the Planning Commission Chair or the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Official as part of the building permit review process, and one copy shall be kept by the Township Clerk.
- f) Issuance of Building Permit. The Building Official shall issue a building permit upon receipt of an approved final site plan, providing all other applicable Township regulations have been met including compliance with the Township building code.

**SEC 21.06 STANDARDS FOR APPROVAL**

- a) Prior to approving a site plan, the Planning Commission shall require that the following standards and requirements be satisfied. If these standards and all other requirements of applicable Township ordinances are met, the site plan shall be approved.
  - (1) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions; and provide for vehicle access between adjoining parcels where practicable. The site plan must comply with the regulations of [Section 22.01](#), the Lowell Township Access Management Regulations as well as the requirements of the Kent County Road Commission and Michigan Department of Transportation as applicable.
  - (2) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
  - (3) The site plan shall provide reasonable visual and sound privacy for adjacent dwelling units and for dwelling units on the proposed site. Fences and landscaping should be used, as appropriate, to accomplish these purposes. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township’s landscape provisions.
  - (4) All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access as requested by the Township Fire Department.
  - (5) Public and private walkways shall be provided as necessary for safe pedestrian movement, and to enhance the pedestrian accessibility of the site. Sidewalks shall be installed in conjunction with the development of the site according to Township requirements along all public streets abutting commercial and other non residential land uses unless the Planning Commission determines the sidewalks are not necessary or unless arrangements are approved by the Commission to install the sidewalks at a subsequent date.
  - (6) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.
  - (7) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface

water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

- (8) Exterior lighting shall be designed to comply with the Lowell Charter Township lighting requirements of [Section 4.28](#) herein. Excessive lighting of buildings or structures should be avoided to reduce light pollution.
- (9) Outside storage areas including receptacles for the storage of trash, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height or placed so they are not substantially visible from residential districts or public thoroughfares. The finished side of any wall, fence or other similar storage screen shall face adjacent properties.
- (10) All streets and driveways shall be developed in accordance with the Township Subdivision Ordinance, the Kent County Road Commission or Michigan Department of Transportation specifications, or developed as a private road in accordance with the requirements for private roads per [Chapter 19](#) of this Ordinance
- (11) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.

**SEC 21.07 CONDITIONS OF APPROVAL**

- a) As part of an approval of any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the approval standards of [Section 21.06](#) are met.
- b) The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county, state, or federal agency. It may do so when such conditions:
  - (1) Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service a facility loads caused by the land use or activity;
  - (2) Will protect the natural environment and conserve natural resources and energy;
  - (3) Will ensure compatibility with adjacent uses of land;
  - (4) Will promote the use of land in a socially and economically desirable manner.
- c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.

- d) A record of conditions imposed shall be maintained by the Township Clerk. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.
- f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

**SEC 21.08 VALIDITY OF APPROVED SITE PLANS**

- a) Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.
- b) Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

**SEC 21.09 PERFORMANCE GUARANTEE**

- a) The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law.
- b) The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.
- c) In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond or funds in escrow.

**SEC 21.10 AMENDMENTS TO APPROVED SITE PLAN**

- a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
  - (2) Movement of buildings by no more than 10 feet.
  - (3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
  - (4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - (5) Changes required or requested by the Township for safety reasons.
  - (6) Changes which will preserve the natural features of the site without changing the basic site layout.
  - (7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- c) The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
  - d) If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

**SEC 21.11 EXPANSION OF EXISTING USE, STRUCTURE, OR BUILDING**

It is recognized that land uses, buildings, and structures are existing which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity so that a site plan review is required per [Section 21.02](#) herein, the following regulations shall apply:

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- a) The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:
- (1) Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Kent County Stormwater Management Ordinance.
  - (2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.
  - (3) Existing driveways may result in hazardous vehicle movements.
  - (4) Additional plantings are needed in order to comply with the intent of the Lowell Township landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
  - (5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.
  - (6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.
  - (7) Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties. A separate lighting plan shall be submitted which complies with the requirements of [Section 4.28](#) of this Ordinance.
  - (8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
  - (9) Sidewalks are needed to improve pedestrian safety.
- b) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:
- (1) Whether or not compliance would ensure safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
  - (2) The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.
  - (3) Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

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**CHAPTER 22**

**SUPPLEMENTAL USE REGULATIONS**

**SEC 22.00 SUPPLEMENTAL USE REGULATIONS**

In addition to the Regulations set forth in [Chapter 4](#), the following are specific regulations and design standards for uses listed in [Chapter 22](#), and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

**SEC 22.01 ACCESS MANAGEMENT REGULATIONS**

*(18 Jul, 97)*

a) **Intent** - The intent of this chapter is to provide standards to facilitate traffic operations and improve public safety along those arterial roadways described in the Lowell Charter Township Master Plan and along State of Michigan Highway M-21 in Lowell Charter Township. The standards herein are intended to carry out the recommendations of the Lowell Charter Township Master Plan, to protect the public investment in its main roadways, and to minimize congestion and accident potential while still providing property owners with reasonable but not necessarily direct access to abutting roadways.

b) **Applicability** - The standards and regulations of this section shall apply to all arterial roadways as identified in the Lowell Charter Township Master Plan. All uses along such roadways for which site plan review is required, and only such uses, shall be subject to these standards and regulations. These regulations shall not apply to single family housing developments.

In addition to meeting the standards and regulations of this section, approvals may also be required from the Michigan Department of Transportation and the Kent County Road Commission.

c) **General Access Requirements**

(1) **Authority** - The Planning Commission shall have the authority to require a frontage road or rear service drive for contiguous parcels along M-21 as recommended by the Lowell Charter Township Master Plan, or on other arterial streets described in the Master Plan. The Planning Commission shall also have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, that opposite driveways be directly aligned and that specific turning movements be restricted or prohibited.

In determining whether the above or other access control measures are necessary, the following criteria shall be considered:

- i. The type and location of commercial uses on the site and adjacent to the site.
- ii. The location, size and design of existing and proposed parking areas.

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- iii. The existing and projected traffic volume on the roadway and adjacent roadways.
- iv. Compatibility between adjacent land uses and likelihood of change or expansion.
- v. Number of parcels involved, location of lot lines and amount of road frontage.
- vi. Topography and site distance along adjacent roadways and on the site.
- vii. Distance from intersections.
- viii. Location of driveways opposite the site.
- ix. Width of roadway and number of lanes.
- x. Environmental limitations (steep slopes, water, or vegetation).
- xi. Sufficient building setback.
- xii. Recommendation of the Township Master Plan.

(2) Number of driveways

- i. Access to an arterial for an individual parcel or to contiguous parcels under the same ownership, shall consist of either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
- ii. For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3000 during an average day (or will be used by 300 vehicles during the peak hour of traffic), and lacking access to a secondary street, a second driveway may be allowed along the arterial, provided that the additional driveway can meet the spacing standards of this Section 22.01(c)(5).
- iii. For parcels with arterial frontage of at least 300 feet, an additional driveway may be allowed, with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the spacing standards of this Section 22.01(c)(5).
- iv. Where parcels have dual frontage on both a side (cross) street and arterial, access shall be provided off the secondary street. If the parcel has a minimum of 300 feet of arterial frontage, additional access may be allowed along the arterial, provided that the access meets the spacing standards of this Section 22.01(c)(5).

(3) Temporary and Shared Driveways, Frontage Roads, Parking Lot Connections and Rear Service Drives

- i. In cases where a parcel would not be allowed to have a direct driveway onto M-21 due to a planned or required frontage road or rear service drive, temporary direct access may be granted if adjoining parcels are undeveloped. Approval of a temporary driveway permit by the Planning Commission shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record a temporary access agreement noting these items as well as a statement that the temporary

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driveway will be closed at no cost to the Township at such time as access becomes available through the development of adjoining properties.

- ii. **Shared Driveways:** Sharing or joint use of a driveway by two or more property owners may be required. In cases where access is restricted by the driveway spacing requirements of Section 22.01(c)(5), a shared driveway may be the only access allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
- iii. **Frontage Roads:**
  - (a) In cases where a frontage road exists, is recommended in the Township's Master Plan or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the arterial street except as permitted by Section 22.01(c)(3).
  - (b) Parcels with 300 or more feet of road frontage with a single large use may still be required to construct a service drive, but other alternatives such as connecting the parking area to parking areas on contiguous parcels may also be required by the Planning Commission.
  - (c) If a parcel with an established commercial use, and with 300 feet or more of road frontage, is divided to allow for an additional commercial use (resulting in parcels with less than 300 feet of road frontage), an additional driveway for that use will not be permitted. Both the original and the additional commercial use shall be required to construct either an adjoining service drive or connect parking lots with a shared driveway. An exception to this standard exists if the anticipated traffic volumes generated by either the original or the additional commercial use will exceed three thousand (3,000) vehicles per day and/or are projected to cause traffic congestion during peak hours.
  - (d) If two or more existing contiguous parcels with non-commercial uses together comprise less than 300 feet of road frontage, and if any of those parcels converts to a commercial use (or any other use for which site plan review is required), the construction of a service drive or connected parking lots shall be required. As additional contiguous parcels convert to commercial uses, they shall be required to construct additional segments of the service drive. These parcels shall eventually be served by common driveway access, the placement of which shall be determined by driveway spacing standards contained herein.
- iv. **Parking Lot Connections:** Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.

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- v. Rear Service Drives: Rear service drives may be required, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Section 22.01(c).

(4) Design and Construction

- i. Rear service drives, frontage road and parking lot connections shall be designed and constructed as illustrated in the Lowell Charter Township Master Plan.
- ii. Curb Radii:
  - (a) Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
  - (b) For sites where truck traffic is expected, the driveways shall be designed with minimum 30 foot radii.
- iii. Deceleration lanes and tapers:
  - (a) Where it can be demonstrated that daily driveway volumes are expected to exceed 1000 vehicles per day or where volumes on the street are over the capacity (level of service D, as defined by the Institute of Transportation Engineers), a right turn taper, deceleration lane and/or left turn bypass lane may be required to be built according to the standards of the Michigan Department of Transportation or Kent County Road Commission.
  - (b) Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the adjacent parcel to allow the installation of a right turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension in front of that parcel, a taper shall be constructed as may be approved by the Michigan Department of Transportation.
  - (c) For driveways located along streets without an exclusive left turn lane, a bypass lane would be required. Such a lane shall be designed to the standards set forth in the Michigan Manual of Uniform Traffic Control Devices.

(5) **Driveway Spacing and Location**

Driveways shall be located according to the following standards.

- i. Driveway spacing and location information from intersections.
  - (a) Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
  - (b) The minimum distance between a driveway and an intersecting street shall be based on the following: Spacing from intersection for driveways along M-21:

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**Table 22.1**

<b>Intersecting Street</b>	<b>Full Movement Driveway</b>	<b>Channelized for right-turn-in, right-turn-out only</b>
Arterial	250 feet	100 feet
Signalized Non Arterial	250 feet	75 feet
Other street (local or non-signalized major street)	100 feet	75 feet

**Spacing from intersection with M-21 for driveways along side streets:**

<b>Side Street Classification</b>	<b>Full Movement Driveway</b>	<b>Channelized for right-turn-in, right-turn-out only</b>
Arterial	200 feet	100 feet
Signalized arterial	100 feet	75 feet
Other street (local and non-signalized major street)	75 feet	75 feet

\*Street classification based on the Township Master Plan.

- ii. Driveway Spacing from Other Driveways.
  - (a) There shall be minimum spacing of 25 feet between the centerline of a driveway and the adjacent property line, not including the right turn lane and/or taper. The centerline for channelized driveways is measured at the street right-of-way line. This requirement does not apply to shared driveways.
  - (b) Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in Table 22.2.

**TABLE 22.2**

<b>Posted Speed (mph)</b>	<b>Driveway Spacing* Minimum (in feet)</b>
30	125
35	150
40	185
45	230
50	275
55 or over	350

\*As measured from the centerline of each driveway

The values in Table 22.2 are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

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The Planning Commission shall have the authority to modify the above spacing requirements when strict adherence to them would result in unreasonable access to the site. In modifying the spacing requirements, the criteria of Section 22.01(c)(1) shall be used.

- (6) Variances - The Planning Commission shall have the authority to increase, decrease or otherwise modify the terms and conditions of this Section where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Section. In considering whether to grant a variance, the Planning Commission shall consider the criteria contained in Section 22.01(c)(1).

The Commission may impose reasonable conditions in the granting of a variance in order to ensure the public safety and achieve the intent of this Section. The Township Zoning Board of Appeals shall have no authority to grant variances from or interpret the requirements of this Section.

### SEC 22.02 MINERAL MINING

(2 Nov, 2011)

a) **PURPOSE**

The purpose of the following mineral mining regulations and special land use approval requirement is to regulate the appropriate excavation, processing, and removal of mineral resources, but to allow such activity only if it can be accomplished so that the negative impacts on other properties, activities, and land uses in the vicinity are not significant (*i.e.*, no very serious consequences will result). While the excavation and removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with nearby residential uses or have other adverse impacts.

The objective of these regulations is to enable the Township to allow such mineral extraction and removal (where such activity can reasonably be accommodated) but only upon such terms and conditions as will adequately protect residential and other adjoining and nearby land uses from the impacts of mining activities and to also assure that once mining has been completed the land shall be reclaimed and restored so as to be available for residential or other reasonable uses allowed by this Ordinance.

b) **DEFINITIONS**

For the purposes of this Section 22.02, the following words, terms and phrases shall have the following meanings:

- (1) Mineral Mining or Mining – The excavation, removal, mixing, crushing, and/or processing of mineral material including peat, earth, gravel, sand, clay, top soil, stone, rocks, or other soils or materials, including overburden, or the storage or transporting of such items on or from a mining site, or the reclamation of the site after removal or excavation of such items.

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- (2) Mining Site – A site or property where mining or mineral mining occurs (whether dormant or active).

c) **EXEMPT ACTIVITIES**

For the purposes of this Section 22.02, the following excavation activities are not included within the above definition of mineral mining or mining and are exempt from the requirements of this Section 22.02 (unless otherwise expressly covered by this Section 22.02):

- (1) Excavation approved and conducted by a governmental unit or agency of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or publicly operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited solely to the public utility or other public improvement.
- (2) Excavation in conjunction with bona fide farming operations conducted in accordance with generally accepted agricultural management practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, but only if no material is removed from the property.
- (3) Other excavations where less than 5,000 cubic yards of mineral material in total is excavated and removed from the site provided, however, that such mineral removal activity involving less than 5,000 cubic yards shall not result in hazardous or unsafe conditions nor have very serious consequences to adjacent or nearby lands.

In order for an extraction and removal from the site of mined mineral material of less than 5,000 cubic yards to be exempt from the provisions of this Section 22.02, such excavation and removal must be complete in and of itself; it shall not constitute only a part, portion or phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant or property owner shall not repeat or combine successive removal operations of less than 5,000 cubic yards from the same parcel or lot for the purpose of removing a larger total quantity of mineral material.

d) **MINING APPROVED BY THE ZONING ADMINISTRATOR**

In all zoning districts except the R2, R3, and all PUD zoning districts, the Zoning Administrator may approve a limited mining permit for a limited mining activity subject to the following conditions, requirements, and procedures:

- (1) The mining activity will remove between 5,000 and 10,000 cubic yards of minerals in total and the mining activity shall not last more than one year from the issuance date of the mining permit.
- (2) The applicant for such a mining permit shall submit to the Township an application meeting the requirements of [Section 22.02\(e\)\(1\)](#) along with a fee or fees and such escrow amount as may be required by the Township Board.

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- (3) An accurate to scale drawing of the property to be mined must be submitted to the Township showing all of the following:
  - i. Property lines and dimensions of the parcel or lot proposed for mineral removal including any buildings on the site and showing the area on which mineral removal operations and activities will take place;
  - ii. Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;
  - iii. Houses within 500 feet of the outer limits of the mining operation;
  - iv. Existing elevations of the land at intervals of not more than five (5) feet for the site and to a distance of 50 feet beyond the boundaries of the site. Such elevations shall be based on USGS datum;
  - v. The entire mining operation showing the outer limits of the mining operation and the setbacks from all property lines;
  - vi. Proposed fencing, gates, buildings, structures, drives, signs, lakes/ponds, soil erosion measures, and other features of the proposed use;
  - vii. Roads for ingress to and egress from the parcel or lot, including on-site roads, acceleration and deceleration lanes, and other areas to be used for movement of vehicles;
  - viii. The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan (a reclamation plan); and
  - ix. The final contours at five feet elevations minimum.
- (4) The drawing shall be reviewed by the Zoning Administrator who may consult with the Township Engineer. The Zoning Administrator (and Township Engineer if requested by the Zoning Administrator) shall also conduct an inspection of the property to determine the accuracy of the drawing and to assess the impact of the proposed mining operation on nearby properties and residents. Based on the inspection, the Zoning Administrator may require changes to the drawing and impose conditions in order to insure that the impact of the mining operation is minimized.
- (5) The mining operator shall fully comply with the requirements of [Section 22.02\(e\)\(6\)](#) and the approved site plan except that artificial materials shall not be brought onto the site for mixing with the minerals mined on site and no on site crushing or processing of minerals such as gravel, stone and rocks shall be conducted on the property.
- (6) In order to approve an application, the Zoning Administrator must determine that the mining operation will not have a detrimental effect on neighboring residents and properties based on the duration of the operation and the expected noise, dust, truck movements and other aspects

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of the mining operation, that the use will not produce very serious consequences, and that the land will be reasonably restored following the mining activity so it is suitable for uses allowed in that zoning district or as recommended in the Township Master Plan. The Zoning Administrator may impose reasonable conditions for any mining permit that is approved.

- (7) The Zoning Administrator may refer such application to the Planning Commission for final decision, in which case the application shall be processed as a Special Land Use request in accordance with all of the requirements of [Section 22.02\(e\)](#) below.

e) **MINING APPROVED BY THE PLANNING COMMISSION**

All mineral mining, mining activities and uses not subject to the approval of the Zoning Administrator or otherwise exempted by this Section 22.02 shall be reviewed and approved or denied by the Planning Commission as a Special Land Use in accordance with the following procedures, requirements, and conditions:

(1) **Application Requirements**

An application to the Township for a special land use for mining or mineral removal shall include all of the following:

- i. Name of all of the owner(s) of the land from which removal is to be made or upon which mining operations will take place.
- ii. Name and address of the applicant(s).
- iii. Name and address of the person, firm or corporation who will be conducting the actual removal and/or processing operation.
- iv. Location, size, and legal description of the area from which the removal is to be made.
- v. A description of the type of mineral to be removed and an estimate of the total quantity and annual quantities to be removed.
- vi. A description of the trucks to be used to transport the minerals and described in cubic yard capacity and single or double bottom.
- vii. Estimated number of truck trips per day. (A truck going in and coming out is two truck trips.)
- viii. The roads which will primarily be used to transport the minerals. (Haul route)
- ix. The proposed hours and days of operation.
- x. A description of the types of equipment to be used in the mining operation.
- xi. A description of the methods to be used for dust control.
- xii. State whether materials such as asphalt and concrete will be brought onto the site for crushing and/or mixing with on-site mining minerals. If so, then describe the extent of

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this activity, the equipment to be used, and if additional permits are required from state or federal agencies.

- xiii. The estimated number of years to complete operations, number of phases, and reclamation.
- xiv. A description of the proposed use of the land following completion of all mining activities.
- xv. Proof of liability insurance with at least one million dollars of coverage.
- xvi. A site plan.

(2) **Site Plan Requirements**

Eight copies of a site plan shall be submitted to the Township Clerk drawn at a scale not exceeding 1" = 100' if the site is less than 50 acres and 1" = 200' if the site is 50 acres or more. The plans shall be drawn and sealed by a registered civil engineer. All site plans shall be prepared in compliance with the requirements for site plans as set forth Section [22.02 \(d\)](#) [\(3\)](#) hereof and also in the Lowell Township Mineral Mining Ordinance.

(3) **Review and Approval or Denial by the Planning Commission.**

- i. Upon submission of a complete application and all required materials to the Township and following the public hearing required by [Chapter 20](#), the Planning Commission shall review the application and determine whether to approve, deny or approve the special land use application with conditions.
- ii. All mining authorized by a Special Land Use approval shall be fully completed within five (5) years unless the Planning Commission requires completion of the mining operations within a shorter period of time.
- iii. A special land use approved by the Planning Commission shall be subject to a yearly review by the Planning Commission to determine compliance with the approved special land use. For purposes of this subsection, the date of review shall be each year on or about the anniversary date of the approval of the Special Land Use by the Planning Commission.
- iv. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this Section 22.02, compliance with the standards of subsection (v) below and the Special Land Use approval standards of [Section 20.03](#) herein.
- v. In order to approve a Special Land Use request for mineral mining, the Planning Commission must also find that no very serious consequences would result from the mineral mining activities. In making this determination, all of the following factors may be considered if applicable:
  - (a) The relationship of extraction and associated activities with existing land uses;

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- (b) The impact on existing land uses in the vicinity of the property;
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence;
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property;
- (e) The impact on other identifiable health, safety and welfare interests in the local unit of government; and
- (f) The overall public interest in the extraction of the specific natural resources on the property.

(4) **Renewals**

Any mining approval authorized by this Section 22.02 is granted for a period of five years (unless a shorter time period is approved by the Planning Commission) and may be renewed in the discretion of the Planning Commission for an additional period of up to five years.

Such renewal shall be subject to the terms of this subsection as follows:

- i. The applicant or operator shall file with the Township a complete application for a renewal or extension of the mining approval prior to the expiration of the original approval , or prior to the expiration of any annual or other time increment in which excavation and removal operations are allowed under the terms of the special land use.
- ii. Prior to consideration of an application for renewal, the Township Engineer or other designated Township official shall inspect the land involved to determine ordinance compliance for the mineral mining activities to date and shall submit a report to the Planning Commission.
- iii. Upon receiving the completed application for renewal, including the report of the Township Engineer, the Township Planning Commission shall approve, disapprove or approve with conditions the requested renewal. All required payments to the Township of any mineral removal surveillance, escrow or administration fee shall be paid in full current as a condition of renewal.
- iv. In determining whether to approve a renewal of the mining approval, the Planning Commission shall apply the standards and conditions for approval that are then in effect and that are applicable to original special land use under this Section 22.02, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations thereunder and the report of the Township Engineer.
- v. The consideration of any such renewal shall take place at a public hearing with public notice given in the same manner and to the same extent as that required for an original granting of a special land use.

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- vi. In approving a renewal, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use approval.

(5) **Reapplication**

No application for a special land use for a mineral mining operation that has been denied by the Planning Commission shall be resubmitted within one year from the date of the denial except where the applicant presents new evidence or proof of changed conditions relating to the reasons for denial of the original application. If the Planning Commission finds this information to be valid and relevant, it may allow a resubmittal of a new application before the one year period is over.

(6) **Operating Conditions.**

All mineral mining activities and uses that are approved as a special land use shall comply with all of the following conditions:

- i. **Hours of Operation:** The hours of operation of any mining operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. No operations shall occur on Sundays and legal holidays. In emergency situations, this time period may be modified by the prior written consent of the Township Zoning Administrator, provided that such emergency order shall not be effective for more than 72 hours. No mining uses or mining or processing-related activity of any kind shall occur outside of the permitted hours of operation.

Mineral crushing, processing, screening, and transport operations and activities and vehicle or equipment repair shall occur only during such daily hours and on such days of the week as shall be allowed by the Planning Commission in its approval of the special land use.

- ii. **Noise:** Equipment and vehicles used for the excavation, transport, crushing, processing, screening, and/or removal of mineral material shall not emit any noise louder than 70 dbA when measured at the nearest dwelling or occupied building on a lot or parcel other than where the mining is occurring. Engine braking by trucks entering or leaving the site is prohibited.

In addition, mining sites shall be operated in such a fashion that the noises of operation or equipment or vehicle vibration cannot reasonably be considered disturbing to neighboring uses, users, or occupants of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to the owners or occupants of adjoining properties.

- iii. **Dust Control; Public Roads:** Interior access roads shall always be maintained so as to minimize the dust arising from the use of said roads. Such maintenance shall be

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accomplished through the application of chloride, water, and/or similar dust retardant material. Application of oil is prohibited.

The Planning Commission may require that trucks removing minerals or materials from the site be washed before leaving the site in order to reduce the likelihood of clay, stones, dirt, or other materials from the mining site being deposited on public roads. If required by the Planning Commission, the washing facilities shall be designed so as to properly manage the wash water and material run-off so it remains on site.

Any damage to area public roads caused by the mining operation (or vehicles going to or from such operation) shall be repaired or remedied at the cost and expense of the mining site operator or landowner.

- iv. Topsoil: Topsoil shall be replaced over all mined or disturbed areas on the site to a depth of not less than four (4) inches. Slopes shall be graded and stabilized to such an extent as will reasonably accommodate the proposed end use.
- v. Stockpile Height: No stockpile of mined or other materials shall exceed a height of 30 feet.
- vi. Final Slopes: Final slopes shall have a ratio of not greater than one foot of elevation (or rise) for each four feet of horizontal distance. However, the Planning Commission may approve a ratio of one foot of elevation (or rise) for each three feet of horizontal distance for portions of the site if it is demonstrated that such slopes will still allow the land to be reasonably and safely used in accordance with this Ordinance and the Lowell Township Master Plan.

If the mining operation creates a lake or a pond, the slope from the shore into the water shall be at least one to six (rise to run) to a depth of five feet, although a slope of one to four may be allowed by the Planning Commission for smaller bodies of water.

- vii. Operation: All operations, equipment, vehicles, and facilities used in the mining or processing or crushing of sand, gravel, stone, and other materials shall be conducted, maintained, and operated in such a manner as to eliminate insofar as practicable, noises, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding properties.

### (7) Conditions

The Planning Commission may impose such reasonable conditions on a special land use approval as may be necessary to insure compliance with the terms of this Ordinance and any special land use approval thereunder. Such conditions may include, although need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.

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f) **EXISTING MINING OPERATIONS**

Mining operations that lawfully existed before the effective date of this amendment (November 2, 2011) shall be allowed to continue according to the conditions of approval imposed by the Township at the time of their original approval. If such existing mining operation is proposed to be extended to a parcel, parcels, lot, or lots that were not included in the original approval, then only the extended mining operation on the new parcel, parcels, lot, or lots shall be subject to the regulations and requirements of this amended Section 22.02. Lawfully nonconforming mining operations may continue at their prior lawful nonconforming status and scope, but shall not be expanded or extended without a new special land use approval being obtained pursuant to this Section 22.02.

g) **COMPLIANCE WITH OTHER ORDINANCES**

All mining operations shall also fully comply with all other applicable Lowell Charter Township ordinances.

**SEC 22.03 DESIGN STANDARDS FOR SPECIFIC USES**

The Following Design Standards Shall Control:

a) **Signs and Billboards** - See [Chapter 18](#)

b) **Drive-In Theater**

- (1) The lot location shall be such that at least one property line abuts a major thoroughfare and shall be at least one thousand (1,000) feet from any residentially zoned district.
- (2) The premises shall be enclosed with a solid screen fence seven (7) feet in height minimum.
- (3) All points of entrance or exit shall be located no closer than 250 feet to any intersection (as measured to the nearest intersection right-of-way line.)
- (4) The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Planning Commission.
- (5) Space shall be provided, on-premises, for a reasonable amount of waiting vehicles to stand at the entrance to the facility.
- (6) The theater screen shall not face directly, or obliquely by less than 75 degrees, a major thoroughfare.
- (7) Acceleration and deceleration lanes shall be provided at points of public ingress and egress to the site.

c) **Hotel, Motel, Motor Court**

- (1) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. Only one (1) exit to the major thoroughfare shall be permitted.

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- (2) Where the front yard is used to provide access, a 25 foot wide greenbelt shall be provided along the front property line, except for driveway openings.
  - (3) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
  - (4) Where adjacent to a residential District, refer to [Section 4.26](#).
- d) **Drive-In Restaurant** (7 July, 2004)
- (1) Public access to the site shall be located at least seventy five (75) feet from any intersection as measured from the nearest right-of-way line to the edge of said access.
  - (2) Screening as required in [Section 4.26](#) shall control where lot lines abut any District.
  - (3) Parking may be located in the front yard in the case of fast-food or carryout restaurants.
- e) **Design and Operational Standards for Group Child Care Homes** (1 July, 2009)
- (1) A group child care home shall not be closer than 1500 feet to: another licensed group child care home; another adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
  - (2) The outdoor play area shall not be located within the required front yard setback area and shall be the minimum area required by state law.
  - (3) All outdoor play areas shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this Zoning Ordinance.
  - (4) One off-street parking space shall be provided for each non-family employee of the group child care home in addition to parking normally required for the residence. A driveway may be used to fulfill this requirement.
  - (5) Hours of operation shall not exceed 16 hours in a 24-hour period. Outdoor activities pertaining to the day care operation shall not take place between the hours of 10:00 pm and 6:00 am.
  - (6) Group child care homes shall only be permitted in a safe environment. Such environment, both on the premises and adjacent to such property, shall be free from nuisance or hazardous conditions that would place children's health or safety at risk. Such conditions might include but are not limited to bodies of water, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or similar conditions and activities.

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- (7) As a condition of approval, the Planning Commission may require conditions or site improvements as necessary to ensure the health and safety of children and to ensure compatibility with neighboring uses and properties.
- (8) Group child care homes shall not result in a detrimental change to the essential residential character of the neighborhood in which it is to be located, nor shall it result in an unreasonable nuisance condition to residents of the neighborhood in which it is to be located. In determining whether potential for an unreasonable nuisance situation exists, the Planning Commission shall evaluate the following factors:
  - i. Traffic volumes to be generated into the neighborhood once the group child care home is in operation;
  - ii. Adequacy of parking or drop-off sites; and
  - iii. Presence of other group child day care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.
- f) **Bowling Alley, Indoor Skating and Similar Uses**
  - (1) Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way) line to the edge of said access.
  - (2) The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.
- g) **Open Air Businesses (7 July, 2004)**
  - (1) Except in the Agricultural District, a five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this Ordinance.
  - (2) All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
  - (3) Unless specifically waived by the Planning Commission, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business.
  - (4) The Township Board may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized as to do business in the State of Michigan, in an amount determined by the Board to be reasonable necessary to insure compliance hereunder. In fixing the amount of such surety bond, the Board shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other

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factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- (5) In the case of indoor-outdoor garden nurseries:
- i. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
  - ii. All loading activity and parking areas shall be provided on the same premises (off-street).
  - iii. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

h) **Automobile Service Stations, Public Garages, Filling Stations** (7 July, 2004)

- (1) No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions herein.
- (2) Ingress and egress curb cuts shall not be more than 50 feet wide.
- (3) No more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street, with a maximum of two per frontage.
- (4) No curb cut or driveway opening shall be located nearer than 30 feet to any corner or intersection street right-of-way lines, or to any residentially zoned property. No driveway opening shall be located nearer than 30 feet to any other driveway opening or curb cut. A curb cut shall not be permitted where in the opinion of the code enforcement officer it may produce a safety hazard to adjacent pedestrian or vehicular traffic. Where the site abuts a commercial zoned property at the side yard, a common driveway opening is permitted.
- (5) A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for driveway openings.
- (6) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material except desirable landscaped area which shall be separated from all paved areas by a low barrier or curb. Storm drainage is required.
- (7) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps may be located in any yard; but not less than twenty (20) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way. In-ground tanks shall not be less than fifteen (15) feet from any lot line.
- (8) When adjoining residentially zoned property, refer to [Section 4.26](#).
- (9) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot masonry wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding ten (10) days.

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- (10) The rental of licensed operable cars and trucks, on the premises is permitted where adequately screened storage space is provided.
  - (11) The lot shall be located such that it is at least five hundred (500) feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church or hospital.
  - (12) All exterior lighting shall comply with the applicable lighting regulations of Lowell Charter Township. (4 Feb, 04)
  - (13) Only one freestanding sign per street frontage shall be permitted, not exceeding 150 square feet in area, which shall display only the name of the user or occupant of the premises. (18 Jul, 97)
  - (14) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
- i)     **Car Wash Establishment** (7 July, 2004)
- (1) All washing activities must be carried on within a building.
  - (2) Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
  - (3) The entrance and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
- j)     **Private Swimming Pool**
- (1) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
  - (2) No portion of a swimming pool or associated structures shall be located in a required front or side yard. There shall not be less than four (4) feet of distance between the pool wall and any building on the lot. (30 Jun, 84)
  - (3) For the protection of the general public, any swimming pool, spa, hot tub and other similar apparatus (below ground or above ground) located out of doors which is capable of holding a depth of more than 24 inches (610mm) of water at any one point shall be completely enclosed by a barrier which complies with the current Michigan Building Code as amended and set at a distance of not less than four feet from the outside perimeter of the pool wall.

The top of the barrier shall not be less than 48 inches above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between the grade and the bottom of the barrier shall not be greater than 2 inches measured on the side of the barrier that faces away from the pool. Where the top of the pool structure is above grade, the

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barrier is authorized to be at ground level or mounted on top of the pool structure and the bottom of the barrier shall not be greater than 4 inches. (1 July, 2015)

- (4) A pool that is equipped with a power safety cover or a spa with a safety cover complying with the current Michigan Building Code, as amended, shall be exempt from the requirements in 22.03(j)(3) above. (1 July, 2015)
- (5) Pool Structure as a barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of the current Michigan Building Code, as amended. Where the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere. (1 July, 2015)

**k) Requirements for Adult Foster Care Large Group Homes, Homes for the Aged and Nursing Homes** (21 January, 2019)

- (1) The facility shall be served by both public water and public sanitary sewer.
- (2) The facility shall only be located on a parcel containing a minimum of five acres with a minimum road frontage of 200 feet on a public road.
- (3) The total number of units shall not exceed 10 units per acre. For purposes of this section, a unit is defined as a room or rooms occupied for sleeping and living purposes by a resident of the facility.
- (4) The site and facility shall be designed so that emergency vehicles and personnel can safely access the facility at all times.

**l) Airports, Aircraft Landing Fields**

- (1) These regulations shall not apply for private air strips which are used only by the owner or lessee of the premises for the maintenance of his aircraft.
- (2) Plans shall require approval by the Federal Aviation Agency and the Michigan Department of Aeronautics after submittal to the Township for review or approval.
- (3) The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

**m) Golf Courses, Country Clubs**

- (1) Minimum lot size shall be forty (40) acres.
- (2) A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
- (3) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

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n) **Campgrounds, Recreation Vehicle Parks**

- (1) Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or recreation vehicle park.
- (2) Each site on a lot designated for camping use may accommodate a recreation vehicle or tent and shall be provided with individual electrical outlets and with individual barbecue facilities.
- (3) Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste container and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) sites.
- (4) Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- (5) No commercial enterprises shall be permitted to operate on the lot, except that convenience goods shopping building may be provided on a lot containing more than eighty (80) sites.
- (6) Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping). Each parking space shall be two hundred (200) square feet in area and parking spaces for two (2) vehicles shall be provided on each site.
- (7) Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and from any private street at least forty (40) feet.
- (8) A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i. e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.
- (9) Each recreation vehicle site shall have direct access to a hard-surfaced, dust free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphaltic concrete. Sites specifically designated and used for tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in paragraph f.
- (10) Any open drainageways must have seeded banks sloped at least 3.1 and designed to properly drain all surface water into the County drain system, subject to approval by the Drain Commission of the County.

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- (11) All sanitary facilities shall be designed and constructed in strict conformance to all applicable County Health regulations.
- (12) The development of the entire lot is subject to all applicable requirements of the Department of Natural Resources.
- (13) A minimum distance of fifteen (15) feet shall be provided between all recreational vehicles and tents.
- (14) Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and buildings shall be subject to approval by the Planning Commission.

**o) Salvage Yards and Automobile Storage**

Salvage Yards are permitted as a Special Use only in the Light Industrial District; per [Chapter 20](#) herein. (30 Jun, 84)

**p) Adult Entertainment Businesses (4 August, 2004)**

**(1) Adult Entertainment Definitions**

“**Adult Entertainment Business**” shall mean any store, establishment, tavern, club, or theater having as a substantial or significant portion of its trade, the display, barter, rental or sale of books, peep booths, magazines, periodicals, video movies, films, photographs, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined hereinafter, OR any "sexually oriented adult entertainment premises", as defined hereafter, including but not limited to adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades. For purposes of this Ordinance, any establishment or premises having more than ten (10%) percent of it’s square footage of the floor area open to the public devoted to the display, barter, rental or sale of printed matter, pictures, graphics, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specific adult activities” or “specified anatomical areas” shall be presumed to have a substantial or significant portion of its trade devoted to such regulated activities.

“**Adult Materials**” means materials that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, but shall not include movies rated "G," "PG," "PG-13," or "R," the registered trademarks of the Motion Picture Association of America. For purposes of this Chapter, the term "materials" include pictures, text, videos, audio tapes, cartoons, books, magazines, novelties, and other printed items.

”**Novelty**” means any instrument, device, or paraphernalia which depicts or describes any “specified sexual activities, “ or “specified anatomical areas,” or which is designed for use, or

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commonly used, in connection with “specified sexual activities,” excluding condoms and other birth control and disease prevention products.

**“Peep Booth”** means a viewing room, other than a private room not authorized for admittance by patrons of less than 150 square feet of floor space upon the premises of an adult entertainment business regulated herein where there is exhibited photographs, films, motion pictures, video cassettes, video reproductions, or other visual representations, or which depict or describe specified anatomical areas or specified sexual activities.

**“Sexually Oriented Adult Entertainment”** means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

**“Sexually Oriented Adult Entertainment Premises”** means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.

**“Specified Anatomical Areas”** shall mean:

- i. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
- ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**“Specified Sexual Activities”** shall mean:

- i. Human genitals in a state of sexual stimulation or arousal.
- ii. Acts of human masturbation, sexual intercourse, or sodomy.
- iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**“State of Nudity”** A person appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

### (2) RESTRICTION ON LOCATIONS OF ADULT ENTERTAINMENT

- i. An adult entertainment business may be located only in a “C” General Commercial zone.
- ii. An adult entertainment business shall be permitted only by special use permit granted by the Township Planning Commission, and after public hearing as otherwise required by the Township for issuance of a special use permit. The special use permit shall be

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approved only if there has been compliance with all provisions of this Ordinance and all other applicable Township Ordinances.

An adult entertainment business shall not be located:

- (a) Within 500 feet of the property line of any single-family, two-family or multiple-family residential use. For purposes of this section, the term "multiple-family residential use" shall specifically include, but not by way of limitation, any retirement, convalescent or nursing home or facility or other housing for the elderly.
- (b) Within 500 feet of the property line of any public or private school, college or university, or of any nursery school, day nursery or child care center.
- (c) Within 500 feet of the property line of any church or other religious facility or institution.
- (d) Within 500 feet of any public park.
- (e) Within 500 feet of any other adult entertainment business.
- (f) The distances provided for in this subsection shall be measured by projecting a straight line, without regard for intervening buildings or structures, from the nearest point of the building, structure or tenant space within which the proposed use is to be located to the nearest point of the property line, specified use from which the proposed use is to be separated.

### (3) **ENCLOSED PORTIONS REQUIREMENT**

No person shall appear in a state of nudity except within the fully enclosed portions of the structure housing the adult entertainment business.

### (4) **EXTERIOR STRUCTURAL REQUIREMENTS**

All adult entertainment businesses must comply with the following exterior structural requirements:

- i. The merchandise or activities of the adult entertainment business shall not be visible from any point outside the business.
- ii. The exterior of the adult entertainment business shall not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
- iii. The exterior of the building containing the adult entertainment business shall not be painted any color other than a single neutral color.

### (5) **SIGNS**

Signs for an adult entertainment business shall comply with the following requirements:

- i. One free standing sign and one wall sign is permitted per parcel.

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- ii. A sign shall not exceed 50 square feet in area.
- iii. A sign shall not contain any photographs, silhouettes, drawings, or pictorial representations of any manner which refer to, or depict, any state of nudity, specified anatomical areas, or specified sexual activities.
- iv. A sign shall not contain any flashing lights and shall only be internally illuminated.
- v. Signs for an adult entertainment business shall also comply with the requirements of Article 18 of the Township Zoning Ordinance, except that the above requirements shall supersede the requirements of Article 18 where applicable.
- vi. A sign shall be prominently displayed on or next to the door to the enclosed area so that it can be easily viewed by any person who approaches the door of the enclosed area. Typeface must be as large as any other typeface that advertises adult material on the premises, but in no case shall the letters be less than one-half inch tall. This sign shall read as follows:

RESTRICTED AREA  
ADULT MATERIAL ENCLOSED  
MUST BE 18 YEARS OLD OR OLDER TO ENTER

Any other advertising of adult materials on the premises shall include the following legend:

ADULT MATERIAL  
MUST BE 18 YEARS OLD OR OLDER  
TO VIEW, RENT OR PURCHASE

This legend shall be in legible typeface and shall be as large as the largest typeface in the advertisement.

**(6) REGULATIONS ON SALE, RENTAL OR VIEWING OF ADULT MATERIALS**

Adult materials may be held for sale, rent, or view in the township only in accordance with the following use regulations:

- i. Enclosed area. All adult materials shall be maintained in a separate area of the premises. The area shall be completely enclosed by opaque walls or partitions which are at least seven feet in height. The area shall have no windows, and shall have an opaque door which shall enclose the area from the floor to at least seven feet in height. The door shall be kept closed during all hours of operation. An employee of the adult entertainment business shall monitor the enclosed area either in person or by video camera at all times.
- ii. Age restriction. Access to the enclosed area, including viewing of any part of the enclosed area, and all sales or rentals of adult materials shall be limited to persons age 18 or older. This restriction includes, but is not limited to, patrons and employees. No minor shall enter or otherwise gain access to, or attempt to gain access to, any adult materials.

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No adult or minor shall knowingly assist any minor in gaining access, or attempting to gain access to, any adult materials.

- iii. Proof of identification. Any employee of a business has the right to require a current valid picture identification card from any person desiring to purchase, rent or gain access to adult materials.

**(7) UNIFORM HOURS OF OPERATION**

An adult entertainment business shall be open to the public only during the hours of 7:00 A.M. to 2:30 A.M.

**(8) CONDITIONS AND LIMITATIONS**

The Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance, or operation of the adult entertainment business as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection herewith will be fulfilled. Failure to follow such limitation or condition will result in the immediate termination of any special use permit granted to such adult entertainment business.

**(9) CONDITIONS FOR REJECTION**

The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one (1) or more of the following to be true:

- i. An applicant is under eighteen (18) years of age;
- ii. An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
- iii. An applicant has failed to provide information required by the Lowell Charter Township Zoning Ordinance or has knowingly answered a question or request for information falsely;
- iv. The premises to be used for the sexually oriented business has not been approved by the Building Official and the zoning enforcement officer as being in compliance with applicable laws and ordinances;
- v. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one (1) year prior to the date of application.
- vi. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one (1) year prior to the date of application;

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- vii. The applicant is not in good standing or authorized to do business in Michigan;
- viii. The application fee has not been paid;
- ix. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this section;
- x. The applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last ten (10) years:
  - (a) Prostitution, procuring a prostitute, or solicitation of a prostitute;
  - (b) Sale, distribution or display of obscene material;
  - (c) Sale, distribution or display of material which is harmful to minors;
  - (d) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
  - (e) Possession, sale or distribution of child pornography;
  - (f) Public lewdness;
  - (g) Indecent conduct with a child;
  - (h) Sexual assault or rape;
  - (i) Sexual solicitation of a child;
  - (j) Contributing to the delinquency of a minor; or
  - (k) Harboring a runaway child.

**(10) LIMIT ON REAPPLICATION**

No application for an adult entertainment business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available, or proof of changed conditions.

**(11) PERSONS RESPONSIBLE FOR VIOLATIONS**

The owner or occupant of the business premises shall be responsible for any violation of this Ordinance. Any business manager or responsible employee shall also be responsible for any violation of this Ordinance, and may be prosecuted individually. In addition, any minor who gains access to adult materials, or any adult who assists a minor in gaining access to adult materials, is also in violation of this Ordinance.

**(12) SEVERABILITY**

If any provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this Ordinance in its entirety, and to this end the provisions of this Ordinance are declared to be severable.

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(13) **VIOLATION AND PENALTY**

Anyone convicted of violating this Ordinance shall be guilty of a municipal civil infraction. As provided by the Township Municipal Civil Infraction Ordinance, the Township shall be expressly entitled to injunctive relief to enjoin the continuation of any activity which violates this Ordinance.

q) **Towers and Antennas (10 APR, 99)**

(1) **Intent:** It is the intent of this Section to provide regulations controlling the placement, design, and construction of commercial communication towers including their accessory uses and attached communication antennas. Changing technologies in the field of communications has resulted in a reliance upon more versatile and convenient forms of communication. Businesses, individuals and government have all developed a dependence upon the capability to contact others. The demand for this communication service has placed a burden on local communities in their ability to regulate communication towers, support structures, and attached communication antennas. This ordinance intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Ordinance intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

(2) **Definitions:**

i. **Communication Tower** - A radio, telephone, cellular telephone or television relay structure of monopole (a single support column which does not require guide wires) construction attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

Not included in this definition are the following, provided that they meet the requirements of the Lowell Township Zoning Ordinance: citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antennas, satellite dishes, a farmer's communication system, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

A communication tower shall not be included under the existing definition of essential services.

ii. **Attached Communication Antenna** - Any communication facility affixed to an existing structure, such as a building tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed

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- segments of the radio frequency spectrum. This definition shall not include support structures.
- iii. **Co-Location** - The activity of placing more than one Attached Communication Antenna on a Communication Tower or other existing structure.
  - iv. **Indemnity** - Insurance or other security against possible damage, loss, or hurt; reparation.
- (3) **Regulations:** The following regulations shall govern the placement, design and construction of commercial communication towers including their accessory uses, attached communication antenna and co-location.
- i. **Special Use Permit** - Communication Towers and attached Communication Antennas are permitted in the AG-1 Prime Agricultural, C-General Commercial and LI-Light Industrial if they meet the requirements of the district in which they are located, the requirements of [Chapter 21 Site Plan Review](#), and the requirements of [Section 22.03\(q\)\(2\)](#), [\(4\)](#), and [\(5\)](#), with the approval of a Special Use Permit.
  - ii. **Co-location** - Attached Communication Antennas which are proposed to be attached to existing towers and/or other structures, in any zone, shall be approved by the Planning Commission if they meet all the conditions established by an existing Special Use Permit, the requirements of the district in which they are located, the requirements of [Chapter 21 Site Plan Review](#) and the applicable requirements of [Section 22.03\(q\)\(4\)](#) and [\(5\)](#).
- (4) **Application Requirements:** In addition to normal application requirements, all applications for Communication Towers and Attached Communication Antennas, regardless of the zoning district in which they are proposed to be located, constructed or modified, shall include the following information:
- i. **Site Plan** - A plan which meets the requirements of [Chapter 21](#). The site plan shall include the location of the tower/antenna, the tower/antenna height, type of construction and a Landscape Plan which provides screening for the support structure base, accessory buildings and enclosures.
  - ii. **Proposed Use** - A complete written and graphic description of the proposed Communication Tower and/or Attached Communication Antenna. This written and graphic description shall include an explanation of the existing technology which is being proposed.
  - iii. **Location Justification** - A written explanation of the reason for the proposed location with reference to the coverage area and capacity.
  - iv. **Ownership Interest** -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
  - v. **Other Tower Locations** - A map depicting other Communication Tower locations within three miles of the proposed site.

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- vi. Co-Locations - Applications for Communication Towers must be accompanied by documentation that the applicant has investigated the potential of co-location (sharing tower facilities) with other providers who have Towers in Lowell Township or neighboring communities. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other communication towers. All applications for construction of a Communication Tower will be required to provide plans for future co-location with other owners/operators at a fair and reasonable rental rate.
  - vii. Engineering Certification - The applicant shall provide verification with a certified, sealed print that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
  - viii. Liability - The applicant shall provide documentation that indemnity and insurance coverage exist for the communications tower in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
  - ix. Landscaping Plan - Landscaping, screening, fencing and buffering plans shall be submitted for review and approval. The plans shall take into consideration any existing vegetation and any other natural features of the site.
  - x. Visual Impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.
- (5) Performance Standards for Communication Towers and Attached Communication Antennas
- Communication Towers and Attached Communication Antennas must meet the following applicable performance standards:
- i. Site Plan Review - Communication tower application must receive Site Plan approval from the Planning Commission.
  - ii. Engineering Certification - The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. The communication tower must be set back from all property lines a distance equal to its height, unless engineering specifications have been verified by the Township Engineer that the structural integrity of the communication tower will withstand high winds and impacts, and the likelihood of a communication tower failure is minimal. The applicant shall incur all cost associated with the Township engineering review.
  - iii. Airport Locations - Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a (2) mile radius of a public airport and 1/2

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- mile of a public helipad and documented private landing airstrip and be kept out of the landing approach zone.
- iv. Spacing - In order to prevent a concentration of towers in one geographic area, the minimum spacing distance between communication towers shall be three (3) miles.
  - v. Height - The maximum height of a Communications Tower and attached communication antennae shall be 200 feet. A Communications Tower greater than 200 feet may be permitted, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that a proposed Communications Tower in excess of 200 feet will reduce the total number of potential Communications Towers within Lowell Township and the surrounding areas.
  - vi. Accessory Structures - Accessory structures are limited to the use associated with the operation of the communications tower. Accessory structures shall not exceed 600 square feet in area and a height of 20 feet. Accessory structures shall not be located closer than 50 feet from all property lines.
  - vii. Design Certification - The final plans for the communications tower shall be certified by a registered structural engineer and meet all requirements of the Federal Communications Commission, the National Environmental Policy Act of 1969 and the Federal Aviation Administration and other applicable statutes and regulations.
  - viii. Abandonment - The communication tower shall be removed by the property owner or lessee within three (3) months of being abandoned. The tower shall be removed to the top of the footing. If the tower has not been removed within the period specified, the Zoning Administrator, with the approval of the Township Board, may have the structure removed. All costs of removal shall be charged to the owner and/or lessee of such tower.
  - ix. Unsafe and Unlawful Communication Towers - When any communications tower is determined to be unsafe or is unlawfully erected or maintained and is found to be in violation of the provisions of this ordinance the use of the tower shall be discontinued until all violations are corrected or it shall be removed.
  - x. Additional Equipment - Personal Communication Service (PCS) and Cellular Service providers shall provide disclosure of additional antennas or other equipment whenever installed on an existing structure.
  - xi. Additional Performance Requirements - The following and additional regulations pertaining to communications towers and attached communication antennas shall apply:
    - (a) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
    - (b) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes.

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- (c) All towers shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
- (d) Towers shall not be artificially lighted unless required by the Federal Aviation Administration. Nor shall there be any type of advertising signs on site.
- (e) The Site of a Tower shall not serve as a regular place of employment for any employees of the owner or lessee of the Tower.
- (f) All parking areas shall be located on site and be hard surfaced unless an alternative surfacing material is approved by the Planning Commission.
- (g) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
- (h) The use of guide wires is strictly prohibited. Only monopole towers are allowed.

**SEC 22.04 OPEN SPACE PRESERVATION PROJECTS**

*(18 Nov, 02)*

a) **Purpose**

Act No. 177 of the Public Acts of Michigan of 2001 (“Act 177”) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit “open space preservation” developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and to place dwellings on the remaining portion. Further, the landowner has the option to develop the property with the same number of dwellings which would have been allowed on the land without the open space preservation regulations. For Open Space Preservation Projects in the AG-1 zone, the number of dwellings allowed will be based on the requirements of [Chapter 5](#) of this Ordinance.

The purpose of this Chapter is to adopt open space preservation provisions consistent with the requirements of Act 177.

b) **Definitions**

Words and phrases used in this Section, if defined in Act 177, shall have the same meaning as provided in the Act.

c) **Review Procedure**

- (1) An Open Space Preservation Project shall be reviewed by the Planning Commission in accordance with the requirements and standards of site plan review contained in [Chapter 21](#) of this Ordinance and according to the requirements and standards contained in this Section.

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- (2) The Planning Commission shall hold a public hearing on an Open Space Preservation Project. Notice of the hearing shall be in accordance with [Section 25.04](#) herein.

d) **Items Submitted for Review**

- (1) The applicant shall submit an application and fee for an Open Space Preservation Project as required by Lowell Charter Township.

(2) Open Space Preservation Plan.

The applicant shall submit 9 sets of the Open Space Preservation Plan which shall be professionally prepared and include information required by [Section 21.05](#) of this Ordinance and the following information:

- i. The areas devoted to preserved open space.
  - ii. Existing and proposed topographic elevations at five feet contours on the site and for a distance of 100 feet on adjacent parcels.
  - iii. The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
  - iv. The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
  - v. The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - vi. If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Kent County Health Department that the soils are suitable for on site septic systems.
  - vii. The approved final Open Space Preservation Plan shall be sealed by a professional engineer or land surveyor.
- (3) If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Lowell Charter Township Land Division Ordinance or the Lowell Charter Township Site Condominium Ordinance, as applicable.

(4) Existing Zoning Plan.

In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan. However, for projects in the AG-1 zone, an Existing Zoning Plan need not be submitted as the number of dwellings shall be determined by the requirements of [Chapter 5](#), Table of Use Regulations. This plan is to be prepared for the purpose of

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demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan shall be professionally prepared and shall include at least the following information:

- i. Date, north arrow and scale, which shall not be more than 1" = 200'.
- ii. Location of streets adjacent to and within the site.
- iii. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- iv. Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
- v. If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit written documentation from the Kent County Health Department that at least 30 percent of the lots are suitable for on site disposal systems. Such lots shall be spread evenly over the site.
- vi. The Existing Zoning Plan shall illustrate all unbuildable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.

e) **Determination of Number of Lots**

The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

f) **Open Space Requirements**

(1) Required Open Space.

Not less than 50 percent or more than 60 percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney.

(2) Areas Not Counted as Open Space.

- i. The area within all public or private road rights-of-way.
- ii. Golf course.

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- iii. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- iv. Off street parking area.
- v. Detention and retention ponds created to serve the project.
- vi. Community drain fields if such areas are completely underground.
- vii. 50% of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
- viii. 50% of the area of floodplains and 50% of areas of slopes which are 20% or over.

(3) Standards for Open Space.

The following standards shall apply to the preserved open space required by this Section:

- i. The open space may include a recreational trail, picnic area, children’s play area, ball field, or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- ii. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
- iii. Open space shall be reasonably usable, viewable and accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided. However, any required open space which is used for farming need not comply with this requirement.
- iv. Open space areas when part of an Open Space Preservation Project in an AG-1, AG-2 and R-1 Zone may be used for farming activities which include but are not limited to the growing of crops, fruits and vegetables and the raising and keeping of farm animals including farm buildings.

(4) Methods to Preserve Open Space.

The applicant shall submit before final approval of the project a copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this Section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this Section. The legal instrument shall:

- i. Include a legal description of the entire Open Space Preservation Project.
- ii. Indicate the permitted use(s) of the open space.
- iii. State the parties who have an ownership interest in the open space.

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- iv. Require that the open space be maintained in perpetuity in an undeveloped state without buildings, structures or other improvements, except such walking trails, picnic areas, park or playground equipment, or similar improvements that are approved by the Planning Commission.
- v. Require that the open space be maintained by parties who have an ownership interest in the open space.
- vi. Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.

**g) Development Requirements**

**(1) Water and Sanitary Sewer.**

Open Space Preservation Projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Kent County Health Department.

**(2) Minimum Lot Sizes and Setbacks.**

In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation Project is located.

- i. For Open Space Preservation Projects the minimum lot sizes shall not be less than the following:

	Minimum Net Building Area (Lot Size)	Minimum Road Frontage
AG-1	1 acre	132 feet
AG-2	2 acres	132 feet
R-1	1 acre	120 feet
R-2 Without existing sanitary sewer	20,000 sq .ft.	120 ft.

- ii. The minimum setback for buildings may be reduced by not more than 20% of the minimum required setbacks for the zoning district in which the Open Space Preservation Project is located at the time the application is submitted for the Open Space Preservation Project.
- iii. The Planning Commission may allow a decrease in the above minimum lot sizes only for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.

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(3) Compliance with Zoning District.

The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and setback requirements.

(4) Maximum Number of Lots.

The Open Space Preservation Project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission or by the regulations of [Chapter 5](#) if the project is located within an AG-1 zone.

(5) Perimeter Lots.

Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation Project be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks allowed on adjacent lands which are in the same Zoning District as the Open Space Preservation Project. The Planning Commission may however, allow a decrease in the minimum lot sizes specified in [Section 22.04\(g\)\(2\)\(i\)](#) for non-perimeter lots for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.

(6) Sidewalks.

The Planning Commission may require sidewalks in accordance with the Township’s Site Condominium Ordinance and Land Division Ordinance.

(7) Private Roads.

A private road which is part of an Open Space Preservation Project shall comply with the requirements for private roads as contained in [Chapter 19](#) of this Ordinance.

(8) Grading.

Grading shall comply with the following requirements:

- i. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
- ii. All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

h) **General Requirements**

An Open Space Preservation Project shall also be subject to the requirements of [Section 21.06](#) to [21.09](#) of this Ordinance.

**i) Validity of Approved Site Plans**

- (1) An approved Open Space Preservation Plan which is also approved under the Township’s Site Condominium Ordinance or Subdivision Ordinance shall remain valid as prescribed in these Ordinances.
- (2) For all other approved Open Space Preservation Plans, the approval shall be valid for one year from the date of approval. If construction has not commenced and progress has not been made toward completion of the project before the end of the one year period, the approval shall be voided. Upon written application, filed prior to the termination for the one year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year.

**j) Amendments to Approved Site Plan**

- (1) Any person who has been granted site plan approval for an Open Space Preservation Project shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- (2) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.
  - i. The following items shall be considered as minor changes:
  - ii. Reduction in the number of dwellings.
  - iii. An alteration of the required open space which does not materially affect the approved intended use of the open space.
  - iv. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
  - v. Changes required or requested by the Township for safety reasons or to better accommodate stormwater management or other utilities.
  - vi. Changes which will preserve the natural features of the site without changing the basic site layout.
  - vii. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether

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a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- (3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

### SEC 22.05 BIOFUELS PRODUCTION FACILITIES

*(5 December, 2012)*

In addition to the requirements for a Special Land Use as set forth in [Chapter 20](#) herein a biofuel production facility is subject to the following:

- a) The application materials shall include a description of the process to be used to produce biofuel and the number of gallons of biofuel anticipated to be produced annually.
- b) An emergency access and fire protection plan shall be prepared by the applicant for approval by the Lowell Township Fire Department and the Kent County Sheriff Department.
- c) For an ethanol production facility that will produce more than 10,000 proof gallons, annually completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29(environmental information) and 5000.30 (supplemental information on water quality considerations under 33USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
- d) A Special Land Use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
  - (1) Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable laws of Lowell Charter Township, the State of Michigan and the federal government.
  - (2) The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - i. Air pollution emissions.
    - ii. Transportation of biofuel or additional products resulting from biofuel production.
    - iii. Use or reuse of additional products resulting from biofuel production.
    - iv. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

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- e) The biofuel production facility includes sufficient storage for both raw materials and fuel.

**SEC 22.06 TEMPORARY STORAGE IN FARM BUILDINGS**

*(5 December, 2012)*

If approved by the Planning Commission, a special land use for the temporary storage of boats, boat trailers, off-road vehicles and other recreational vehicles, antique motor vehicles and other similar vehicles during a non-driving season, in barns or other farm buildings that are otherwise unused may be permitted in accordance with the procedures set forth in this Chapter and upon all of the following conditions:

- a) Such storage activity shall be operated by only the owner or owners of the land where such barn or other farm building is located; the party desiring to store the permitted items need not be an owner of such lands.
- b) All storage shall take place only in a fully enclosed building.
- c) No repairs, maintenance or other work on any such boats, boat trailers, off-road vehicles or other equipment shall take place, except that the owner of the property may repair, maintain and otherwise deal with their such equipment, to the same extent as otherwise permitted in the AG-1 or AG-2 District.
- d) There shall be adequate off-street parking available for motor vehicles, in connection with the transporting of the stored items to and from the property.
- e) The special land use shall be carried out only in buildings originally or currently used for a farm operation.
- f) The storage permitted by the terms of this section shall be carried out only in a safe and non-hazardous manner. Any application for the special land use shall include information on whether gasoline or other fuel will be kept in the tanks of any stored boats or other stored vehicles and if so, such application shall state what means will be used to safeguard the building from fire. A copy of any such application shall be forwarded by the Township office to the Township fire chief for review and comment prior to the public hearing thereon.
- g) No provision of this section shall be deemed to prohibit such storage activities as would otherwise be permitted on the part of the property owner, as to his or her own equipment and/or vehicles, under the terms of the AG-1, AG-2, or R-1 District.

**SEC 22.07 REGULATIONS FOR TEMPORARY HOUSING**

*(2 March, 2016)*

- a) Residents of the facility shall primarily be limited to families which for purposes of this Section are defined as consisting of at least one adult together with their minor children under the age of 18 or others who are related to them by blood, marriage or adoption.

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- b) At least one person who is an employee of the facility shall be present on the premises to provide supervision at all times.
- c) Temporary Housing Facility shall contain no more than 10 dwelling units or rooms for occupancy by displaced persons.
- d) The facility shall comply with all other applicable regulations of the Lowell Township Zoning Ordinance.
- e) The facility shall comply with all applicable regulations of the Kent County Health Department and the Michigan Building Code as well as all Federal and State regulations.
- f) In approving a Temporary Housing Facility the Planning Commission may limit the number of residents at the facility, impose limits on outdoor activities and require other measures to ensure the facility is operated in a manner that is compatible with nearby properties.
- g) A Temporary Housing Facility which is proposed to occupy an existing building is exempt from the required site plan submittal requirements of this Chapter. However, the applicant shall provide a drawing to scale illustrating the floor plan of the building and of the property illustrating all buildings, off street parking areas, distance to the nearest dwelling unit off site and any improvements proposed for the property. The Planning Commission may require additional information as deemed necessary to facilitate understanding of the project.
- h) An applicant for a Temporary Housing Facility shall provide a description of the building and the operation of the facility including but not limited to:
  - Sleeping, eating, kitchen, bathroom and facilities;
  - Hours of operation;
  - Types of services and programs offered;
  - Description of any outdoor activity areas;
  - Training and capabilities of the facility personnel;
  - Maximum number of persons residing at the facility at any one time;
  - Typical and maximum length of stay;
  - Security measures to ensure that the facility will not have an adverse effect on the general safety and welfare of the nearby properties and residents;
  - A written list of facility policies and protocols;
  - If background checks are conducted on facility residents;
  - Criteria for acceptance into the facility.

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**SEC 22.08 STANDARDS FOR APPROVAL FOR CHURCHES, PUBLIC OR PRIVATE CLUBS,  
LODGES, OR SIMILAR PLACES OF ASSEMBLY AND BANQUET HALLS**

*(31 May, 2017)*

- a) Parcel must be a minimum of 2 acres.
- b) Parcel must have a minimum of 150 feet of frontage on a county primary road or State highway.
- c) There must be a minimum of two access points (driveways).
- d) Consideration shall be given to specific accessory uses, hours of operation, noise, building size, impact on traffic and parking, and the intensity of accessory uses.
- e) Applicant must waive its right to object to the issuance of liquor licenses within 500 feet of the building, as permitted under Section 503(4) of the Michigan Liquor Control Code, PA 58 of 1998, MCL 436.1503(4).

**SEC 22.09 ESTABLISH REQUIREMENTS FOR COUNTY CORE FAIRS AND ACCESORY  
USES**

*(1 Aug, 2018)*

a) **Purpose**

The purpose of this section is to set forth the requirements for a multi-use agricultural youth core fair, county core fair and other similar core fairs as permitted by [Section 5.03 \(y\)](#) herein. It is recognized that such use requires a substantial area of land and includes unique activities which are patronized by large portions of the community but which could disrupt the existing character near its location.

The requirements of this section are designed to allow the core fair to serve its purpose but to regulate the activities, arrangement of facilities and operational characteristics so as to minimize the noticeable effects of the core fair and accessory uses on surrounding land uses and residents. It is also recognized that the principal use is the “core fair” but that the buildings, parking, lighting, interior access drives and infrastructure needed to support the core fair are adaptable and compatible for accessory uses outside the period of the core fair operation. These accessory uses, which are specified in [Section 5.03\(y\)](#), are also subject to the requirements listed in this section.

b) **Application Requirements**

An application for a core fair special land use shall include the following information:

- (1) A completed application form and site plan as required by [Section 20.02 \(a\)](#) and [\(b\)](#)
- (2) A description of all the activities and uses proposed for the core fair as well as accessory uses proposed outside the core fair operating dates.
- (3) Dates and hours of operation of the core fair.
- (4) Information regarding:

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- i. Ability to meet the requirements of the Kent County Health Department for the provision of sanitary facilities and water; location and management of temporary/ portable bathroom facilities;
- ii. Requirements of the Kent County Road Commission or other road approval agency regarding location of driveways, design, and road improvements such as by-pass lanes;
- iii. Traffic control measures for traffic entering and leaving the site, parking and interior traffic circulation. Such measures shall insure that traffic entering the site will not stack on adjacent public streets;
- iv. Provision for police and fire protection, medical emergencies and other emergency measures;
- v. Facilities for waste disposal;
- vi. A manure management plan;
- vii. A separate lighting plan;
- viii. Expected measurable dbA sound levels produced by core fair and proposed accessory on-site outdoor uses measured at the nearest occupied dwelling unit;
- ix. An estimate of the number of visitors expected on the busiest date of the core fair;
- x. Documentation of insurance for the core fair and all proposed accessory activities;
- xi. Information regarding construction of facilities including days and hours of operation, anticipated noise levels, types of construction equipment and measures to control construction traffic.
- xii. List of permits required by county, state and federal agencies for the core fair operation and accessory uses.

**c) Site Development and Operation Standards**

The Planning Commission may modify the following requirements in order to better mitigate the effects of core fair activities on adjacent land uses, to improve safety for core fairground users and traffic, to lessen the imposition of a standard when it is clearly not needed and to otherwise meet the special land use approval standards of [Section 20.03](#).

- (1) A core fair shall have its primary access on a County Primary road.
- (2) Hours and days which the core fair is permitted to be open to the public are:  
Sunday through Thursday: 8:00 AM – 10:00 PM  
Friday and Saturday: 7:00 AM – 11:00 PM

The Planning Commission, however, may permit an extension of these hours if sufficient justification for the extension is provided by the applicant and the Commission finds that the extension will not be significantly detrimental to nearby residents and uses.

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Activities on the core fairgrounds such as maintenance of grounds and buildings, loading, unloading, set up and tear down and normal activities associated with operating the core fairgrounds may take place outside of the public hours provided these activities do not create a significant disturbance to nearby residents.

- (3) The land within 50 feet of the road right of way shall be preserved in its existing condition to the extent reasonable except for driveways, clear vision areas and sound abatement measures.

(4) Setbacks

Buildings and uses proposed to be established on the site shall comply with the following minimum setbacks:

- i. Buildings: 200 feet from all public street rights of way lines and 50 feet from all other lot lines.
- ii. Outdoor activities: 100 feet from all public street rights of way lines and 50 feet from all other lot lines.
- iii. Parking: 100 feet from all public street rights of way lines and 50 feet from all other lot lines.

(5) Noise

Uses on the site shall comply with the Township Anti-Noise and Public Nuisance Ordinance as amended.

(6) Lighting

Lighting for the core fair and all accessory uses shall comply with the requirements of [Section 4.28, Outdoor Lighting Requirements and Restrictions](#), except as noted below:

- i. Light which falls on adjacent properties and roads shall not exceed 0.5-foot candles.
- ii. Lights shall be reduced to security lighting one hour after close of activities which are open to the public except for lighting necessary to accomplish loading, unloading, set up and tear down and similar activities associated with the core fair.
- iii. Outdoor activities may have unique lighting needs pertaining to the performing or playing area. A design plan for such uses or facility shall provide detailed information on glare, illumination of the surrounding properties, and nighttime atmospheric light pollution will be minimized. Such lights are subject to specific approval of the Planning Commission.
- iv. A lighting plan shall be submitted which shall include the following:
  - (a) Location of all exterior lighting fixtures.
  - (b) A description of the outdoor lighting fixtures, manufacturers data sheets, photometric report with candela distribution, drawings, and shielding information.

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- (c) Proposed mounting height of all exterior lighting fixtures.
- (d) Analysis and luminance diagrams showing that the proposed installation conforms to the lighting level standards of this Ordinance; and
- (e) For all buildings to be illuminated, drawings of all building elevations showing fixtures, the portion of the walls to be illuminated, the luminance levels of the walls, and the aiming points for any remote light fixtures.

(7) Fencing

The area utilized for the fairgrounds shall be enclosed by a fence with a maximum height of six feet.

(8) Parking

- i. Parking of vehicles related to core fair activities and accessory uses shall only be located on the fairgrounds site. Sufficient parking shall be provided on site so that vehicles do not park on adjacent or nearby roadways or other property.
- ii. The Planning Commission may waive the requirement that the parking lot surface for parking areas designated for core fair patrons be asphalt or concrete pavement and that all parking and driveways and access aisles be striped. However, all such parking areas shall have a dust-free compact hard surface, which may include grass.
- iii. The applicant shall provide information on measures to reduce on-site dust and the tracking of mud or dirt onto the public roadway. The applicant shall be responsible for clearing any such mud and dirt tracked onto the public road.
- iv. Requirements for barrier free parking space size, surface, ramps, and signs shall be as required by the State of Michigan Barrier Free Design Act as amended.

(9) Landscaping

- i. Landscaping shall be provided according to the requirements of [Section 4.26](#) of this Ordinance. For parking areas which are unpaved the landscaping requirements within the parking lot are not applicable.
- ii. Canopy and ornamental trees shall be provided throughout the core fair grounds to provide shade and enhance the aesthetics of the core fairgrounds.

(10) Manure Disposal

A manure storage, handling and disposal plan shall be prepared and submitted to the USDA Natural Resources Conservation Service for review and approval. Evidence of this approval shall be provided to the Township.

(11) Signs

Signs shall be as permitted and regulated by [Chapter 18](#) of this Zoning Ordinance except as follows:

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- i. One electronic reader board sign is permitted in accordance with the requirements of [Section 18.07 \(g\)](#) herein plus the following requirements:
  - (a) An electronic reader board sign shall not exceed a maximum illumination of two-tenths foot candles over ambient light levels measured at a distance of 150 feet from the face of the sign.
  - (b) An electronic message board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
  - (c) An electronic reader board sign shall not have a white background, in order to reduce glare.
  - (d) Prior to the issuance of a sign permit for an electronic message board the applicant shall provide to the Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section.
- ii. Signs which are not visible from offsite and building identification signs are exempt from the requirements of [Chapter 18](#).

### (12) Camping

- i. Camping on the fairgrounds site shall be subject to the requirements of [Section 22.03\(n\)](#) except as may be modified by the Planning Commission.
- ii. The applicant shall provide evidence to the Township that the campground has received the necessary permits from the Michigan Department of Environmental Quality.

### d) **Additional Regulations**

- (1) In its approval of a Special Land Use permit the Planning Commission shall specify the uses which are being permitted and any conditions attached to the uses. Uses or principal buildings which the applicant wishes to add following this approval shall require the approval of the Planning Commission. The Commission shall determine if such changes are major or minor changes in accordance with [Section 20.08](#) of this Ordinance.

## SEC 22.10 FILL OPERATIONS

*(Ord. 2020-02; Eff. 8-05-20)*

- a) The purpose of this Section is:
  - (1) To regulate filling and stockpiling activities and operations in order to avoid or mitigate negative impacts of changes to existing water drainage patterns and land topography.
  - (2) To monitor the amount and type of fill material brought into the Township or transferred between sites within the Township

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- (3) To prevent the creation of hazardous conditions, undue noise or nuisances from filling or stockpiling activities and operations.
  - (4) To prevent conflict with the installation of future underground public utilities.
  - (5) To facilitate the future development and uses of filled areas.
  - (6) To prevent conflict with area residential uses.
- b) This Section is not intended to apply to lawful land uses and businesses such as landscaping operations, nurseries, excavating, concrete crushing or other uses or businesses which temporarily and regularly stockpile fill material as defined herein, on the same property as the business for use in the business operation.
- c) The Section is not intended to apply to activities involving wetlands as regulated by P.A. 451 of 1994 as amended, the Michigan Natural Resources and Environmental Protection Act.
- d) **Definitions**

For purposes of this Section, the following definitions shall apply:

- (1) Acceptable Organic Materials: Wood chips, shredded or chopped bark, clean sawdust, or similar clean material.
- (2) Acceptable Earth Materials: Soil, topsoil, clay, sand, pebbles, gravel and rocks.
- (3) Fill Material: Acceptable organic material or earth material as defined herein which are free from any hazardous substances and petroleum products and which do not contain any cinders, ashes, cement, asphalt, metal, trash, sewage, refuse, soft or plastic clays, vegetable or plant matter or other similar organic matter such as food waste, trees, wood, branches, or stumps. Fill material shall be capable of being compacted.
- (4) Fill Activity or Fill Operation: Fill materials, as defined herein, being brought onto a property from an off-site location and being placed, dumped, stockpiled, stored, discarded or spread on that same property.
- (5) Person: Any natural person, corporation, firm, limited liability company, trust, association, business, partnership or any other entity.
- (6) Cut and Fill Operation: The movement of earth materials from one or more areas on a parcel to another area or areas on the same parcel.
- (7) Slope or Grade: The vertical change in the elevation of the land surface over a given horizontal distance. Often expressed as a ratio: vertical (rise) over horizontal (run) such as 1:2.
- (8) Reclamation Plan: A site plan which illustrates the final contours of a property upon completion of a fill operation.
- (9) Class A Fill Operation: A fill operation in which less than one acre of land is covered by fill material regardless of the depth of the fill material.

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- (10) Class B Fill Operation: A fill operation in which between and including one acre to 4.99 acres of land is covered by fill material regardless of the depth of the fill material.
- (11) Class C Fill Operation: A fill operation in which 5 acres or more of land is covered by fill material regardless of the depth of the fill material.

e) **General Fill Requirements**

- (1) Any fill operation (as defined herein) and any alteration, change, re-grading or movement of the existing grade or grades on a parcel pursuant to such fill activity shall not disrupt or alter the existing natural water drainage patterns on that parcel to the detriment of contiguous or nearby parcels, wetlands, or bodies of water.
- (2) Any fill operation (as defined herein) may be subject to a separate soil erosion and sedimentation control permit and/or a driveway permit issued by the Kent County Road Commission.
- (3) Fill operations are allowed in any zoning district subject to this Section 22.10.

f) The following fill operations are exempt from this Section except as otherwise indicated:

- (1) When the fill material is brought onto a property for which a Mineral Mining Special Use Permit has been issued and is regulated by the Lowell Charter Township Zoning Ordinance.
- (2) When the fill material is brought onto a site to complete a public improvement project being constructed on that site and which has been duly authorized by the appropriate public agency or agencies. For purposes of this Subsection, a public improvement project shall be defined as a project funded with federal, state, and/or local monies such as public roads, utilities, public parks, public buildings or similar public projects.
- (3) The construction of a driveway which involves a fill activity and for which a permit has been issued by the Kent County Road Commission.
- (4) Construction for any use which is subject to site plan review and approval by the Township in accordance with the requirements of this Ordinance and where the site plan approval expressly addresses the fill activities for the site.
- (5) Fill activity conducted in conjunction with bona fide farming operations in accordance with generally accepted agricultural management practices, including agricultural drainage work incidental to farming operations.
- (6) A cut and fill operation as defined herein. However, the final slopes of such operation shall not exceed 1:2. (one foot of vertical rise to two feet of horizontal run).

g) **Class A Fill Operations**

Class A fill operations are not subject to this Section except as provided as follows:

- (1) Final slopes of the fill material shall not exceed 1:2 (one foot of vertical rise to two feet of horizontal run).

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- (2) Proper water drainage shall be provided at all times to prevent the collection and stagnation of water. Surface water shall at all times be directed in such a manner so as not to interfere with the owner or use of adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed to be an interference.

**h) Class B Fill Operations**

- (1) A Class B fill operation is subject to review and approval by the Zoning Administrator according to the following procedures and requirements.
- (2) In order for a Class B fill operation to be exempt from Planning Commission review per Subsection h) herein, such fill operation must be complete in and of itself; it shall not constitute only a part, portion or phase of some other larger, different, or recurring fill operation, plan or activity on that same parcel. An applicant or property owner shall not repeat or combine successive fill operations of between and including one acre to 4.99 acres on the same parcel for the purpose of placing a larger total quantity of fill material on that same parcel.
- (3) An application for a Class B fill operation permit shall be filed with the Zoning Administrator. The application shall include a fee and escrow amount as determined by resolution of the Township Board. The application shall include a site plan drawn to scale containing the following information:
  - i. North arrow.
  - ii. The dimensions of the lot and acreage.
  - iii. The dimensions of the area to be filled and areas of stockpiled fill material.
  - iv. The location of all roads bordering or on the property.
  - v. The location of any power and gas lines on the property.
  - vi. The location of any easements on the property.
  - vii. Existing drainage patterns on the site and how these will be maintained
  - viii. A recent aerial photograph, or other accurate drawing or plan, showing land uses and natural features within 500 feet of the parcel proposed for filling including the distance to dwellings on nearby parcels
  - ix. Zoning and property lines on adjacent parcels or lots.
  - x. Proposed fencing, screening and landscaping.
  - xi. The outline of buildings, structures, or other improvements on the land.
  - xii. Proposed ingress and egress to the property.

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- xiii. A reclamation plan which shows that the property can be used for its intended end purpose as recommended in the Township Master Plan. All site restoration must comply with the Kent County Soil Erosion and Sedimentation Permit.
  - xiv. The site plan shall also comply with [Sections 21.04](#) and [21.05](#) of this Ordinance if required by the Zoning Administrator.
- (4) The site plan shall be reviewed by the Zoning Administrator who may consult with the Township Engineer. The Zoning Administrator may also conduct an inspection of the property to determine the accuracy of the site plan and to assess the impact of the proposed fill operation on nearby properties and residents. Based on the inspection, the Zoning Administrator may require changes to the site plan and impose conditions in order to ensure that the impact of the fill operation is minimized.
  - (5) The Zoning Administrator shall review the information required for the application and other applicable information in accordance with the standards for approval contained herein.
  - (6) If, in the opinion of the Zoning Administrator, the proposed fill operation is in compliance with the requirements of this Ordinance and is also in accordance with the standards for approval contained herein, a fill permit shall be issued by the Zoning Administrator to the applicant.
  - (7) If the proposed operation does not meet the requirements of this Ordinance, the Zoning Administrator shall so notify the applicant in writing stating the reasons for denial of the fill permit.
  - (8) A fill permit which is denied by the Zoning Administrator may be appealed by the applicant to the Planning Commission. An appeal shall be in writing and shall be filed with the Township within 21 days of the Zoning Administrator's denial. The Planning Commission shall base its decision on appeal on the same information and standards as reviewed by the Zoning Administrator.
- i) **Class C Fill Operations**
- (1) A Class C fill operation is subject to review and approval by the Planning Commission as a special land use. The standards of [Section 20.03](#) of this Ordinance (as well as the standards contained in this Section) must be met before a special land use can be approved.
  - (2) In those instances where there will be only one operator of the filling operation, the application for a special land use may be made by the operator on behalf of the landowner (with the landowner co-signing the application form) or by the landowner. When more than one operator will be filling in connection with a project, then the application for a special land use shall be made by the landowner.
  - (3) An application for a Class C fill operation special land use shall be filed with the Township. The application shall include a fee and escrow amount as determined by resolution of the Township Board and the following information.

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- i. Name of the owner(s) of the land upon which fill operations will take place.
- ii. Name and address of the applicant(s).
- iii. Name and address of the person, firm or corporation who will be conducting the actual removal and/or fill operation.
- iv. Location, size, and legal description of the area to be filled including the permanent parcel number of the property where the fill activity will take place.
- v. The nature of the proposed fill project, the type of fill material to be brought onto the site, an estimate of the number of cubic yards of materials involved, and the depth and composition of proposed fill materials.
- vi. A statement of the way the project work is to be completed and the type of equipment to be used on site.
- vii. Estimated number of truckloads per day (i.e. a truck going in and coming out is one truckload trips).
- viii. The proposed route within Lowell Charter Township which the applicant proposes to use over the public streets and over private property in transporting the fill materials.
- ix. The proposed hours and days of operation.
- x. The time within which the project is to be commenced after the granting of the license and the time when it is to be completed.
- xi. The measures that will be taken by the applicant to control noise, vibration, dust and traffic, and the measures that will be provided during the project to prevent soil, dust, or other materials from being deposited on adjoining lands, public or private streets or in waterways through erosion by wind or water.
- xii. Any measures which the applicant proposes to take to ensure public safety, especially the prevention of trespass by children or recreational vehicles on land where filling or stockpiling activities may create hazardous situations.
- xiii. A description of the proposed use of the land following completion of all fill activities.
- xiv. Proof of liability insurance with at least one million dollars of coverage.
- xv. If a soil erosion and sedimentation permit and/ or a driveway permit is required by the Kent County Road Commission, a copy shall be provided to the Township.
- xvi. If a permit is required from the Michigan Department of Environment, Great Lakes and Energy, a copy of that permit shall be provided to the Township.
- xvii. A site plan as provided below.

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### (4) Site Plan

The applicant shall submit to the Township nine paper sets of a site plan and a digital version drawn at a scale not exceeding 1" = 100' if the site is less than 50 acres and 1" = 200' if the site is 50 acres or more. The site plan shall be drawn and sealed by a registered or certified civil engineer, surveyor or landscape architect.

The site plan shall also contain all of the following additional information unless waived or modified by the Planning Commission:

- i. The information required by [Sections 21.04](#) and [21.05](#) of this Ordinance.
- ii. Proposed fill depth contour elevations at two feet intervals on the site and 100 feet beyond the boundaries of the site.
- iii. A reclamation plan with final contours at two feet elevations minimum which shows that the property can be used for its intended end purpose as recommended in the Township Master Plan. All site restoration must comply with the Kent County Soil Erosion and Sedimentation Permit.
- iv. Such additional information as the Planning Commission may reasonably require to assist in reviewing the application.

### (5) Time limits.

- i. A special land use approval granted by the Planning Commission hereunder or a fill permit approved by the Zoning Administrator shall be valid for a period of one to three years as may be approved by the Planning Commission or Zoning Administrator. The time period of the approval or permit shall begin on the date of the special land use approval by the Planning Commission or the date of the permit as approved by the Zoning Administrator. Reclamation shall be completed within one year of completion of the fill operation unless the Planning Commission or Zoning Administrator requires that the reclamation be completed within a shorter period of time.
- ii. The Planning Commission or Zoning Administrator may also allow the fill activity to extend beyond the original approval time period upon evidence from the owner or operator that additional time is reasonably needed to complete the fill activity and reclamation plan due to circumstances beyond the applicant's control. Such time extension shall not exceed 30 days beyond the original approved period or a time extension which is mutually acceptable to the Planning Commission or Zoning Administrator. In considering the extended time period, the Planning Commission or Zoning Administrator shall consider whether the time extension will negatively impact adjacent properties.

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**j) Conditions of Approval**

- (1) Upon the approval of a special land use for a fill operation or a fill permit, the Planning Commission or Zoning Administrator may impose as conditions of the approval any reasonable restrictions or requirements related to the location, design, activities or operation of a fill operation to lessen the impact of the fill operation on nearby or adjoining properties and occupants and to ensure that the fill operation will not create a nuisance or unreasonably interfere with the enjoyment of life or property. Such conditions may be in addition to the express requirements of this Ordinance.
- (2) For a Class C fill special land use approval, the Planning Commission may require the posting of monetary security with the Township pursuant to an approved fill operation. Such monetary security shall be in the form of a surety bond, cash or irrevocable letter of credit, of the type, amount and details as required and approved by the Township. Such monetary security may be used by the Township to ensure that the applicant and land owner fully comply with all of the requirements of this Ordinance and also the special land use approval, including, but not limited to, fulfilling all reclamation requirements in a timely fashion.
- (3) In addition to other conditions, the Planning Commission may set a reasonable time limit for when all fill activity and related operations must be fully completed on a property and when reclamation must be commenced and fully completed.
- (4) For a Class C fill special land use which is approved for longer than one year, the applicant shall be subject to an annual review of the operation by the Planning Commission. Such review shall take place annually at a regular Planning Commission meeting on or about the anniversary date of the initial approval of the special land use by the Planning Commission. The applicant or their representative (with full authority) shall attend this meeting.

**k) Standards for a Fill Operation Approval**

The following standards shall serve as the basis for decisions involving fill operations as required by this Section 22.10. The Planning Commission or Zoning Administrator shall not approve a fill operation unless it or he/she finds all of the following:

- (1) That the proposed fill activity and reclaimed area shall not interfere with existing drainage patterns so as to cause a negative impact on adjacent or nearby properties.
- (2) That the proposed fill activity and reclaimed area will not have a negative impact on existing on-site or nearby natural features such as wetlands, streams, ponds or other bodies of water.
- (3) That the operation shall not result in hazardous traffic situations from vehicles entering or leaving the site.
- (4) That the proposed method of fill will result in the filled area being readied and suitable for building placement or other site improvements without the need for excessive or expensive measures such as removing the fill to permit site development.

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- (5) That the proposed operation and reclamation will be carried out in a manner which will not be detrimental to nearby persons or property by reason of excessive production of traffic, noise, dust, fumes or odors.
- (6) That the fill material is not hazardous, toxic or otherwise a threat to the public health, safety, and general welfare, and complies with the type of fill allowed by this Ordinance.
- (7) That the restored elevation of the land and reclaimed area will be compatible with elevations on adjacent properties.
- (8) Where a special land use is involved, the standards of [Section 20.03](#) of this Ordinance must also be met.

1) **Fill Operation Requirements**

Every person to whom a Class B and Class C fill operation approval is granted shall comply with all of the following:

- (1) Topsoil and Stockpiles: The topsoil for the area to be filled may first be removed before any fill is brought to the site. Any such removed topsoil shall be kept on site and used for site restoration in accordance with the approved reclamation plan. Stockpiles of topsoil and fill materials shall be no higher than 30 feet.
- (2) Hours of Operation: The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday, and on Saturday from 8:00 a.m. to 1:00 p.m. No operations or activities shall occur on Sundays or legal holidays. On weekdays, only the leveling of fill materials on site may continue until 7:00 p.m., but no dumping of fill materials or truck trips into or out of the site shall occur past 5:00 p.m. No fill related activity of any kind shall occur outside of these allowed hours of operation.
- (3) Noise. All operations and equipment and vehicles used to conduct the fill activity shall comply with the Township Noise Ordinance.
- (4) Road Access: Drives All sites approved under this Ordinance shall have direct frontage on a county public road having a minimum right-of-way width of 66 feet. When the operation of an approved fill activity results in fill material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove all such material immediately.
- (5) Barrier: A driveway barrier shall be provided at the entrance to a Class C fill operation site to prevent access by un-authorized vehicles. The barrier is subject to approval by the Planning Commission or Zoning Administrator.
- (6) Dust Control: For a Class C fill operation, the Planning Commission may require the applicant to provide dust control measures on internal roads to minimize any dust arising from the use of such roads. Such measures shall be accomplished through the application of chloride, water and/or similar dust retardant material. Application of oil or hazardous materials shall be prohibited.

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- (7) Drainage: Proper water drainage shall be provided at all times to prevent the collection and stagnation of water. Surface water shall at all times be directed in such a manner so as not to interfere with the owner or use of adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed to be an interference.
  - (8) Setbacks: The Planning Commission or Zoning Administrator shall determine the appropriate setback distance from all lot lines for fill and stockpiling operations based on the intent and purpose of this Ordinance and the land uses on adjacent parcels.
  - (9) Reclamation of Site Final Slope / Grades: The restored elevation of the land shall be compatible with the surrounding area (both on site and for adjoining parcels) and the land shall be left in a condition suitable for subsequent development for uses allowed in the zoning district in which the land is zoned by this Ordinance. In no case shall the final grade on any portion of the site exceed 1:2 (one foot of vertical rise to two feet of horizontal run) and all areas shall be reclaimed with at least 4 inches of topsoil and vegetation in the manner set forth in this Ordinance.
  - (10) Phasing of Reclamation: Fill material which is deposited or stockpiled on site shall not cover an area greater than one acre at a time as measured on the outside boundaries of the area covered. Once this limit is reached, the fill material shall be spread in conformance with the reclamation plan and stabilized with ground cover by the applicant to prevent erosion by wind and water.
- m) **Termination, Reclamation and Time Limits**
- (1) Upon the termination of a fill operation, the owner of the property shall be responsible at his/her/its cost to fully reclaim the site in accordance with the Township-approved reclamation plan, the fill approval, and this Ordinance. Reclamation shall occur in full compliance with the special land use or fill permit and also the reclamation plan as approved by the Township.
  - (2) If the owner or operator fails to fully or timely reclaim the site, the Township, through the provisions of this Ordinance or through the legal proceedings, may come upon the site and reclaim the land in accordance with the reclamation plan provided under this Ordinance and approved by the Planning Commission or Zoning Administrator. The owner of the land shall reimburse the Township for all costs and expenses incurred by the Township in reclaiming the property.
  - (3) If a special land use approval or filling permit does not include an express time limit for completion of the fill operation and reclamation, all fill operations and reclamation shall be fully completed within one year of the date of the special land use approval or the date of the fill permit.

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n) **Inspections**

- (1) The Township Engineer (or such other expert as is designated by the Township Board) shall have the right to inspect any fill activity site to ensure compliance with this Ordinance and the approval of the fill operation. At least 24 hours prior to such inspection, the Township official conducting the inspection shall notify the property owner of the time and date of the inspection. The inspection shall be conducted on weekdays during normal business hours. No more than one inspection per month shall be conducted unless additional inspections are authorized by the Township Board based on public safety concerns.

Such expert shall file a report with the Planning Commission and Zoning Administrator regarding the same. The operator of the fill operation (or the landowner if the operator defaults) shall be responsible for the costs of the Township inspections.

- (2) Additionally, the Zoning Administrator shall also have the right to inspect any fill operation at any time to ensure compliance with this Ordinance and the fill operation approval.

o) **Lawful nonconforming uses**

If a fill operation or activity lawfully exists as a lawful nonconforming use as of the effective date of the amendment to this Ordinance which created this Section 22.10, such fill operation or activity shall lose its lawful nonconforming status (and such status shall be deemed to be abandoned) if the fill operation or activity and reclamation are not fully complete within one (1) year of the date on which this Section 22.10 became effective. Furthermore, any fill operation or activity that increases in size or area by more than 50% after this Section 22.10 becomes effective shall be deemed to have lost its lawful nonconforming status (and the same shall be deemed abandoned). In either such situation (whichever occurs first), such fill operation and activity must thereafter fully comply with this Section 22.10.

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**CHAPTER 23**

**OFF STREET PARKING REQUIREMENTS**

**SEC 23.01 PURPOSE**

*(2, Aug 2006)*

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

**SEC 23.02 SCOPE**

- a) At the time any building or structure is erected, enlarged, or increased in capacity, or when any use is established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.

**SEC 23.03 LOCATION OF PARKING AREAS**

- a) For all residential uses, and non-residential uses in residential districts, the number of parking spaces required by this Chapter shall be located on the same lot or parcel as the dwelling units served.
- b) For all other uses, the number of parking spaces required by this Chapter shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.
- c) Parking areas must be located in the same zoning district as the property it serves.

**SEC 23.04 GENERAL REQUIREMENTS**

- a) **Definitions** - For purposes of determining off street parking requirements the following definitions shall apply:
  - (1) Gross Floor Area - The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a restaurant.

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- (2) Usable Floor Area - That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors.
- (3) Parking Area - For purpose of this chapter, parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.

**b) Units of Measurement**

- (1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

**c) Shared Parking and Mixed Occupancy**

- (1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
- (2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.

**d) Parking Requirements for Uses Not Listed**

The minimum parking space requirements for all uses shall be as listed in [Section 23.07](#). For uses not specifically listed in [Section 23.07](#), the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in [Section 23.07](#). The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

**e) Maximum Amount of Parking.**

In order to minimize excess areas of pavement which result in adverse aesthetic impacts and contribute to high rates of storm-water runoff, off-street parking lots exceeding the minimum parking space requirements by greater than 20 percent shall be prohibited, unless the applicant can demonstrate that additional parking is necessary to the operation of the proposed use.

Factors to be considered in such demonstration shall include but need not be limited to the type of

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use proposed, examples of similar uses requiring such additional parking and whether such additional parking is for seasonal or peak periods only.

f) **Conformance to Parking Plan.**

Once a parking area has been approved as part of an approved site plan the owners, operators, or tenants shall conform at all times to the requirements of the approved plan including maintaining the parking lot in good working order and appearance.

g) **Existing Parking Lots.**

Parking areas which are in existence as of the date of adoption of this chapter shall be considered legal non-conforming uses if lawfully approved under the previous regulations. Any expansion of such existing parking areas shall conform to the requirements of this Chapter.

h) **Permit Required**

A zoning permit must be obtained from the Zoning Administrator before an off street parking area is enlarged or re-constructed. The applicant shall provide a site plan to the Zoning Administrator who shall review it for compliance with the site plan requirements of this Ordinance. The Zoning administrator may refer the site plan to the Planning Commission for review and approval. Parking lots which are only being repaved or which were part of a site plan already approved by the Planning Commission are exempt from this requirement.

i) **Landscaping**

Landscaping for off street parking lots shall be provided as required by [Section 4.26](#) herein.

### SEC 23.05 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS

The following regulations shall apply to all uses except one and two family dwellings and farm uses.

a) **Parking Lot Surface and Drainage**

All drives, driveways, and parking spaces shall be surfaced with asphalt or concrete pavement. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties. However, the Planning Commission may approve alternate parking lot surfaces which are dustless and which allow for stormwater drainage directly through the parking surface or other similar surface.

In order to reduce the amount of impervious surface and the corresponding storm water runoff and reduce heat given off by paved surfaces, the Planning Commission may approve alternate parking lot surfaces for overflow parking, or employee parking, or parking or maneuvering areas devoted to loading activities or parking for trucks or similar heavy equipment. Such surface may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces or similar dustless material.

b) **Lighting**

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Lighting fixtures used to illuminate off-street parking areas shall comply with the requirements of [Section 4.28](#) of this Zoning Ordinance being Outdoor Lighting Requirements and Restrictions.

c) **Parking Lot Setback**

All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may approve a setback of less than 15 feet if the minimum number of parking spaces required by the Zoning Ordinance for the proposed use is no more than 10 or if the applicant can demonstrate that there is insufficient space on site to provide the 15 feet setback and still allow for the efficient operation of the proposed use. In approving a lesser setback, the Commission may require additional landscaping.

The Planning Commission may also permit parking aisles or vehicle maneuvering areas to encroach within the required parking setback and may require additional screening or landscaping.

d) **Traffic Islands**

Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement or other methods to achieve this.

e) **Pedestrian Protection**

Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.

f) **Screening of Parking Area**

Where off-street parking areas for non-residential uses abut residentially zoned property, a greenbelt not less than 15 feet wide shall be provided between the parking area and the residentially zoned property. The greenbelt shall be landscaped according to the landscape requirements of [Section 4.26](#) of this Ordinance.

g) **Driveways**

Driveways serving off-street non-residential parking areas shall be at least 20 feet from any residentially zoned property or a residential use such as a single family dwelling. Such driveways shall be a minimum of 24 feet wide for two way traffic and a minimum of 13 feet wide for one way traffic.

h) **Snow Storage**

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Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.

**i) Side and Rear Location**

Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.

**j) Uses Not Permitted**

Off-street parking areas shall not be used for repair, dismantling or servicing of motor vehicles.

**k)** All off street parking areas that make it necessary for vehicles to back out directly into a public street shall be prohibited except that this prohibition shall not apply to one and two family dwellings.

**SEC 23.06 SIZE OF PARKING SPACE AND AISLE**

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 23-1 below.

**TABLE 23  
MINIMUM STANDARDS FOR SIZE OR PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width (3 Oct, 2018)	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	9 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9 feet	18 feet	48 feet	60 feet

**SEC 23.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

**a) Residential**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Single family, two family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
Multiple family and attached dwellings with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
Efficiencies	One for each dwelling unit.
Mobile Home Parks	Two for each mobile home or mobile home site.

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Senior housing or retirement communities.	One for each dwelling unit plus one per employee
Assisted living and congregate care facilities.	One for each three dwelling units plus one per employee
Bed and breakfast, boarding houses.	One for each guest room plus two for the dwelling unit.

**b) Institutional/Public Assembly**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Churches, temples, mosques, synagogues, or similar types of facilities.	One space per each four seats in the worship room.
Hospitals.	One for each four beds plus one for each staff doctor, plus one for each two employees other than doctors.
Outpatient care stations.	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
Child Care Centers.	One space for every four children of licensed capacity, plus one space for each employee.
Elementary, junior high, middle schools.	Two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity or .12 spaces per student which ever is greater
High schools, trade schools	0.25 spaces per student
Private club and lodges.	One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
Auditoriums (non-school), stadiums, and sports arenas.	One space per each three seats.
Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private.	One space per each four persons allowed within the banquet maximum occupancy load as determined by the Township building or fire codes.
Libraries, museums, and non-commercial art galleries.	One parking space per 400 square feet of gross floor area.

**c) Offices**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
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Medical/dental clinics or offices.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
General office buildings.	Three spaces per 1000 square feet of gross floor area. A minimum of four spaces shall be required.
Banks, credit unions, or savings and loans.	Four spaces per 1,000 square feet of gross floor area, plus four on-site waiting spaces for each drive up window or drive through automatic teller.

d) **Retail and Service Uses**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.	Four spaces per 1,000 square feet of usable floor area.
Retail centers containing between 400,000 and 600,000 square feet.	Four and one-half spaces per 1,000 square feet of usable floor area.
Retail centers containing greater than 600,000 square feet.	Five spaces per 1,000 square feet of usable floor area.
Other retail uses not otherwise specified herein.	One space per 200 square feet of usable floor area plus one per employee.
Supermarkets and grocery stores.	One space per 200 square feet of usable floor area.
Personal service establishments not otherwise provided herein.	One space per each 300 square feet of usable floor area plus one per employee.
Appliance stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
Automobile service stations.	Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.
Vehicle wash establishments (automatic).	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.
Vehicle wash establishments (self-service or “touchless” facilities).	One parking space per each employee, plus two on-site waiting spaces at each wash-bay entrance.
Barber shops, beauty salons.	Two for each barber or beauty operator chair/station plus one for every two employees.
Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area.	Two spaces per 1000 square feet of gross floor area plus one for each employee.
Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area.	Three spaces per 1,000 square feet of gross floor area plus one for each employee.

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<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Convenience stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
Dry cleaners.	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
Funeral homes and mortuaries.	One space per 50 square feet of parlor and chapel areas.
Furniture, carpet, and home furnishing stores.	One space per 800 square feet of usable floor area.
Hotel, motel, or other commercial lodging establishment.	One space for each guest room, plus one for each two employees.
Laundromats.	One space per each three washing machines.
Mini-storage houses/warehouses.	Six spaces.
Motor vehicle dealerships.	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.
Quick oil change establishments.	Two spaces per bay plus one per each employee.
Recreational vehicle and boat dealerships.	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
Restaurants that serve non-fast food and have no drive-through window.	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
Restaurants that serve mostly take out, with six or less booths or tables.	Six spaces plus one for each employee.
Restaurants that serve fast food and have no drive through window.	Eight spaces per 1,000 square feet of gross floor area.
Restaurants that serve fast food and have a drive through window and indoor seating.	Ten spaces per 1,000 square feet of gross floor area, plus three designated drive through waiting spaces.
Pharmacies with or without a drive-up window	Two and one half spaces per 1000 square feet of gross floor area.
Video rental stores.	Three spaces per each 100 square feet of gross floor area plus one per each employee.

e) **Recreational Entertainment**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Arcades.	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.

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<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Batting cage facilities.	Three spaces per cage.
Bowling centers.	Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
Golf driving ranges.	One and one-half spaces per tee.
Golf courses, miniature.	One and one-half spaces per each hole.
Golf courses, par-three.	Three spaces per hole.
Golf courses.	Five spaces per hole.
Health fitness centers.	Five spaces per 1,000 square feet of gross floor area.
Movie theaters.	One space per each four seats.
Racquetball and tennis centers.	Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
Public recreation centers.	Five spaces per 1,000 square feet of gross floor area.
Roller/ice skating rink.	Six spaces per 1,000 square feet of gross floor area.

**f) Industrial Uses**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
Manufacturing, light industrial, and research establishments and other industrial uses not otherwise specified herein.	One and one-half parking space per 1,000 square feet of gross floor area.
Wholesale, warehouses, or distribution facilities, and trucking terminals.	One half parking space per each 1,000 square feet of gross floor area or one per employee whichever is greater.

**g) Deferred Parking Construction**

In order to avoid excessive amounts of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:

- (1) The nature, size, density, location or design of the proposed development, including the design of the circulation and parking plan;
- (2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking

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space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development;

- (3) Characteristics of the development which will affect the parking needs, including factors such as non-conflicting peak hours of operation and the sharing of spaces by different uses; and
- (4) Any other factors reasonably related to the need for parking for the proposed development

**SEC 23.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS**

a) Barrier free parking shall be provided as follows:

<b>Total Parking in Lot</b>	<b>Minimum Number of Accessible Spaces Required</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof

b) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

**SEC 23.09 OFF-STREET LOADING REQUIREMENTS**

- a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- b) Required loading spaces shall not be included in the count of off-street parking spaces.
- c) Loading spaces shall not use any portion of any public right-of-way.
- d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public right-of-way.
- e) Loading spaces shall be a minimum of 200 feet from the front lot line as measured to the loading dock. This shall apply to both front yards on each street side of a corner lot.

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- f) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
- g) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

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**CHAPTER 24**

**ZONING BOARD OF APPEALS**

**SEC 24.01 BOARD OF APPEALS**

A Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of the State of Michigan for 2006, as amended, to carry out the responsibilities provided therefrom, and those delegated herein.

**SEC 24.02 MEMBERSHIP**

Membership to the Board of Appeals shall consist of not less than 3, nor more than 5 members. The first member of the Board of Appeals shall be a member of the Planning Commission. The second member shall be a member of the Township Board and appointed by the Township Board. The third, fourth, and fifth members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. The third, fourth, or fifth member, or any employee of the Board of Appeals, may not serve while simultaneously serving as an elected official or employee of the Township Board.

The Township Board may appoint two alternate members to the Board of Appeals. A member of the Township Board may serve as an alternate member of the Zoning Board of Appeals. Each alternate member shall be appointed for a term of three years except that upon the appointment of the first such alternate member, one such alternate member shall be appointed to a term of two years.

Thereafter all alternate members shall be appointed to a term of three years. The chairman of the Board of Appeals or in the absence of the chairman, then the vice chairman or the secretary of the Zoning Board of Appeals may call either of the alternate members to serve as a regular member whenever a regular member is absent from or will be unable to attend one or more meetings of the Board of Appeals or a regular member has abstained for reason of a conflict of interest. (4 Mar, 2009)

- a) Except for the member who is a member of the Township Board, any of the remaining 2 or 4 members may serve as Chairman of the Board of Appeals.
- b) The Term of Office shall be for 3 years, except that the first members appointed to the Board of Appeals shall stagger their terms of office with some serving 1 year, some serving 2 years and some serving 3 years, respectively.
- c) Removal of any member shall be made by the Township Board for nonperformance of duty or misconduct in office.

**SEC 24.03 POWER AND DUTIES**

The Zoning Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance which are more particularly specified as follows: (8 Mar, 06)

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- a) The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination of an official of the Township and to that end shall have all the powers of the official from whom the appeal is taken.
- b) **Interpretation** - Upon appeal from a decision of an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any zoning boundary if there is uncertainty with respect thereto;
- c) **Variances** - The Zoning Board of Appeals shall be empowered to issue variances under conditions set forth in this Ordinance;
- d) **Imposition of Conditions** - The Zoning Board of Appeals may impose conditions with an affirmative decision. Conditions may include those necessary to: ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity; protect the natural environment and conserve natural resources and energy,; ensure compatibility with adjacent uses of land; and promote the use of land in a socially and economically desirable manner consistent with the purposes of this Ordinance;
- e) **PUD's & Special Land Uses** - The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect or part of an application for approval for a special land use or planned unit development, and shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
- f) **Use Variance** - The Zoning Board of Appeals shall not grant a use variance. For purposes of this Section a use variance is defined as allowing a use in any District in which such use is otherwise not permitted by this Ordinance.
- g) **Effect of Appeals Proceedings** - An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause immediate peril of life or property.

**SEC 24.04 PROCEDURES**

*(8 Mar, 06)*

- a) **Meetings** - Meetings of the Zoning Board of Appeals shall be public and shall be held at the call of the Chair and at such other time as the Zoning Board of Appeals may determine for the efficient conduct of its business.
- b) **Public Hearings** - Upon appeal, the Zoning Board of Appeals shall hold a public hearing on all matters referred to it, or upon which it is required to act. Notice of the hearing shall be as required by [Section 25.04](#) herein. (4 Oct, 2006)

For a request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation

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within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. (4 Mar, 2009)

- c) The presence of three members shall constitute a quorum. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the terms of this Ordinance. A member shall disqualify themselves from a vote in which there is a conflict of interest.
- d) A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property. (4 Mar, 2009)
- e) The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each matter voted upon.

**SEC 24.05 TIME LIMITATIONS**

Any variance granted by the Zoning Board of Appeals shall become void if the construction, occupancy or other actions authorized by such variance have not commenced within one year from the date when the variance was granted. The Zoning Board of Appeals, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Township Clerk before the variance period expires and the Zoning Board of Appeals finds that an extension is warranted due to circumstances beyond the control of the applicant. Such request shall be considered at a public meeting of the Board of Appeals but a public hearing shall not be required. (8 Mar, 06)

**SEC 24.06 FINAL ACTION ON APPEALS**

The decision of the Zoning Board of Appeals shall be final. However, any person having an interest affected by any such decision may appeal to the circuit court to the extent and in the manner permitted by law. (8 Mar, 2006)

Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the

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decision. The records of the Zoning Board of Appeals shall be made available for the court's review. (4 Mar, 2009)

**SEC 24.07 VARIANCES**

*(8 Mar, 2006)*

Where an applicant can present proof of a practical difficulty in the way of carrying out the strict letter of the Ordinance, the Zoning Board of Appeals shall have the power, in passing on appeals, to vary or modify any of its rules, regulations, or provisions, by granting a variance. In determining whether a practical difficulty sufficient to warrant relief exists, the Zoning Board of Appeals shall review the following standards:

- a) Whether strict compliance with the requirements for area, set backs, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such requirements unnecessarily burdensome;
- b) Whether granting the variance requested or a lesser variance where feasible would do substantial justice to the applicant as well as to other property owners in the district without altering the essential character of the neighborhood
- c) Whether the plight of the landowner is due to the unique circumstances of the property;
- d) Whether the problem is self-created.

The Zoning Board of Appeals, in passing upon appeals, shall insure that the spirit of this Ordinance is observed, public safety is secured, and substantial justice done.

**SEC 24.08 VARIANCES IN FLOOD HAZARD AREAS**

However, in granting variances for the Flood Hazard area, the Zoning Board of Appeals shall also consider the following:

- a) Increases in flood levels and flood damages that may be occasioned by the proposed use at the site and upstream and downstream from the site, water quality consequences, and other factors relevant within the terms of the Ordinance;
- b) Cumulative effect upon the flood hazard area from potential development of holdings (in a legal position similar to the applicants) should variances be requested and granted for these properties;
- c) Danger of damage by erosion that may be created by the proposed use;
- d) Reasonable alternatives available to the applicant
- e) All other factors relevant to the purposes and provisions of this ordinance.

**CHAPTER 25**

**ADMINISTRATION**

**SEC 25.01 ENFORCEMENT BY ZONING ADMINISTRATOR**

This ordinance shall be administered by the Zoning Administrator. (1 Oct, 2008)

**SEC 25.02 DUTIES OF THE ZONING ADMINISTRATOR**

*(1 Oct, 2008)*

It shall be the duty of the Zoning Administrator or his or her agent to enforce the provisions of this Ordinance and of all rules, procedures, conditions and requirements adopted or specified pursuant thereto.

**SEC 25.03 APPLICATION PROCEDURES FOR BUILDING PERMITS**

- a) Prior to construction or physical development of any proposed new use or structure, or the restoration and structural improvement (other than minor repairs) of any existing use or structure, an application for a required building permit must be made to the Building Official on forms supplied by the Township.
- b) **Contents of Application** - Among the data to be supplied by the applicant and which shall constitute the application package, the following shall be included:
  - (1) Name and address of applicant;
  - (2) Location of proposed building or improvement;
  - (3) Description of proposed building (dwelling, structure, barn, garage, etc.) or improvement including three sets of blueprints or accurate drawings for the proposed building or structure; (1 Oct, 2008)
  - (4) Proof of Kent County Health Department well and septic approval, where required; (1 Oct, 2008)
  - (5) Proof of Kent County Drain Commission approval, where required;
  - (6) Proof of Kent County Road Commission driveway approval, where required; and
  - (7) A site plan illustrating the parcel or lot, the proposed building or structure and its distance to lot lines, where required; (1 Oct, 2008)
  - (8) Soil Erosion Permit, where required. (1 Oct, 2008)
- c) A fee as set by the Township Board and listed in the Schedule of Fees shall accompany any plans or application in order to defray the cost of administration and inspection.

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**SEC 25.04 PUBLIC NOTIFICATION**

*(1 Oct, 2008)*

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification. (Oct 4, 2006)

- a) **Responsibility for Public Notice:** The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Lowell Township and mailed or delivered as provided in this Section.
- b) **Notice Requirements:** Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
  - (1) Newspaper Notice: The notice shall be published in a newspaper that circulates in Lowell Charter Township.
  - (2) Mail and Personal Notice: The notice shall be sent by first class mail or personal delivery to:
    - i. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - ii. Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Lowell Charter Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing. (02-2009)(4 Mar, 2009)
    - iii. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to [Section 25.03\(c\)](#), Registration to Receive Notice by Mail.
  - (3) Record of Mailing: The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing
  - (4) Content of Notice: The public notice shall:



- i. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - iii. Indicate the date, time and place of the public hearing(s).
  - iv. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
- c) **Registration to Receive Notice by Mail:** Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to [Section 25.03](#).

#### **SEC 25.05 CERTIFICATE OF OCCUPANCY**

No dwelling or building or mobile home, subject to the provisions of this ordinance, shall be occupied or used until the Building Official has issued a Certificate of Occupancy to the owner or applicant who made application for the building permit.

- a) At least ten (10) days prior to being ready for use or occupancy, the owner or applicant shall notify the Building Official who shall, within five (5) days, assure himself that the building and site requirements are in proper conformity and, if so, issue a Certificate of Occupancy. One copy shall be returned to the owner or applicant.
- b) If a certificate or application is disapproved for cause, the owner or applicant shall be so notified in writing.

#### **SEC 25.06 SCHEDULE OF FEES**

Upon the filing of an application for a Building Permit, special use permit, or variance, an administrative inspection fee shall accompany said application. The Township Board shall determine and set a schedule of fees to be charged. Fees shall be collected prior to processing of any permit, variance, appeals, etc.

In the event that an application for a permit is not approved, the applicant shall be entitled to a refund of 80% of the fee paid. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

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**SEC 25.07 PENALTIES**

*(1 Aug, 2007)*

- a) Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$2,500 for subsequent offenses, in the discretion of the District Court, and in addition to all of the costs, damages, and expenses, including reasonable attorneys’ fees, incurred by the Township by reason of the violation, as provided by law; provided, however, that a person who has been issued a municipal civil infraction violation notice, as compared to a citation, may appear at the Municipal Ordinance Violations Bureau to admit responsibility for the violation and pay the amount listed in the schedule of civil fines posted by the Bureau, as specified in the notice. The imposition or payment of any municipal civil infraction penalty shall not prevent the Township from seeking injunctive relief or other available relief against a violator as may be permitted by law, nor shall it prevent the Township from taking action against a violator for any subsequent offense. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation of this Ordinance for which the person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that a violation continues shall constitute a separate offense.
  
- b) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Board, Zoning Board of Appeals, Building Official or Ordinance Enforcement Officer issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
  
- c) The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance shall be paid to the Township immediately upon entry of the court order. If the civil fines, costs, assessments, damages and/or expenses are not paid to the Township within 30 days, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, assessment, damages and/or expenses with the Kent County Register of Deeds. The lien may be enforced and discharged by the Township in the manner prescribed by the General Property Tax Act.

**SEC 25.08 AMENDMENT PROCEDURE**

The Township Board may from time to time on its own motion, or on petition, or on the recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this Ordinance after public notice and hearing. Every such proposed amendment or change

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shall be enacted in conformance with the provisions of the Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, and shall follow the same procedures used for the enactment of this Ordinance. (4 Oct, 2006)

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CHAPTER 26

PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

THE CUMBERLAND RIDGE AND HIGHLANDS AT CUMBERLAND  
RIDGE ORDINANCE

CHARTER TOWNSHIP OF LOWELL  
COUNTY OF KENT, MICHIGAN  
ORDINANCE NO. 2020-01

At a regular meeting of the Township Board of the Charter Township of Lowell, Kent County, Michigan, held in the Township Hall, 2910 Alden Nash Avenue, within the Township, on the 18th day of May, 2020, at 7:00 p.m.

PRESENT: Members: Hale, Burt, Benedict, Anderson, Blough, Thompson

ABSENT: Members: Vanderziel

The following ordinance was offered by Member Anderson and supported by Member Benedict.

AN ORDINANCE to amend the Zoning Ordinance of the Charter Township of Lowell by amending Ordinance 01-2005, being the Cumberland Ridge Open Space Planned Unit Development (OS-PUD) Zoning District adopted by the Lowell Charter Township Board on February 22, 2005 to read in its entirety as follows:

**THE CHARTER TOWNSHIP OF LOWELL ORDAINS:**

**SECTION 1. Cumberland Ridge OS-PUD Zoning District.**

The following lands remain zoned as the Cumberland Ridge Open Space Planned Unit Development (OS-PUD) Zoning District having been rezoned from the R-1, Rural Low-Density Residential District by the Lowell Charter Township Board on February 22, 2005 by Ordinance 01-2005.

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That part of the Southeast quarter of the Northeast quarter of Section 5, Town 6 North, Range 9 West, described as commencing at the East quarter corner, described as: Beginning at the East one-quarter corner of said Section 5; thence North 89°58'22" West 833.03 feet; thence 00°44'50" West 300.00 feet; thence North 89°58'22" West 500.00 feet; thence North 00°44'40" West 993.45 feet along the East line of Eastgate Woods No. 3; thence South 89°57'07" East 918.70 feet along the North line of the Southeast one-quarter of the Northwest fractional one-quarter; thence South 15°54'15" East 345.06 feet along the centerline of Cumberland Drive; thence Southeasterly 320.56 feet along said centerline on a 100.00 foot radius curve to the left, the chord of which bears South 25°05'15" East 319.19 feet; thence South 34°16'15" East 215.55 feet along said centerline; thence Southeasterly 203.02 feet along said centerline on a 370.00 foot radius curve to the right, the long chord of which bears South 18°33'06" East 200.48 feet; thence South 02°49'58" East 334.48 feet along said centerline to the point of beginning, Lowell Township, Kent County Michigan,

**SECTION 2. Two Condominium Associations.**

The Cumberland Ridge OS-PUD Zoning District shall consist of two separate condominium associations: the existing Cumberland Ridge Condominium Association and the Highlands at Cumberland Ridge Condominium Association as described in Sections 3 and 4 of this ordinance. Each association shall consist of a mix of one- and two-family dwellings and permitted residential accessory uses to be conveyed and owned on a condominium basis in accordance with the Michigan Condominium Act.

**SECTION 3. Cumberland Ridge Condominium Association (CRCA).**

The Cumberland Ridge Condominium Association (CRCA), which is part of the overall Cumberland Ridge OS-PUD Zoning District described in Section 1 of this ordinance, shall consist of 18 existing residential buildings with each of these buildings containing two one-family attached dwelling units and one single-family detached dwelling unit, together comprising a total of 37 dwelling units which have been developed in accordance with the Final PUD site plan dated 01-25-2005 prepared by Holwerda Builders and referred to herein as the CRCA Plan. The CRCA shall continue to be governed by the CRCA Plan and the provisions of this Ordinance.

**SECTION 4. The Highlands at Cumberland Ridge Condominium Association (the Highlands).** The Highlands at Cumberland Ridge Condominium Association (the Highlands), which is part of the overall Cumberland Ridge OS-PUD Zoning District, described in Section 1 of this ordinance is legally described as:

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412005276001 PART OF SE 1/4 NE 1/4 COM 833.03 FT N 89D 58M 22S W ALONG E&W 1/4 LINE & 330.0 FT N 0D 44M 50S W ALONG E LINE OF W 500 FT OF SE 1/4 NE 1/4 FROM E 1/4 COR TH N 89D 58M 22S W 500.0 FT TO W LINE OF SE 1/4 SW 1/4 TH N 0D 44M 50S W ALONG SD W LINE 993.45 FT TO N LINE OF SE 1/4 NE 1/4 TH S 89D 57M 07S E ALONG SD N LINE 918.70 FT TO CL OF CUMBERLAND DR TH S 15D 54M 15S E ALONG SD CL 345.06 FT TH SELY 201.41 FT ALONG SD DR ON A 1000 FT RAD CURVE TO LT /LONG CHORD BEARS S 21D 40M 27S E 201.07 FT TH S 62D 33M 21S W 307.72 FT TH S 48D 27M 58S W 114.90 FT TH N 68D 48M 03S W 49.22 FT TH S 70D 29M 56S W 83.43 FT TH S 3D 31M 57S E 81.79 FT TH S 69D 39M 26S W 54.01 FT TH S 7D 47M 49SW 31.0 FT TH S 19D 41M 22S W 122.07T TO BEG \* SEC 5 T 6N R9W 19.47 A. SPLIT ON 08/02/2006 FROM 41-20-05-280-011

The Highlands shall consist of 26 residential buildings with each building containing two one-family attached dwellings and two single-family detached dwellings, together comprising a total of 54 dwelling units although the applicant may vary the mix of single- and two-family dwellings but the total number of dwellings in the Highlands shall not exceed 54.

The Highlands shall comply in all respects with the Final Development Plan for the Highlands and referred to herein as the Highlands Plan with a last revision date of March 30, 2020 prepared by Roosien and Associates except where the Plan has been changed, revised or modified by this Ordinance. In such cases, the provisions of this ordinance shall control.

**SECTION 5. *Meaning of Terms.*** The term “*applicant*” shall mean both the Cumberland Ridge Condominium Association and CRP-2 LLC or their assigns which is the applicant for the Highlands at Cumberland Ridge Condominium Association. The term “*the Development*” shall mean the area included in both the Cumberland Ridge Condominium Association and the area included in the Highlands at Cumberland Ridge Condominium Association unless otherwise noted. The term “*the Plans*” shall mean the Final Development Plan for both the Cumberland Ridge Condominium Association and the Highlands at Cumberland Ridge Condominium Association.

**SECTION 6. *Development Standards***

a) *Location:* Each two-family residential building and each single-family detached dwelling in the Development shall be constructed as shown on the CRCA Plan and the Highlands Plan. The lot area, lot width, and road frontage required for a residential condominium unit shall be as determined by the Planning Commission and as approved by the Township Board so that the actual location of each building can be situated to preserve natural topography as much as possible, to minimize the cutting and filling of land and the potential for soil erosion.

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b) Setbacks: Front yard: A minimum of 20 feet from the edge of the street pavement; Rear setback: 25 feet; Buildings shall be a minimum of 20 feet apart as measured between the closest walls of the buildings. Buildings in the Highlands shall be a minimum of 5 feet from the boundary line of the Cumberland Ridge Condominiums.

c) Building Height: Maximum of 35 feet.

d) Building Type: All residential buildings in the CRCA shall be built upon a full basement and foundation. Residential buildings in the Highlands may be built upon a full basement and foundation or a slab as noted on the Highlands Plan. Residential buildings in the Highlands may be two story.

e) Building Size: In the CRCA, each dwelling unit located in a building containing two attached dwelling units shall have a minimum of 900 square feet of useable floor area; each single-family detached dwelling shall have a minimum of 900 square feet of useable floor area, but if either or both of such detached dwellings are two-story dwellings, then there shall be at least 600 square feet of useable floor area on the first floor, but the total of usable floor area for the entire two-story dwelling shall be not less than 900 square feet.

Dwelling units in the Highlands shall contain a minimum of 1479 square feet on the main floor with a minimum of 400 square feet on the second story or in a daylight basement. The buildings shall be constructed substantially in compliance with the description of the buildings and the elevation drawings and photographs contained in the Narrative for the Highlands at Cumberland Ridge submitted by the applicant and attached to this Ordinance.

**SECTION 7. Outdoor Lighting.** Exterior lights for each dwelling unit in the Cumberland Ridge Planned Unit Zoning District shall include dusk to dawn light fixtures which shall automatically turn on at dusk and off at dawn. All exterior lighting in the Cumberland Ridge Planned Unit Zoning District shall comply with the applicable requirements of [Chapter 4.28 of the Township Zoning Ordinance](#) as amended.

**SECTION 8. Signage.** There may be one ground sign provided at the entrance to the Cumberland Ridge Condominium Association and one at the entrance to Highlands at Cumberland Ridge Condominium Association. The sign for the Highlands shall be setback a minimum of five feet from all property lines. The sign shall be subject to the sign requirements for the R-2 Zoning District, as specified in the Township Zoning Ordinance. The stone wall or stone pillars illustrated on the Highlands site plan are subject to approval of the Planning Commission before installation.

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**SECTION 9. *Site Access.*** Ingress to and egress from the Development shall be by means of a private streets extending off Cumberland Drive. The intersection of the private street at the entrance to the Development, with Cumberland Drive, shall comply with the Township private street requirements, except as otherwise provided in this ordinance. The location and configuration of the entrance off Cumberland Drive shall be subject to the approval of the Kent County Road Commission.

**SECTION 10. *Streets, Driveways and Walkways.***

a) The streets in the Development shall be located as shown on the Plan and shall be constructed in compliance with the Township private street requirements, except as stated in sub-paragraph (c) of this Section 10. A street profile shall be included on the Plans. The private street, and the construction drawings therefor, shall be subject to the approval of the Township Engineer.

b) The width of the entrance street, shall be at least 61 feet, consisting of two 18-foot wide driving lanes separated by a boulevard of 25 feet in width.

c) The street layout, design and locations as shown on the Plans are hereby approved, subject to the terms of this ordinance, and accordingly, the Township Board hereby modifies the private street requirements specified in Section 19.04 and .05 of the zoning ordinance to the extent necessary to authorize the streets as shown on the Plans. Such modification of private street requirements is approved under the terms of Section 19.08 of the zoning ordinance.

d) The streets in the Development shall have road names approved by the Kent County Road Commission.

e) Sidewalks shall be constructed and maintained along one side of all of the streets in the Development, as shown on the Plans. The sidewalks shall be concrete and a minimum of five feet wide.

f) The total length of the streets in the Development, approximately 1,100 feet, is hereby approved. The maximum grade of the private streets shall be 8%.

g) The fact that the Development has a single entrance, rather than two means of direct access as specified for developments of 50 or more dwelling units under Section 19.07 of the zoning ordinance as amended, is hereby approved in accordance with Section 19.08 of the zoning ordinance inasmuch as the existing topography and limited sight distance along Cumberland Drive would result in a second entrance being very difficult or not reasonably feasible.

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h) The modifications in the private street requirements specified in this Section 10 are approved because the lands comprising the Development have extreme topographic conditions and other limiting physical characteristics that cannot readily be modified by reasonable engineering techniques or processes. The Township Board further determines that the private street system as shown on the Plans, subject to the terms of this Ordinance, is the optimal private street system that could reasonably be provided, given the nature and condition of the land.

i) The streets shall be maintained, repaired, replaced and snowplowed so as to afford continuous access and unimpeded passage for vehicles (including emergency vehicles) under all weather conditions. The Master Deed and Condominium Bylaws shall have provisions requiring maintenance and repair of streets in accordance with the terms of this ordinance.

j) No individual driveway or shared driveway shall have a grade greater than 10%, unless a steeper driveway is specifically approved by the Township Fire Chief. Applications for building permits for each unit shall include a grading plan showing the proposed driveway location, the grade of the driveway and the earth changes to be made on the site so as to accommodate the driveway.

k) The walking trails shall be provided as shown on the Plans. The trails shall be included within the designated open space and shall be preserved for such purposes in perpetuity. The Plan shall indicate the width of the trails and the type of surface materials to be placed on them.

l) The walking trails shall be laid out, installed and completed not later than the construction of the private streets in the Development. If the streets are constructed in phases, the trails shall be completed not later than completion of the streets for the first phase of the Development.

**SECTION 11. Sanitary Sewer System and Water Supply.** The Development shall be served by the public sanitary sewer system and the public water supply system, in accordance with all applicable Township ordinance provisions. The public water system and the public sanitary sewer system shall be designed and constructed in and for the Development as recommended by the Township Engineer and Infrastructure Alternatives.

**SECTION 12. Surface Water Drainage.**

a) The applicant shall submit a drainage plan for the Development, as required by Section 14.12 (e) of the zoning ordinance. The stormwater drainage plan shall be subject to the approval of the Township Engineer.

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b) The surface water drainage system in the Development and the discharge of waters from the storm sewer system and other elements of the surface water drainage system shall be designed, engineered and carried out so as to have no significant adverse effect upon lands in the Development or on adjacent or nearby lands or surface waters, by reason of erosion, pollution or otherwise.

**SECTION 13. Landscaping and Buffering.**

a) Except for areas which have natural cover, the areas to be landscaped shall be graded, covered with four inches of fertile topsoil and sufficiently seeded with perennial grass seed or otherwise landscaped as provided in the Plan or in a separate landscape plan.

b) Other provisions regarding landscaping, buffering, the preservation of existing vegetation and other matters relating to landscaping and buffering shall be stated in the Plan or in a separate landscape plan.

c) The open space area shall be landscaped within a distance of at least 50 feet back from and parallel to the existing street rights-of-way. Such landscaped area shall be planted with native plants. All landscaping materials shall be maintained in good condition. Any dead or diseased plants or other landscaping materials shall be promptly replaced.

d) The trees proposed in the center of loop road open space in the Highlands shall be installed prior to an occupancy permit being issued for any dwelling units in the Highlands.

**SECTION 14. Utilities.** Natural gas service, electrical service and telephone service to each of the units in the Development shall be by means of underground facilities.

**SECTION 15. Soil Erosion and Sedimentation Control.**

a) Soil erosion protection and stabilization techniques and procedures shall be provided continuously during all phases of construction, in accordance with Kent County standards, so as to prevent any adverse effects resulting from erosion of soil.

b) The applicant shall obtain and comply in all respects with any required soil erosion and sedimentation control permit. A copy thereof shall be promptly submitted to the Township.

c) The applicant shall submit to the Township a plan of the soil erosion protection measures that shall be taken for those dwelling units which, by reason of steep slopes or otherwise, require such measures. The plan shall be subject to the approval of the Township Zoning Administrator and Engineer as to the

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proposed erosion control measures. The plan shall be submitted and shall be approved prior to commencement of earth moving or other construction activity for the buildings involved.

- d) A listing or statement of the erosion control measures required by Kent County and the Township may be included as conditions in building permits issued for any construction within the Development.
- e) All buildings shall be equipped with eavestroughs, downspouts or other water dispersion devices, where such devices would help to reduce erosion from water runoff.

**SECTION 16. *Garbage and Refuse Disposal.*** All trash, garbage and other household waste shall be kept only in sanitary containers inside garages or otherwise within fully enclosed areas at all times, except for such short periods of time as may be reasonably necessary for periodic collection of trash and garbage by waste haulers.

**SECTION 17. *Wetlands.***

- a) Any portions of the Development which have been designated as wetlands under applicable Michigan law shall not be filled, dredged or developed to any extent without (1) the approval of the Department of Environment, Great Lakes and Energy, by means of such permits as may be required by law and (2) the approval of the Township by means of an amendment of this ordinance, after the same extent of public notice and public hearing as was required for the adoption of this PUD ordinance.
- b) If there are wetlands in the Development, a wetlands plan, showing the specific location and extent of all wetlands, and indicating the preservation and protection thereof, shall be submitted to the Township and shall be subject to the review and approval of the Township Planner. The design, layout and construction of the Development shall be carried out only in such a manner as to have no serious adverse effect on the quality or extent of the waters of wetland areas.

**SECTION 18. *Restrictive Covenants.*** The applicant shall prepare and record restrictive covenants pertaining to the use, occupancy and development of the lands comprising the Development, or such provisions shall be included in the condominium documents. Among other matters, the restrictive covenants shall include use and occupancy restrictions at least as strict as specified by the terms of this ordinance. The restrictive covenants or condominium documents shall include provisions establishing and maintaining all open space areas, no-disturb areas and other such areas in perpetuity. An agreement between the CRCA and the Highlands for the continued maintenance of the private streets in the development shall be also be prepared and recorded. Before recording, the restrictive covenants,

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condominium documents, and street maintenance documents shall be submitted to the Township Attorney for review and approval as to legal matters and as to compliance with the terms of this ordinance.

**SECTION 19.** *Construction of Common Elements.* Prior to the issuance of a building permit for a building, the streets and other common improvements shall be completed and approved, or a performance guarantee which complies with Township ordinances shall be furnished by the applicant.

**SECTION 20.** *Common Open Space.*

a) The Development shall include the open, undeveloped space shown on the Plans, and such areas shall be maintained as open space in perpetuity. Documentation to establish and maintain open space areas shall be subject to the approval of the Township Attorney.

b) The restrictive covenants providing for perpetual maintenance of open space within the Development, or other documents providing for the preservation and limited use of open space shall comply with Section 14.06(d) of the Township Zoning Ordinance.

**SECTION 21.** *Future Trail Easement.* As the applicant has voluntarily agreed, the applicant or its successors or assigns shall grant and convey to the Township or to another public entity an easement to be included as part of the Lowell Area Trailway, non-motorized trail system available for use by the public. The easement shall be executed in recordable form and shall convey good and merchantable title to an easement for trail purposes. The content of the easement shall be subject to the approval of the Township, or other party acquiring title to the trail easement. The easement document shall contain the following provisions:

a) The easement shall be at least 16 feet in width and shall be located along or near Cumberland Avenue, as shown in the Lowell Area Trailway Study, and at such location as will enable the trail within the easement to be conveniently connected to the trail as proposed on the lands adjacent to the PUD lands.

b) The easement shall be used only for pedestrian travel and non-motorized vehicle travel. The applicant or its successor shall not locate or install any permanent improvements in the easement as shown on the Plans.

c) The owner of the trail easement may install and replace paving; wood chips or whatever ground surface material is selected for use on the trail.

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- d) The owner of the trail easement may in its discretion assign the easement or any part thereof or any interest therein to another public body, or to a non-profit organization, or quasi-public body that is undertaking responsibility, operation or ownership of the trail network or system of which the trail on the described lands is or will be a part.
  
- e) The owner of the trail easement may install landscaping, fencing, signage, or other features or components of the trail, subject to approval of the applicant, but such approval shall not be unreasonably withheld, conditioned or delayed, unless such features would be fundamentally inconsistent with the use of surrounding land for residential purposes. With respect to signage, if the proposed signage is proposed to be part of an overall, uniform signage design for the entire trail system or network, the applicant’s approval shall not be required.
  
- f) The applicant shall not interfere with or impede the construction, maintenance, or use of the trail in any respect.
  
- g) Promptly upon adoption of this ordinance, the applicant shall prepare, execute and record a restrictive covenant pertaining to the trail easement and describing the lands that are included in this ordinance. The restrictive covenant shall run with the land and shall burden the land with the trail easement and all of the terms and conditions thereof, as stated in this ordinance. The restrictive covenant shall be in such form and shall have such content as is satisfactory to the Township, consistent with this ordinance. The restrictive covenant shall be executed and recorded prior to the issuance of any building permit for any building within the Development. The restrictive covenant shall be subject to the approval of the Township Attorney, for a determination that it complies with this ordinance and the Township Zoning Ordinance, prior to recording. The restrictive covenant shall run to the benefit of the Township or its successors or assigns as may be undertaking responsibility for the development, operation, or ownership of the above described trail.

**SECTION 22. Findings for Approval.** The Township Board determines that the Development would satisfy the purposes of the OS-PUD District, if the provisions of this ordinance are complied with, including the following matters stated in Section 14.08 (k) of the zoning ordinance.:

- a) The Development would result in a substantial benefit to the residents of the Development, and such benefit would otherwise be unlikely to be achieved.

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- b) The type of land use in the Development and the building density would not result in an undue burden on the need for public services, facilities or utilities.
- c) The Development would be compatible with the Township Master Plan, and would be consistent with the intended purpose of the OS-PUD District.
- d) The Development would not have a substantial negative effect on the character of the surrounding area.
- e) The Development, and the requirements of this Ordinance with respect to thereto, would be protective of flood plains, wetlands and steep slopes, except for such clearing and grading of the land as may be needed to accomplish the approved plan of development.
- f) The Development would have sufficient buffer areas to minimize conflicts between residential and other uses.
- g) The Development would have an extent of open space located along the adjacent existing street, and thus would preserve a reasonable extent of scenic view at that location.
- h) There would be pedestrian trails within the Development designed to ensure that residents and others can walk safely and easily throughout the property.
- i) The individual buildings, streets and open space areas are designed to minimize the alteration of features on the site, except for such alterations as may be needed to implement the approved development plan.

### **SECTION 23. *Approval of Condominium Master Deed and Condominium Bylaws.***

The Township Board hereby approves the Cumberland Ridge Condominium and the CRCA Plan and the Highlands at Cumberland Ridge Condominium and the Highlands Plan subject to the terms and conditions of this ordinance. As to any requirements required herein to be included in the Master Deed and/or Condominium Bylaws, such instruments shall specifically list such requirements and shall provide that the same shall not thereafter be amended or deleted without the prior written approval of the Planning Commission and Township Board. Such provisions shall be reviewed by the Township Attorney before recording, so as to verify their compliance with this subparagraph and this ordinance. There shall be no provisions of the Master Deed or Condominium Bylaws which are contrary to or at variance with the provisions of this ordinance or which would in any way hinder the enforcement of this ordinance. To the extent that any such Master Deed or Condominium Bylaw provisions may be contrary to or at variance

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with any of the provisions of this ordinance, this ordinance shall control. The Master Deed and Bylaws shall make express reference to this ordinance and state that use of property within the Development is subject to the ordinance, notwithstanding anything to the contrary in the Master Deed and Bylaws.

### **SECTION 24. Additional Findings.**

- a) The Township Board hereby determines that the Plans, as modified by this Ordinance, comply with the provisions of the Township Zoning Ordinance and promotes its intent and purposes.
- b) The Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this ordinance and the Township Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.
- c) The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

### **SECTION 25. Other Considerations**

- a) All General Notes on the Plans shall be binding on the applicant unless superseded by this Ordinance.
- b) The Highlands Plan shall be developed in phases as illustrated on the Plan although such phasing may be modified by the applicant.
- c) Unless specified otherwise by this Ordinance the Development shall be subject to the applicable regulations of the R-1 zoning district and all other applicable regulations of the Lowell Township Zoning Ordinance including [Chapter 24, Zoning Board of Appeals](#).

### **SECTION 26. Enforcement.**

- a) The Township may enforce the provisions of this ordinance and applicable provisions of the Township Zoning Ordinance, Building Code and other ordinances, laws and regulations to the extent and in any manner provided by law. In the event that the applicant shall fail to carry out, either at all or on a timely basis, any provision or requirement of this ordinance or other applicable law, ordinance or regulation, the

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Township may through its Building Inspector or other Township agency issue and post a stop work order at the site of any improper or noncomplying part of the Development, directing that all further construction of such part of the Development be ceased forthwith, pending the compliance with any applicable provisions of this ordinance or of Township ordinances, regulations or State laws.

b) Upon the issuance of any stop work order, the applicant shall comply fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the applicant may again proceed with construction or other permissible activity as to the Development. The issuance and posting of any stop work order shall not be an exclusive remedy, but may be undertaken by the Township in addition to all other lawful means of enforcement.

**SECTION 27. Severability.** Should any portion of this Ordinance /ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

**SECTION 28. Effective Date.** This Ordinance/ordinance amendment shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Hale, Benedict, Burt, Anderson, Blough, Thompson

NAYS: None

ABSENT: Vanderziel

ABSTAIN: None

Published: June 3, 2020

Effective: June 10, 2020

ORDINANCE DECLARED ADOPTED

  
\_\_\_\_\_  
Monica Burt, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Monica Burt, Township Clerk

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**TWIN OAKS OS-PUD DISTRICT**

**LOWELL CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
ORDINANCE NO. 05-2018**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on July 16, 2018, Township Board Member Thompson made a motion, seconded by Township Board Member Vanderziel to adopt this Zoning Ordinance amendment:

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE, OF THE CHARTER  
TOWNSHIP OF LOWELL To ESTABLISH THE TWIN OAKS OPEN SPACE PLANNED UNIT  
DEVELOPMENT ZONING DISTRICT**

**THE TOWNSHIP OF LOWELL ORDAINS:**

**SECTION 1. Zoning Map Amendment:** The Zoning Ordinance and Map of the Charter Township of Lowell, Kent County, Michigan is hereby amended to rezone the following described lands from the R-2, Medium Density Residential District to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Twin Oaks Planned Unit Development, subject to all of the terms and conditions of this Ordinance:

**SECTION 2. Conditions on the Planned Unit Development.**

**LEGAL DESCRIPTION**

Part of the Northwest fractional 1/4 and part of the Northeast fractional 1/4 of Section 5, T6N, R9W, Lowell Township, Kent County Michigan described as: Beginning at the North 1/4 corner of said Section; thence S89° 47' 14" E along the North line of said Section 71.94 feet; thence S00° 19' 10" E 175.21 feet; thence Southerly 98.17 feet along a 567.00 foot radius curve to the left, the long chord of which bears S05° 16' 47" E 98.05 feet; thence S10° 14' 23" E 252.99 feet; thence Southeasterly 41.40 feet along a 25.00 foot radius curve to the left, the long chord of which bears S57° 41' 06" E 36.83 feet; thence Easterly 91.18 feet along a 333.00 foot radius curve to the right, the long chord of which bears N82° 42' 56" E 90.90 feet; thence S89° 26' 30" E 79.60 feet; thence N00° 13' 17" W 252.93 feet to the South line of the North 276.00 feet of the Northeast fractional 1/4 of said Section; thence S89° 37' 57" E along the South line of the North 276.00 feet of the Northeast fractional 1/4 of said Section 660.00 feet; thence N00° 31' 17" W 276.00 feet to the North line of said Section; thence S89° 37' 57" E along the North line of said Section 15.00 feet; thence S00° 13' 17" E 524.29 feet; thence S32° 14' 18" W 37.56 feet; thence Southeasterly 122.56 feet along a 333.00 foot radius curve to the left, the long chord of which bears S56° 31' 16" E 121.87 feet; thence N44° 1' 23" W 89.50 feet; thence S89° 37' 57" E 53.47 feet; thence

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Southeasterly 107.50 feet along a 90.00 foot radius curve to the right, the long chord of which bears S55° 24' 48" E 101.22 feet; thence S89° 26' 57" E 568.25 feet; thence S00° 13' 16" E 147.62 feet; thence N89° 26' 36" W 150.09 feet; thence S00° 12' 54" E 659.71 feet to the South line of the North 1/2 of the Northeast fractional 1/4 of said Section; thence N89° 26' 30" W along the South line of the North 1/2 of the Northeast fractional 1/4 of said Section 1699.92 feet to the North-South 1/4 line of said Section; thence N89° 30' 34" W along the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 94.78 feet to the East line of the West 1236.00 feet of the North 1/2 of the Northwest fractional 1/4 of said Section; thence N00° 11' 13" W along the East line of the West 1236.00 feet of the North 1/2 of the Northwest fractional 1/4 of said Section 1417.45 feet to the North line of said Section; thence S89° 47' 14" E along the North line of said Section 94.69 feet to the Place of Beginning. Said parcel is subject to a right of way for Foreman Street over the North 33.00 feet thereof.

The rezoning of the above-described lands to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Twin Oaks Planned Unit Development ("the Development"), is expressly subject to all of the following terms and conditions:

a) **Development Plan Compliance**

The Twin Oaks Planned Unit Development as submitted by Westview Capital, LLC ("the Applicant") whose address is 795 Clyde Court S W, Byron Center, MI 49315 shall comply in all respects with the Final Development Plans (the "Plan") which consists of the following:

- (1) A Natural Features Map showing the areas to be preserved, roads, lots and natural features prepared by Roosien & Associates with a last revision date of May 29, 2018.
- (2) A Phase 1 Preliminary Site Plan prepared by Roosien & Associates with a last revision date of May 29, 2018.
- (3) A Phase 1 Preliminary Detention Plan prepared by Roosien & Associates with a last revision date of May 29, 2018.
- (4) A Twin Oaks Concept Entrance Plan dated 6/4/2018.
- (5) A Preliminary Site Plan Twin Oaks Plat prepared by Roosien & Associates with a last revision date of May 29, 2018.

Such Plans shall be revised and modified as required by this Ordinance and the Plans as approved by the Township Board shall be signed by the Chairman of the Lowell Township Planning Commission in accordance with the Section 21.05(e) of the Township Zoning Ordinance. In cases where there is a discrepancy between the Plan and this Ordinance, the provisions of this Ordinance shall control.

- b) **Land Uses:** The Development shall be constructed and used only for a maximum of 70 detached single-family dwelling units to be developed in phases as illustrated on the Plan. Residential accessory uses and minimum floor area for dwelling units shall be as permitted and regulated by the provisions of the [R-2, Medium Density Residential Zoning District](#) and the applicable provisions of Chapter 4 of the Lowell Township Zoning District.

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- c) **Open Space:** Open space shall be provided in the amount, locations and in the manner as illustrated on the Plan. A separate Open Space Preservation and Maintenance Agreement shall be prepared by the applicant in accordance with the requirements of Section 14.06 (d) of the Township Zoning Ordinance before any construction is permitted on the site. This document must be approved by the Township Attorney before it is recorded with the Kent County Register of Deeds.
- d) **Development Standards.**
  - Minimum setbacks for dwelling units: Front - 30 feet  
Side - 10 feet each side/ 20 feet total  
Rear - 25 feet
  - Minimum lot size: 10,000 sq. ft.
  - Minimum lot width at required front setback line: 80 ft.
  - Maximum building height: 2 1/2 stories or 35 ft. (whichever is less)
- e) **Sanitary Sewer System and Water Supply.** The Development shall be served by the public sanitary sewer system and the public water supply system in accordance with all applicable Township ordinance provisions.
- f) **Stormwater Management.** Stormwater management shall comply with the requirements of the Kent County Drain Commissioner and shall be subject to the approval of the Township Engineer.
- g) **Utilities.** Natural gas service, electrical service and telephone service to each of the units in the Development shall be by means of underground facilities.
- h) **Signage.** There may be a sign at the entrance to the Development subject to the sign requirements for the R-2 Zoning District as specified in the Township Zoning Ordinance.
- i) **Sidewalks.** Sidewalks shall be installed across the entire width of each lot as shown on the Plan at the time a dwelling unit is constructed and prior to occupancy of the dwelling unit unless other arrangements for installation are approved by the Township Zoning Administrator. The sidewalk shall be five feet wide and constructed in accordance with Township standards.
- j) **Street lights.** Street lights shall be installed as shown on the Plan with each phase of development at the time of construction of the public street.

SECTION 3. Other Considerations

- k) All General Notes on the Plan shall be binding on the applicant unless superseded by this Ordinance.
- l) **Phasing.** The Development shall be developed in phases as illustrated on the Plan although such phasing may be modified by the applicant. Each phase beyond Phase 1 shall be submitted to the Planning Commission for review and approval at a public hearing for subsequent review by the Township Board in accordance with the requirements of the Township Subdivision Ordinance.

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- m) Vehicles used in the construction of the Development including construction vehicles associated with the building of individual dwellings in the Twin Oaks PUD shall not access the PUD site from Woodbushe Drive in the Eastgate subdivision.
- n) 4. The walking path proposed in the Dedicated Open Space at the south portion of the site shall be installed prior to an occupancy permit being issued for any dwelling units in Phase 1. Signs noting access to Dedicated Open Space areas shall also be installed before an occupancy permit is issued for a dwelling unit in the applicable Phase.
- o) Landscaping illustrated on the Twin Oaks Concept Entrance Plan dated 6/4/2018 shall be installed before an occupancy permit is issued for any dwelling units in Phase 1.
- p) Unless specified otherwise by this Ordinance the Development shall be subject to the applicable regulations of the R-2 zoning district and all other applicable regulations of the Lowell Township Zoning Ordinance including [Chapter 24, Zoning Board of Appeals](#).
- q) The Township Attorney shall review the Master Deed and Open Space Preservation and
- r) Maintenance Agreement prior to recording the documents with the County Register of Deeds to ensure these documents reflect the applicable requirements of this Ordinance.

**SECTION 4 Findings of Approval**

l) The Township Board hereby determines that the Plan, as modified by this Ordinance, complies with the provisions of the Township Zoning Ordinance as contained in Section 14.08 of the Lowell Township Zoning Ordinance, Standards for PUD Approval, and promotes its intent and purposes.

The Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this ordinance and the Township Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.

The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

**SECTION 5. Severability.** Should any portion of this Ordinance [ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

**SECTION 6 Effective Date.** This Ordinance/ordinance amendment shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

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AYES: Hale, Benedict, Burt, Anderson, Thompson, Vanderziel, Biss  
NAYS: NONE

ABSENT: NONE  
ABSTAIN: NONE

PUBLISHED: JULY 25, 2018  
EFFECTIVE: AUGUST 21, 2018

ORDINANCE DECLARED ADOPTED

  
\_\_\_\_\_  
Monica Burt, Township Clerk

  
\_\_\_\_\_  
Jerry Hale, Supervisor

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**TOWNHOMES AT TWO RIVERS PUD**

**LOWELL CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 07-2018Z**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on September 17, 2018, Township Board Member Thompson made a motion, seconded by Township Board Member Vanderziel to adopt this Zoning Ordinance amendment:

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER  
TOWNSHIP OF LOWELL TO ESTABLISH THE TOWNHOMES AT TWO  
RIVERS OPEN SPACE PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

**THE TOWNSHIP OF LOWELL ORDAINS:**

**SECTION 1. Zoning Map Amendment.** The Zoning Ordinance and Map of the Charter Township of Lowell, Kent County, Michigan is hereby amended to rezone the following described lands from the C, General Commercial District to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Fulton Place Planned Unit Development, subject to all of the terms and conditions of this Ordinance:

**LEGAL DESCRIPTION**

Part of the West one-half of the Southeast one-quarter of Section 4, Town 6 North, Range 9 West, Lowell Township, Kent County, Michigan, described as follows: COMMENCING at the South one-quarter corner of said Section 4; thence North 00°54'44" East 447.99 feet along the North-South one-quarter line; thence North 86°49'30" East 1327.49 feet along the centerline of Fulton Street (Highway M-21); thence North 00°50'30" East 1193.66 feet along the East line of the West one-half of the Southeast one-quarter of said section to a point being South 00°50'30" West 920.06 feet from the East-West one-quarter line and the TRUE PLACE OF BEGINNING; thence South 00°50'30" West 767.88 feet to a point being North 00°50'30" East 425.78 feet from the centerline of said Fulton Street; thence South 87°00'05" West 412.41 feet; thence North 00°50'30" East 565.36 feet along the West line of the East 412.50 feet (measured parallel with the centerline of said Fulton Street) of the West one-half of the Southeast one-quarter of said section; thence South 86°49'30" West 37.50 feet along the North line of the South 992.50 feet of that part of the West one-half of the Southeast one-quarter of said section lying North of the centerline of said Fulton Street; thence North 00°50'30" East 200.00 feet to a line bearing South

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86°40'02” West from the place of beginning; thence North 86°40'02” East 450.09 feet to the place of beginning. **Total of 7.41 Acres.**

**SECTION 2. Conditions on the Planned Unit Development.**

The rezoning of the above-described lands to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Fulton Place Planned Unit Development (“the Development”), is expressly subject to all of the following terms and conditions:

**1) *Development Plan Compliance***

The Townhomes at Two Rivers Planned Unit Development as submitted by Forest Hills Homes, (“the Applicant”) whose address is 5075 Cascade Road SE, Grand Rapids, MI 49525 shall comply in all respects with the Final Development Plans (the “Plan”) which consists of the following:

- a) A Natural Features Map showing the areas to be preserved and natural site features prepared by Exxel Engineering with a last revision date of August 1, 2018.
- b) A Site Development Plan prepared by Exxel Engineering with a last revision date of August 1, 2018.
- c) A Site Utility Plan prepared by Exxel Engineering with a last revision date of August 1, 2018.
- d) A Site Grading and Soil Erosion Plan prepared by Exxel Engineering with a last revision date of August 1, 2018.
- e) A Site Landscape Plan prepared by Mark L. Winters, a Michigan Registered Landscape Architect, No. 3901001370, with a last revision date of July 2, 2018.

Such Plans shall be revised and modified as required by this Ordinance and the Plans as approved by the Township Board shall be signed by the Chairman of the Lowell Township Planning Commission in accordance with the Section 21.05(e) of the Township Zoning Ordinance. In cases where there is a discrepancy between the Plan and this Ordinance, the provisions of this Ordinance shall control.

2) ***Land Uses.*** The Development shall be constructed and used only for a maximum of 80 townhome style apartment units, with four 20-unit townhome buildings containing 168 total bedrooms, a clubhouse with a fitness center and an outdoor fenced dog park to be developed in a single phase as illustrated on the Plan. Residential accessory uses shall be as permitted and regulated by the provisions of the [R-3, High Density Residential Zoning District](#) and the applicable provisions of [Chapter 4 of the Lowell Township Zoning Ordinance](#).

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3) **Open Space.** Open space shall be provided in the amount, locations and in the manner as illustrated on the Plan. A separate Open Space Preservation and Maintenance Agreement shall be prepared by the applicant in accordance with the requirements of Section 14.06 (d) of the Township Zoning Ordinance before any construction is permitted on the site. This document must be approved by the Township Attorney before it is recorded with the Kent County Register of Deeds.

4) **Development Standards.**

Minimum setbacks for the multi-family buildings:

- Front - 70 feet
- Side - 50 feet each side/ 100 feet total
- Rear - 160 feet

Maximum building height: 2 ½ stories or 35 ft. The middle portion of each building may be 3 stories in height, with a height of 36.1 feet at the mid-point of the roof as illustrated on the Plan.

5) **Sanitary Sewer System and Water Supply.** The Development shall be served by the public sanitary sewer system and the public water supply system in accordance with all applicable Township ordinance provisions.

6) **Stormwater Management.** Stormwater management shall comply with the requirements of the Kent County Drain Commissioner and shall be subject to the approval of the Township Engineer.

7) **Utilities.** Natural gas service, electrical service and telephone service to each of the units in the Development shall be by means of underground facilities.

8) **Signage.** There may be a sign at the entrance to the Development subject to the sign requirements for the R-3 Zoning District as specified in the Township Zoning Ordinance.

9) **Sidewalks.** Sidewalks six feet in width shall be installed within the Development across the entire front of each building and connecting to the existing sidewalk within the Boulder Drive right of way as shown on the Plan. In addition, a five feet sidewalk as shown on the Plan shall be constructed to the east lot line at the time Buildings 3 and 4 are constructed.

**SECTION 3. Other Considerations**

1) Approval of the Plan is subject to approval by the Township Board of proposed amendments to the Zoning Ordinance to allow a maximum density of 11 units per acre for multi-family dwelling units within an OS-PUD and a reduction of parking space width from 10 feet to 9 feet.

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- 2) All General Notes on the Plan shall be binding on the applicant unless superseded by this Ordinance.
- 3) *Phasing.* The Development shall be developed in one phase as illustrated on the Plan although such phasing may be modified by the applicant. Each phase beyond Phase 1 need not be submitted to the Planning Commission for review and approval if the phase complies with the approved Plan.
- 4) The community building and dog park shall be completed prior to an occupancy permit being issued for any dwelling unit.
- 5) Landscaping and landscaping improvements illustrated and noted on the Plan shall be installed before an occupancy permit is issued for any dwelling unit unless other arrangements are allowed by the Zoning Administrator due to weather or other factors which prevent the installation of plantings or other improvements.
- 6) Unless specified otherwise by this Ordinance the Development shall be subject to the applicable regulations of the R-3 zoning district and all other applicable regulations of the Lowell Township Zoning Ordinance including [Chapter 24, Zoning Board of Appeals](#).
- 7) The Township Attorney shall review the Master Deed and Open Space Preservation and Maintenance Agreement prior to recording the documents with the County Register of Deeds to ensure these documents reflect the applicable requirements of this Ordinance.

**SECTION 4**

- 1) The Township Board hereby determines that the Plan, as modified by this Ordinance, complies with the provisions of the Township Zoning Ordinance as contained in Section 14.08 of the Lowell Township Zoning Ordinance, Standards for PUD Approval, and promotes its intent and purposes.
- 2) The Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this ordinance and the Township Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.
- 3) The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

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**SECTION 5. Severability.** Should any portion of this Ordinance /ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

**SECTION 6 Effective Date.** This Ordinance/ordinance amendment shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: 6  
NAYS: 0  
ABSENT: 1  
ABSTAIN: 0

ORDINANCE DECLARED ADOPTED

PUBLISHED: September 26, 2018

EFFECTIVE: October 3, 2018

  
\_\_\_\_\_  
Monica Burt, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Monica Burt, Township Clerk

**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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**ALDEN RIDGE PUD**

**CHARTER TOWNSHIP OF LOWELL  
COUNTY OF KENT, MICHIGAN**

At A Regular Meeting Of The Township Board Of The Charter Township Of Lowell Held In The Township Hall, 2910 Alden Nash Avenue SE In Lowell Township On February 16, 2016, At 7:00 P.M

PRESENT: Hale, Regan, Benedict, Anderson, Blough, Thompson  
ABSENT: Vanderziel

The following ordinance was offered for adoption by Township Board Member Thompson and was seconded by Township Board Member Anderson:

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**ORDINANCE NO. 01-2016**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE, OF THE CHARTER TOWNSHIP OF LOWELL TO ESTABLISH THE ALDEN RIDGE OPEN SPACE PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

**THE TOWNSHIP OF LOWELL ORDAINS:**

**SECTION 1. Zoning Map Amendment.** The Zoning Ordinance and Map of the Charter Township of Lowell, Kent County, Michigan is hereby amended to rezone the following described lands from the R-1, Rural Low Density Residential District and the AG-2, Rural Agricultural District to the Alden Ridge Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Alden Ridge Planned Unit Development, subject to all of the terms and conditions of this Ordinance:

PP# 41-20-11-351-005 being the S 1/2 S 1/2 LYING NWLY OF WLY LINE OF ALDEN NASH AVE /120 FT WIDE SEC 11 T6N R9W 19.19 ACRES and;

PP# 41-20-14-100-074 being PART OF NW 1/4 COM AT NW COR OF SEC TH S 0D 39M W ALONG W SEC LINE 482.29 FT TH S 71D 55M 02S E 621.69 FT TO NWLY LINE OF ALDEN NASH AVE TH NELY ALONG SD NWLY LINE TO N SEC LINE TH N 89D 58M 20S W ALONG N SEC LINE TO BEG \* SEC 14 T6N R9W 11.42 ACRES. LOWELL TOWNSHIP, KENT COUNTY MICHIGAN

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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**SECTION 2. Conditions on the Planned Unit Development.**

The rezoning of the above-described lands to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of The Alden Ridge Planned Unit Development (“the Development”), is expressly subject to all of the following terms and conditions:

a) ***Development Plan Compliance***

The Alden Ridge Planned Unit Development as submitted by Advanced Homes of West Michigan, (“the Applicant”) whose address is 4013 Amazon Drive, Lowell, Michigan 49331 shall comply in all respects with the Final Development Plans (the “Plan”) which consists of the following plans prepared by Roosien and Associates each with a last revision date of January 21, 2016:

- 1) A Site Plan showing the development of the entire site;
- 2) A Grading, Storm, Sewer, and SESC plan;
- 3) A Natural Features Plan;
- 4) An Existing Conditions Plan;
- 5) A ¼ Mile Area Plan.

Such Plans shall be revised and modified as required by this Ordinance and the Final Plans as approved by the Township Board shall be signed by the Chairman of the Lowell Township Planning Commission in accordance with the Section 21.05(e) of the Township Zoning Ordinance. In cases where there is a discrepancy between the Final Plan and this Ordinance, the provisions of this Ordinance shall control.

b) ***Land Uses.*** The Development shall be constructed and used only for a maximum of 15 detached single-family dwellings with one dwelling each on a site condominium lot to be developed in phases as illustrated on the Final OS-PUD site plan. Residential accessory uses shall be as permitted and regulated by the provisions of the R-1, Rural Low Density Residential District and the applicable provisions of [Chapter 4 of the Lowell Township Zoning District](#).

c) ***Open Space.***

1. Open space including a walking trail and playground shall be provided in the amount, locations and in the manner as illustrated on the Final OS-PUD site plan. The site plan shall illustrate the required amount of open space with calculations shown on the site plan.
2. **A separate Open Space Preservation and Maintenance Agreement shall be prepared by the applicant in accordance with the requirements of Section 14.06 (d) of the Township Zoning Ordinance before any building permits are issued.**

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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**This document must be approved by the Township Attorney before it is recorded with the Kent County Register of Deeds.**

d) ***Development Standards.***

Minimum setbacks for dwelling units: Front- 25 feet  
Side – 10 feet each side/ 20 feet total  
Rear – 30 feet

Minimum lot size: 22,000 sq. ft.

Minimum lot width at required front setback line: 100 ft.

Maximum building height: 2 ½ stories or 35 ft.

Minimum floor area for dwelling units: Per Section 4.02 Table of General Bulk Regulations of the Lowell Township Zoning Ordinance

e) ***Sanitary Sewer System and Water Supply.*** The Development shall be served by individual private wells and septic/drain field systems as may be approved by the Kent County Health Department.

f) ***Stormwater Management.*** Stormwater management and site grading shall comply with the requirements of the Kent County Drain Commissioner and shall be subject to the approval of the Township Engineer.

g) ***Utilities.*** Natural gas, electrical, cable and telephone service to each of the units in the Development shall be by means of underground facilities.

h) ***Streets.*** The Development will be served by a private street in accordance with the design specifications illustrated on Sheet 2 of 5 of the Final Development Plan and the applicable requirements of Article 19 Township Zoning Ordinance. **The applicant shall provide to the Township a private street maintenance agreement in accordance with Section 19.06 before issuance of a building permit.**

i) ***Signage.*** There may be a sign at the entrance to the Development subject to the sign requirements for the R-1 Zoning District as specified in the Zoning Ordinance.

j) ***Sidewalks.*** Sidewalks are not required to be installed by the applicant **but the applicant shall provide a provision in the condominium master deed to allow the residents to assess themselves should they desire sidewalks in the future.** All sidewalks shall be five feet wide and constructed in accordance with Township standards.

k) ***Street lights.*** Street lights shall be installed by the applicant as shown on the site plan with each phase of development in accordance with the Lowell Township outdoor lighting requirements.

l) ***Playground & Walking Trail.***

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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1. The playground illustrated on the Plan shall be improved as described in the applicant's letter to the Planning Commission dated January 4, 2016.
2. The playground and walking trail shall be completed following the construction and occupancy of three dwelling units.
3. The width of the walking trail shall be a minimum of four ft. with a wood chip surface. Access points to the trail system shall be marked with a sign.
3. The location of the trail shall be as close to the rear lot lines of Lots 1, 2, and 3 as is practical.

m) **Landscaping.** The applicant shall plant trees along the Alden Nash Avenue frontage adjacent to the retention basin in order to replace the trees removed to accommodate the retention basin. **A tree planting plan shall be prepared by the applicant for approval by the Township Zoning Administrator. The trees shall be installed upon completion of the first home.**

The trees shall be a combination of deciduous trees with a minimum size of 2.5 inches in caliper at planting and evergreen trees at least four feet in height at planting. The number and placement of the trees shall be designed to maintain the rural view along Alden Nash.

n) **Street trees.** Street trees shall be installed with each phase of the Development. **A tree shall be installed by the developer of the plat for each lot within the street right of way prior to occupancy of the dwelling unit.** The trees shall be deciduous with a minimum size of 2.5 inches in caliper at planting.

**SECTION 3. Other Considerations**

a) All General Notes on the Plan shall be binding on the applicant unless superseded by this Ordinance.

b) **The applicant shall provide a copy of the driveway permit on Alden Nash Avenue as issued by the Kent County Road Commission before issuance of a building permit**

c) **The applicant shall include a provision in the condominium master deed to inform buyers of lots 9-15 in the Development that Township emergency vehicles may have difficulty accessing a dwelling unit on the lot due to the grade of the driveway.**

d) Unless specified otherwise by this Ordinance the Development shall be subject to the applicable regulations of the R-1 zoning district and all other applicable regulations of the Lowell Township Zoning Ordinance including [Chapter 24, Zoning Board of Appeals](#).

e) **Building permits shall only be issued if all requirements noted herein are completed and if the requirements of Section 19.03(c) pertaining to private streets are also met.**

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f) The Township Attorney shall review the Master Deed and Open Space Preservation and Maintenance Agreement prior to recording the documents with the County Register of Deeds to ensure these documents reflect the applicable requirements of this Ordinance.

**SECTION 4 Findings of Approval**

a) The Township Board hereby determines that the Plan, as modified by this Ordinance, complies with the provisions of the Township Zoning Ordinance as contained in Section 14.08 of the Lowell Township Zoning Ordinance, Standards for PUD Approval, and promotes its intent and purposes.

b) The Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this ordinance and the Township Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.

c) The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

**SECTION 5 Effective Date**

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Hale, Regan, Benedict, Anderson, Blough, Thompson

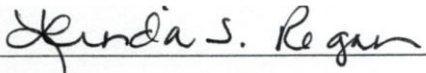
NAYS: Members: None

ABSENT: Member: Vanderziel

ORDINANCE DECLARED ADOPTED.

PUBLISHED: February 24, 2016

IN EFFECT: March 2, 2016



Linda S. Regan, Township Clerk

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF KENT        )

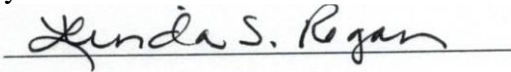
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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Linda S. Regan, Township Clerk

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

**STONY BLUFF PUD**

**CHARTER TOWNSHIP OF LOWELL  
COUNTY OF KENT, MICHIGAN**

At A Regular Meeting Of The Township Board Of The Charter Township Of Lowell Held In The Township Hall, 2910 Alden Nash Avenue SE In Lowell Township On April 20, 2015, At 7:00 P.M

PRESENT: Hale, Regan, Benedict, Anderson, Blough, Thompson, Vanderziel  
ABSENT: None

The following ordinance was offered for adoption by Township Board Member Thompson and was seconded by Township Board Member Vanderziel:

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**ORDINANCE NO. 02-2015**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF LOWELL TO ESTABLISH THE STONY BLUFF OPEN SPACE PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

**THE TOWNSHIP OF LOWELL ORDAINS:**

**SECTION 1. Zoning Map Amendment.** The Zoning Ordinance and Map of the Charter Township of Lowell, Kent County, Michigan is hereby amended to rezone the following described lands from the R-1, Rural Low Density Residential District to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Stony Bluff Planned Unit Development, subject to all of the terms and conditions of this Ordinance:

E 764.28 FT OF NWFRL 1/4 EX N 577.5 FT OF E 513.0 FT & EX N 660 FT OF W 251.28 FT ALSO W 1/2 NEFRL 1/4 EX COM AT NE COR OF LOT 117 OF WHISPERING HILLS PLAT NO.FOUR TH NLY 20.07 FT ALONG A 267 FT RAD CURVE TO LT /LONG CHORD BEARS N 5D 13M 50S W 20.06 FT/ TH N 89D 22M 05S E 66.37 FT TH SLY 20.05 FT ALONG A 333 FT RAD CURVE TO RT /LONG CHORD BEARS S 4D 19M 00S E 20.04 FT/ TO NW COR OF LOT 118 OF SD PLAT TH S 89D 22M 05S W 66.05 FT TO BEG \* SEC 4 T6N R9W, LOWELL TOWNSHIP, KENT COUNTY MICHIGAN PP# 41-20-04-200-027

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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**SECTION 2. Conditions on the Planned Unit Development.**

The rezoning of the above-described lands to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of The Stony Bluff Planned Unit Development (“the Development”), is expressly subject to all of the following terms and conditions:

**1) *Development Plan Compliance***

The Stony Bluff Planned Unit Development as submitted by Stony Bluff, LLC (“the Applicant”) whose address is 1730 Three Mile Road NE Grand Rapids, MI 49505 shall comply in all respects with the Final Development Plans (the “Plan”) which consists of the following:

- a) A Site Plan showing the development of the entire site prepared by Exxccl Engineering with a last revision date of February 23, 2015.
- b) A Preliminary Master Grading plan prepared by Exxccl Engineering with a last revision date of February 23, 2015.
- c) A Preliminary Storm Water Management Plan prepared by Exxccl Engineering with a last revision date of February 23, 2015

Such Plans shall be revised and modified as required by this Ordinance and the Final Plans as approved by the Township Board shall be signed by the Chairman of the Lowell Township Planning Commission in accordance with the Section 21.05(e) of the Township Zoning Ordinance. In cases where there is a discrepancy between the Final Plan and this Ordinance, the provisions of this Ordinance shall control.

2) ***Land Uses.*** The Development shall be constructed and used only for a maximum of 216 detached single-family dwellings to be developed in phases as illustrated on the Final OS-PUD site plan. Residential accessory uses shall be as permitted and regulated by the provisions of the [R-2, Medium Density Residential Zoning](#) District and the applicable provisions of [Chapter 4 of the Lowell Township Zoning District](#). The properties comprising the Development shall only be used for single family residential and open space purposes and uses.

3) ***Open Space.*** Open space shall be provided in the amount, locations and in the manner as illustrated on the Final OS-PUD site plan. A separate Open Space Preservation and Maintenance Agreement shall be prepared by the applicant in accordance with the requirements of Section 14.06 (d) of the Township Zoning Ordinance before any construction is permitted on the site. This document must be approved by the Township Attorney before it is recorded with the Kent County register of Deeds.

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4) **Development Standards.**

Minimum setbacks for dwelling units: Front- 30 feet  
Side – 10 feet each side/ 20 feet total  
Rear – 25 feet

Minimum lot size: 10,000 sq. ft.

Minimum lot width at required front setback line: 80 ft.

Maximum building height: 2 ½ stories or 35 ft.

Minimum floor area for dwelling units:

One story:	First floor 1,200 sq. ft.
Bi level/ raised ranch:	First floor 1,000 sq. ft. / 2,000 sq. ft. total finished area
One & one-half story:	1,000 sq. ft. main floor/ 1,500 sq. ft. total finished area
Two story:	800 sq. ft. first floor / 1,600 sq. ft. total finished area
Tri-level:	1,200 sq. ft. total finished area with two levels finished

5) **Sanitary Sewer System and Water Supply.** The Development (and all dwellings herein) shall be served by the Lowell Township sanitary sewer system and the Lowell Township water supply system in accordance with all applicable Township ordinance provisions. The applicant’s engineer shall verify in writing that the capacity of the downstream sewer system (including the pump capacity of the Township’s main lift station) is sufficient to handle the expected effluent from the Stony Bluff PUD. This written verification from the engineer shall be provided to the Township before any construction or earth moving occurs on the site.

6) **Stormwater Management.** Stormwater management shall comply with the requirements of the Kent County Drain Commissioner and shall be subject to the approval of the Township Engineer.

7) **Utilities.** Natural gas service, electrical service and telephone service to each of the units in the Development shall be by means of underground facilities.

8) **Signage.** There may be a sign at the entrance to the Development subject to the sign requirements for the R-2 Zoning District as specified in the Zoning Ordinance.

9) **Sidewalks.** Concrete sidewalks shall be installed by the Applicant across the entire width of each lot at the time a dwelling unit is constructed and prior to occupancy of the dwelling unit. The sidewalk shall be five feet wide and constructed in accordance with Township standards. Once installed, the sidewalk shall be kept in good condition and repair at all times by the then owner(s) of the lot upon which each portion of the sidewalk is located.

10) **Street lights.** Street lights shall be installed by the Applicant and shown on the site plan with each phase of development in accordance with Township policy.

11) **Street trees.** Street trees shall be installed during each corresponding phase of the Development. Each tree shall be deciduous and a minimum of 2.5 inches in caliper at planting.

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One tree shall be installed by the Applicant for each lot within the street right of way at time of sidewalk installation and prior to occupancy of the adjacent dwelling in accordance with the requirements of the Kent County Road Commission. Once installed, such trees shall be maintained (and replace where dying or dead) by the then owner(s) of the lot where the tree is located.

12) **Security.** The Applicant shall post such monetary security for improvements with the Township as is required by the Zoning Ordinance and /or Township Subdivision Ordinance.

**SECTION 3. Other Considerations**

1) All General Notes on the Plan shall be binding on the Applicant unless superseded by this Ordinance.

2) **Phasing.** The Development shall be developed in phases as illustrated on the approved Final OS-PUD site plan although such phasing may be modified by the Applicant with the written approval of both the Applicant and the Township. Each phase beyond Phase 1 shall be submitted to the Planning Commission for review and approval at a public hearing for subsequent review by the Township Board in accordance with the requirements of the Township Subdivision Ordinance.

3) **Roads.** All roads shall be public and constructed in accordance with the requirements of the Kent County Road Commission. Wales Road within the Whispering Hills plat shall be extended by the

3) **Roads.** All roads shall be public and constructed in accordance with the requirements of the Kent County Road Commission. Wales Road within the whispering Hills plat shall be extended by the Applicant to serve the Stony Bluff PUD as part of Phase 3 as shown on the Plan. Phases 1 and 2 (which consist of 51 total lots) are permitted to be constructed without a second means of road access based on a variance from Section 4.06(4) of the Township Subdivision Ordinance as approved by the Township Board.

4) Vehicles used in the construction of the Development (including construction vehicles associated with the building of individual dwellings) in the Stony Bluff PUD shall not access the PUD site from Wales Road in the Whispering Hills subdivision. For Phases 2-7, the Applicant shall construct and utilize a temporary construction access as illustrated on the Plan.

5) Unless specified otherwise by this Ordinance the Development shall be subject to the applicable regulations of the R-2 zoning district and all other applicable regulations of the Lowell Township Zoning Ordinance including [Chapter 24, Zoning Board of Appeals](#).

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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**SECTION 4 Findings of Approval**

- 1) The Township Board hereby determines that the Plan, as modified by this Ordinance, complies with the provisions of the Township Zoning Ordinance as contained in Section 14.08 thereof, Standards for PUD Approval, and promotes its intent and purposes.
- 2) The Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this ordinance and the Township Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.
- 3) The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

**SECTION 5 Effective Date**

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Hale, Regan, Benedict, Anderson, Blough, Thompson, Vanderziel

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

PUBLISHED: April 29, 2015

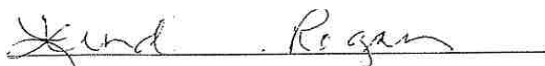
EFFECTIVE: May 6, 2015



Linda S. Regan, Township Clerk

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF KENT        )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Linda S. Regan, Township Clerk

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**INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT**

**CHARTER TOWNSHIP OF LOWELL  
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Lowell, Kent County, Michigan, held in the Township and Village Hall, 2910 Alden Nash Avenue, within the Township, on the 17<sup>th</sup> day of October, 2005 at 7:00 p.m.

PRESENT: Members: Timpson, Regan, Stougaard, Blough, Bonn, Den Houter

ABSENT: Members: Huver

The following ordinance was offered by Member Regan and supported by Member Blough.

**ORDINANCE NO. 03-2005  
AN ORDINANCE to amend the Zoning  
Ordinance of the Township of Lowell  
[Application of Lowell Charter Township  
for rezoning to Industrial PUD District — Alden Nash Avenue and 1-961**

THE CHARTER TOWNSHIP OF LOWELL ORDAINS:

Section 1. The Zoning Ordinance of the Charter Township of Lowell is hereby amended by the amendment of Section 3.1 thereof, the Zoning Map, so as to rezone the following described lands from the L 1 Light Industrial District to the Industrial Planned Unit Development (I-PUD) District, in accordance with the final development plan of an industrial planned unit development, subject to all of the terms and conditions of this ordinance:

The Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 9 West, except the STL US- 16 as relocated /1-96/, Lowell Township, Kent County, Michigan.

The Northwest 1/4 of the Northwest 1/4 of Section 28, Town 6

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North, Range 9 West, except the East 16 acres of the North 1/2 of the Northwest 1/4 of the Northwest 1/4, and except that part commencing at the Northwest corner of said Section, thence South 89°50'26" East along the North Section line 252.61 feet to the

West line of the East 16 acres of the North 1/2 of the Northwest 1/4 of the Northwest 1/4, thence South 0°28 '07" West along the said West line and said West line 836.16 feet, thence North 89°50'26" West 256.44 feet to the West Section line, thence North 0°43' 50" East along the West Section line 836.19 feet to the point of beginning of this exception; Also that part of the Southwest 1/4 of the Northwest 1/4 of said Section lying North of the North line of US-16 as relocated /1-96/, except the South 1024.83 feet of the West 643.5 feet, Lowell Township, Kent County, Michigan.

The North 1/2 of the Northeast 1/4 of Section 28, Town 6 North, Range 9 West, except the South 200 feet of the East 160 feet thereof, and except the North 231 feet of the Northeast 1/4 of the Northeast 1/4 of said Section, and except that part commencing at the Southeast corner of the North 231 feet of the Northeast 1/4 of the Northeast 1/4 of said Section, thence South along the East Section line, 521 feet, thence West parallel with the North Section line 662.98 feet, thence North 521 feet to a point on the South line of the North 231 feet of the Northeast 1/4 of said Section, which is 663.31 feet West along said South line from the beginning of this exception, thence East 663.31 feet to the beginning of this exception, and except the North 450 feet of the East 450 feet of the Northwest 1/4 of the Northeast 1/4, and also the Northeast 1/4 of the Northwest 1/4 of said Section, Lowell Township, Kent County, Michigan.

The South 1024.83 feet of the West 643.50 feet of that part of the Southwest 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 9 West, lying North of the North line of US-16 as relocated /1-96/, Lowell Township, Kent County, Michigan.

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The South 1/2 of the Northeast 1/4 of Section 28, Town 6  
North, Range 9 West, except STL US-16 as relocated /1-96/;  
Lowell Township, Kent County, Michigan.

Section 2. The rezoning of the above-described lands to the Industrial Planned Unit Development District in accordance with the final development plan of an industrial planned unit development (the "Development") is expressly subject to all of the following terms and conditions:

(a) **Development Plan.** The Development shall comply in all respects with the Preliminary Development Plan (the "Plan") having a last revision date of September 22, 2005, and as the Plan may be amended from time to time. The final approved version of the Plan shall be authenticated by the signature of the Township Supervisor.

(1) It is acknowledged that the Plan submitted at the time of adoption of this ordinance does not yet specify all of the elements and details of the land uses that are projected for the property. In adopting this I-PUD ordinance, it is the intent of the Township Board that the lands be rezoned to the Industrial Planned Unit Development District, but that the use of the lands remain subject to further and more detailed determinations by the Township, as to buildings, access, streets, drainage, land parcels and other components. Further provisions regarding these matters shall be approved by the Planning Commission and adopted by the Township Board by amendment of this industrial planned unit development ordinance.

(2) Amendments in this ordinance shall be accomplished in the manner provided in Section 3.4.9 of the Zoning Ordinance.

(b) **Land Uses.** The Development shall be established and used for only the uses permitted under the terms of the I-PUD District, set forth in Sections 3.8.3 and 3.8.4 of the Zoning Ordinance.

(c) **Lot Areas and Site Access; Streets and Drives; Storm Water Drainage; Utilities; Soil Erosion and Sedimentation Control; Building Materials and Orientation of Buildings; Sewage Disposal; Water Supply; Landscaping; Off-Street Parking Requirements; Signage; Street Lighting; Garbage and Refuse Disposal; Fire Protection; Screening and Buffering.**

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
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(i) Except to the extent stated in the subparagraphs of this subsection (c), all of the land use matters stated in the title of this subsection shall be as determined by the Planning Commission and Township Board, by means of an amendment or amendments in this I-PUD ordinance. Such additional matters to be determined shall also include such other relevant land use requirements and minimum conditions as are deemed appropriate by the Planning Commission and Township Board.

(ii) Ingress to and egress from the Development shall be by means of a driveway off Alden Nash Avenue and a driveway off Cascade Road, as shown on the Plan. The access driveways shall be subject to the approval of the Kent County Road Commission.

(iii) All internal streets of the Development shall be located as shown on the Plan and shall comply with Kent County Road Commission standards for industrial streets.

(iv) All lots within the Development shall be not less than one acre in area and shall have not less than 150 feet of street frontage.

(v) All buildings within the Development shall be subject to the following minimum building setback requirements:

100 feet from all I-PUD boundary lines;

100 feet from all existing street rights-of-way;

50 feet from all internal street rights-of-way;

200 feet from all dwellings;

100 feet from all wetlands and natural drainage areas;

30 feet from side lot lines;

50 feet from the rear lot line.

Where necessary, the Plan shall be revised to comply with these minimum building setback requirements.

(vi) All outdoor lighting shall comply with Section 4.34 of the Zoning Ordinance.

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## CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS LOWELL CHARTER TOWNSHIP ZONING ORDINANCE

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(vii) The Development shall be landscaped in accordance with the landscaping requirements set forth in Section 3.8.6(C) of the Zoning Ordinance. A landscaping plan shall be submitted to and approved by the Planning Commission.

(viii) All buildings in the Development shall be located as shown in the Plan and shall be constructed in accordance with the terms of Section 3.8.6(M) and 3.8.6(N) of the Zoning Ordinance.

(ix) All buildings in the Development shall be served by an on-site sewage treatment facility, located as shown on the Plan. The sewage treatment facility shall be approved by the Kent County Health Department and shall comply with all applicable Township regulations.

(x) All signs within the Development shall comply with Section 4.4 of the Zoning Ordinance.

(d) **Findings by the Township Board.** The Township Board hereby determines that the plan complies with the provisions of the Township Zoning Ordinance and promotes its intent and purposes. The Township Board further finds the following:

(i) The Development complies with the minimum requirements for eligibility for PUD rezoning, in that the lands are designated for industrial uses in the Township master plan, as is required by Section 3.8.2 of the Zoning Ordinance, and they comply with the minimum area requirement stated in Section 3.8.5.

(ii) The Development, upon construction and use in full compliance with the terms of this ordinance, and with the terms of projected amendments in this ordinance, will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the Development.

(iii) The Development, as stated herein and to be further regulated by amendments in this ordinance, will be consistent with the public health, safety and general welfare.

(e) **Enforcement.** The Township may enforce the provisions of this ordinance to the extent and in any manner provided by law. Any violation of the conditions of this ordinance shall be a violation of the Zoning Ordinance, subject to the penalties provided therein.

(f) **Other Aspects.**

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**CHAPTER 26 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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(i) Section 3.8.1 1 of the Zoning Ordinance specifies that an industrial PUD shall be under construction within one year after the date of approval, though the Planning Commission has discretion to grant an extension of up to one year. It is recognized that the time schedule for construction of the PUD is not certain at this time. It is therefore anticipated that one or more extensions of the one-year construction deadline may be considered by the Planning Commission, in its discretion.

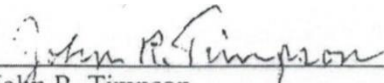
(ii) All other aspects of the Development and the use of the land that are not covered by the terms of this ordinance shall comply with the requirements of the I-PUD District.

Section 3. This ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

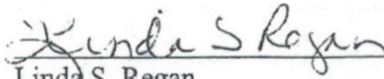
AYES: Members: Regan, Blough, Bonn, Stougaard, Timpson, Den Houter

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
John R. Timpson

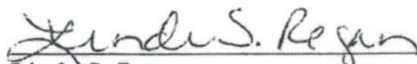
John R. Timpson  
Township Supervisor

  
\_\_\_\_\_  
Linda S. Regan

Lind S. Regan  
Township Clerk

Ordinance becomes effective: November 2, 2005

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Linda S. Regan

Linda S. Regan  
Linda S. Regan  
Township Clerk

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**CHAPTER 27 - REPEAL & EFFECTIVE DATE  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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**CHAPTER 28 – TABLE OF DISTRICT (BULK) REGULATIONS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

**TABLE OF DISTRICT (BULK) REGULATION**

ZONE	(See the separate zoning district chapters in the Zoning Ordinance for a complete list of permitted and special land uses.)	MINIMUM LOT AREA  (In sq. ft. unless otherwise noted)	MINIMUM ROAD FRONTAGE  In feet	REQUIRED FRONT YARD FROM EACH STREET  In feet	REQUIRED SIDE YARD, EACH SIDE  In feet (30 June, 84)	REQUIRED REAR YARD  In feet (30 June, 84)	MAXIMUM BUILDING HEIGHT  In feet (See <a href="#">Section 4.16</a> for exceptions)	MINIMUM FLOOR AREA OF DWELLING  (sq. ft.)
<a href="#">AG-1</a>	Single Family Dwellings and All Permitted & Special Land Uses	2 Acres	200	50	50	50	2 ½ stories or 35 feet	1 <sup>st</sup> story - 750 sq. ft. 2 <sup>nd</sup> story - 600 1 <sup>st</sup> floor 900 total other - 900 total
	Agricultural Service Establishments and Slaughter Houses	3 Acres	200	50		50	2 ½ stories or 35 feet	NA
<a href="#">AG-2</a>	Single Family Dwellings	4 Acres	200	50	25 (28 Aug, 87)	50	2 ½ stories or 35 feet	1 <sup>st</sup> story - 750 sq. ft. 2 <sup>nd</sup> story - 600 1 <sup>st</sup> floor 900 total other - 900 total
	Agricultural Service Establishments and Campgrounds	3 Acres	200	60	50	60	2 ½ stories or 35 feet	
<a href="#">R-1</a>	Single Family Dwellings and All Permitted & Special Land Uses	2 Acres	165	40	25	40	2 ½ stories or 35 feet	1 <sup>st</sup> story - 750 sq. ft. 2 <sup>nd</sup> story - 600 1 <sup>st</sup> floor 900 total other - 900 total
	Two-Family Dwellings	4 Acres			50			900 per unit
<a href="#">R-2</a>	Single Family Dwellings Without sewer	40,000	165	40	20	30	2 ½ stories or 35 feet	1 <sup>st</sup> story - 750 sq. ft. 2 <sup>nd</sup> story - 600 1 <sup>st</sup> floor 900 total other - 900 total
	Single Family Dwellings With sewer	14,000	100		10	25		900 per unit
	Two-Family Dwellings with sewer only	20,000	125		25			
<a href="#">R-3</a>	Single Family Dwellings With sewer	10,000	80	40	10	25	2 ½ stories or 35 feet	1 <sup>st</sup> story - 750 sq. ft. 2 <sup>nd</sup> story - 600 1 <sup>st</sup> floor 900 total other - 900 total

**CHAPTER 28 – TABLE OF DISTRICT (BULK) REGULATIONS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

<b>ZONE</b>	<b>(See the separate zoning district chapters in the Zoning Ordinance for a complete list of permitted and special land uses.)</b>	<b>MINIMUM LOT AREA</b> <b>(In sq. ft. unless otherwise noted)</b>	<b>MINIMUM ROAD FRONTAGE</b> <b>In feet</b>	<b>REQUIRED FRONT YARD FROM EACH STREET</b> <b>In feet</b>	<b>REQUIRED SIDE YARD, EACH SIDE</b> <b>In feet (30 June, 84)</b>	<b>REQUIRED REAR YARD</b> <b>In feet (30 June, 84)</b>	<b>MAXIMUM BUILDING HEIGHT</b> <b>In feet (See Section 4.16 for exceptions)</b>	<b>MINIMUM FLOOR AREA OF DWELLING</b> <b>(sq. ft.)</b>
	Two-Family Dwellings With sewer	15,000	100				2 ½ stories or 35 feet	See Footnote (1) and (2)
	Multiple Family With sewer	4000/unit 8 units/acre					25	
	Planned Developments (See Section 5.2)	15 Acres	400		40	40		
	All Other Permitted Uses	20,000	100		10	25		
<u>MHP</u>	Mobile Home Parks	10 Acres	SEE SECTION 10 OF ORDINANCE FOR ELIGIBILITY, PERMITS, SPECIAL CONDITIONS, ETC				2 ½ stories or 35 feet	

<b>FOR USES LISTED BELOW</b>	<b>MINIMUM LOT AREA</b>	<b>MINIMUM ROAD FRONTAGE</b>	<b>MINIMUM REQUIRED FRONT YARD ON EACH STREET</b>	<b>MINIMUM REQUIRED SIDE YARD, BOTH SIDES</b>	<b>MINIMUM REQUIRED REAR YARD</b>	<b>MAXIMUM BUILDING HEIGHT</b>
<u>C, GENERAL COMMERCIAL</u>	30,000 sq. ft.	100 ft.	75 ft.	(a) For buildings with no roof overhang when in or adjacent to a commercial district, no side yard is required; but when a side yard is provided, it shall be a minimum of 15 feet.  (b) For all other buildings the side yard shall be 15 feet.  (c) When adjacent to a residential use or a residential district, the minimum side yard shall be 50 feet.  (7 July, 2004)	50 feet	2 ½ stories or 35 feet
	(7 July, 2004)					
<u>LI</u>	1 Acre	165 ft.	40 ft.	30 ft. each side  Required yards shall be doubled when side or rear lot line is adjacent to a residential use or a residential district	50 ft.	2 ½ stories or 35 feet

**NOTES:**

**(1) MINIMUM FLOOR AREA FOR MULTIPLE FAMILY DWELLINGS AND APARTMENTS –**

<b><u>FOR</u></b>	<b><u>FLOOR AREA PER UNIT IN SQUARE FEET</u></b>
<b>Efficiency</b>	<b>375</b>
<b>1 Bedroom</b>	<b>600</b>
<b>2 Bedrooms</b>	<b>780</b>
<b>3 Bedrooms</b>	<b>940</b>
<b>Excess of 3 bedrooms</b>	<b>940 + 80 for each additional bedroom</b>

**(2) MINIMUM SPACING BETWEEN DETACHED BUILDINGS SHALL NOT BE LESS THAN THE HEIGHT OF THE HIGHER BUILDING MEASURED FROM THE LOWEST FIRST FLOOR ELEVATION.**

**(3) DWELLINGS FOR SEASONAL FARM LABOR TO FOLLOW STATE REGULATIONS GOVERNING SAME.**

**CHAPTER 28 – TABLE OF DISTRICT (BULK) REGULATIONS  
LOWELL CHARTER TOWNSHIP ZONING ORDINANCE**

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**CHAPTER 29**

**AMENDMENTS TO ZONING TEXT AND ZONING MAP**

**TEXT AMENDMENTS**

**MAP AMENDMENTS**

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