

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 11-02

AN ORDINANCE TO AMEND SUBSECTIONS I AND J AND ADD NEW SUBSECTIONS J AND K TO SECTION 4.08, "ACCESSORY BUILDING AND USES;" TO CHAPTER 4, "GENERAL PROVISIONS," AMEND SECTION 12A.03, "SPECIAL LAND USES," OF CHAPTER 12A, "I-L LIGHT INDUSTRIAL DISTRICT," AND AMEND SECTION 13.03, "SPECIAL LAND USES," OF CHAPTER 13, "I - INDUSTRIAL DISTRICT," OF "APPENDIX A – ZONING ORDINANCE" OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember Ellison, supported by Councilmember Schrauben, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment to Section 4.08 I of Chapter 4. Subsection I of Section 4.08, "Accessory buildings and uses," of Chapter 4, "General Provisions," of "Appendix A – Zoning Ordinance" of the Code of Ordinances of the City of Lowell is amended to read as follows:

I. Any accessory building with a floor area greater than six hundred (600) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building codes and other similar codes and regulations that apply to such structures.

Section 2. Amendment to Section 4.08 J to Chapter 4. Subsection J of Section 4.08, "Accessory buildings and uses," of Chapter 4, "General Provisions," of "Appendix A - Zoning Ordinance" of the Code of Ordinances of the City of Lowell is relettered as subsection L.

Section 3. Addition of New Section 4.08 J to Chapter 4. New subsection J is added to Section 4.08, "Accessory building and uses," of Chapter 4, "General Provisions," of "Appendix A – Zoning Ordinance" of the Code of Ordinances of the City of Lowell to read as follows:

J. Accessory buildings with a floor area greater than two hundred (200) square feet shall (i) comply with applicable building codes and other similar codes and regulations that apply to such structures and (ii) be compatible in design and similar to the main building with respect to exterior finish materials, color, overall design and aesthetic quality. The following additional standards shall apply to such accessory buildings:

1. Accessory buildings covered with vinyl, canvas, nylon or other similar membrane materials shall not exceed two hundred (200) square feet in ground coverage and shall be securely attached or anchored to the ground.
2. Bright contrasting stripe or patterned covers and orange tarp covers shall not be permitted.
3. An accessory building shall be well maintained and kept in a clean and safe condition; rips in the cover, hanging cover material, leaning frames and other visual detriments that present an unkept image shall not be permitted.
4. An accessory building shall not detract from or undermine the character or quality of the surrounding neighborhood.

Gazebos, pergolas or other accessory buildings erected and used by a retail and commercial business for no more than one hundred-eighty (180) days during any consecutive twelve (12) month period and accessory buildings erected for no more than three (3) consecutive days during any consecutive three (3) month period for social events such as weddings, graduations and family reunions shall be exempt from the requirements of this subsection.

Section 4. Addition of New Section 4.08 K to Chapter 4. New subsection K is added to Section 4.08, “Accessory building and uses” of Chapter 4, “General Provisions,” of “Appendix A – Zoning Ordinance” of the Code of Ordinances of the City of Lowell to read as follows:

K. Accessory buildings not meeting the requirements of subsection J of this section may be permitted as a special land use in an I-L Light Industrial District and an I - Industrial District as regulated by chapter 17.

Section 5. Amendment to Section 12A.03 of Chapter 12A. Subsection H is added to Section 12A.03, “Special land uses,” of Chapter 12A, “I-L Light Industrial District,” of “Appendix A – Zoning Ordinance” of the Code of Ordinances of the City of Lowell to read as follows:

H. Accessory buildings not meeting the requirements of Section 4.08.J.

Section 6. Amendment to Section 13.03 of Chapter 13. Subsection F is added to Section 13.03, "Special land uses," of Chapter 13, "I - Industrial District," of "Appendix A – Zoning Ordinance" of the Code of Ordinances of the City of Lowell to read as follows:

F. Accessory buildings not meeting the requirements of section 4.08.J.

Section 7. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

Section 8. Effective Date. This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption is published as provided in Section 7 above.

YEAS: Councilmembers Altoft, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges

NAYS: Councilmembers LaPonsie.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

ORDINANCE DECLARED ADOPTED.

Dated: January 3, 2011

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held January 3, 2011, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on January 12, 2011. I further certify that the above ordinance was entered into the Ordinance Book of the City on January 3, 2011, and was effective January 22, 2011, ten (10) days after publication.

Dated: January 3, 2011

Betty R. Morlock
City Clerk