

**CHARTER TOWNSHIP OF LOWELL**

**KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10-2022Z**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township offices on January 16, 2023, beginning at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Thompson and was seconded by Township Board Member Anderson:

**AN ORDINANCE TO AMEND ARTICLE 14, "OPEN SPACE PLANNED UNIT DEVELOPMENT DISTRICT – OS-PUD," SECTION 14.12 – "ENVIRONMENTAL STANDARDS APPLICABLE TO ALL PUD DISTRICTS," SUBSECTION "E" OF THE CHARTER TOWNSHIP OF LOWELL ZONING ORDINANCE**

**THE CHARTER TOWNSHIP OF LOWELL (the "Township") HEREBY ORDAINS:**

**Section 1. Amendment. Article 14 – Open Space Planned Unit Development District, Section 14.12 – Environmental Standards Applicable to All PUD Districts, Subsection "E" – is hereby amended to read in its entirety as follows:**

**14.12 Environmental Standards Applicable to All PUD Districts**

The following provisions shall be followed to protect the environment of the Township.

- a) Each project shall be designed to have minimal adverse effects 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 Engineer, shall be presented to demonstrate compliance with all Kent County Road Commission stormwater standards and Kent County Drain Commissioner policies and procedures outlined in the KCDC Site Development Rules manual, as well as any other County, State, or Federal regulations.

- 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 should 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 discharge into a wetland shall be diffused to non-erosive 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 5.01(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.

**Section 2. Severability.** The provisions of this Ordinance/ordinance amendment are hereby declared to be severable, and if any part or provision of this Ordinance/ordinance amendment should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the Ordinance/ordinance amendment.

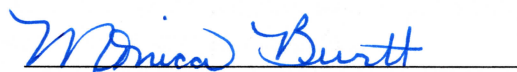
**Section 3. Effective Date.** This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days following the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Hale, Benedict, Burt, Anderson, Blough, Thompson, Vanderziel

NAYS: None

ABSENT/ABSTAIN: None

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.



Monica Burt, Clerk

**ADOPTED DATE: JANUARY 16, 2023**

**PUBLICATION DATE: FEBRUARY 1, 2023**

**EFFECTIVE DATE: FEBRUARY 8, 2023**

**CERTIFICATION**

I hereby certify that the above is a true copy of the Ordinance/ordinance amendment adopted at the time, date, and place specified above pursuant to the required statutory procedures.

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Monica Burt  
Lowell Charter Township Clerk