

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF OCTOBER 21, 2019  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**OPENING PRAYER:** COUNCILMEMBER NICHOLAS L. PIDEK

**PLEDGE OF ALLEGIANCE:** JUSTIN HORVATH  
SEDP PRESIDENT/CEO

**PRESENT:** Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey (arrived 7:32 p.m.), Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Osika to approve the agenda with the following changes:

**Additions:**

**CONSENT AGENDA**

7. Check Register – September 2019.

**ITEMS OF BUSINESS**

7. Complete Count Committee Establishment.

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Laura Burroughs	Complete Count Committee	10-31-2020

**Remove:**

**CONSENT AGENDA**

4. OMS/DDA RLF Bridge Loan Funding Approval – 114-116 W. Main Street.

Motion supported by Councilmember Law and concurred in by unanimous vote.

Councilmember Bailey arrived at 7:32 p.m.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 7, 2019**

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of October 7, 2019 as presented.

Motion supported by Councilmember Law and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**Industrial Facilities Exemption Certificate – Covenant Eyes**

Chris Taphouse, Covenant Eyes Controller, gave a brief overview of the expansion project for which the abatement is being requested saying 3500 square feet of current warehouse space will be converted into a customer service area and training center. The company anticipates hiring 40 new employees upon completion of the project.

Justin Horvath, SEDP President/CEO, noted that Covenant Eyes is a great local employer with over 200 employees currently. They have continued to grow over the years and are known for paying their employees well. He encouraged Council support for the request.

City Manager Nathan R. Henne noted the abatement request applies to the estimated \$350,000.00 the company will invest in land improvements for the project.

A Public Hearing was conducted to receive citizen comment regarding the application of Covenant Eyes, Inc. for an Industrial Facilities Exemption Certificate for real property improvements at 1525 West King Street.

There were no citizen comments received prior to, or during the meeting.

Councilmembers inquired whether the shortage of parking would be addressed with the project. Mr. Taphouse indicated that expansion of their parking lot was currently under way.

Councilmember Bailey said she has concerns about the frequent speeding she sees on W. King Street. Mr. Taphouse indicated he would bring up the issue with the company's safety committee.

Motion by Councilmember Pidek to authorize the following resolution approving an IFT tax abatement for a period of 12-years:

**RESOLUTION NO. 150-2019**  
**APPROVING AN IFT APPLICATION**  
**FROM COVENANT EYES, INC.**  
**1525 W. KING STREET**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on June 19, 2000, this City Council, by resolution established an Industrial Development District; and

WHEREAS, Covenant Eyes, Inc. has filed an application for an Industrial Facilities Tax Exemption Certificate with respect to a new facility within said Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on October 21, 2019, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility had not begun earlier than six (6) months before October 21, 2019, the date of acceptance of the application for the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Tax Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Covenant Eyes, Incorporated for an Industrial Facilities Tax Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District, to wit:

PART OF NORTH 1/2 OF SOUTHEAST 1/4 SECTION 14, T7N-R2E, COMMENCING S 1\*32 1/2' W 33' & E 418.73' FROM CENTER SECTION 14 TO POINT OF BEGINNING, THEN S 42\*7' E 1066.59', THEN N 48\*30' E 118.25', THEN S 77\*17' E 202.9', THEN N 42\*7' W945.24' TO SOUTH LINE OF KING STREET, THEN W 397.66' TO POINT OF BEGINNING, (EXCEPT EASEMENTS OF RECORD) (1525 W. King Street);

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Haber, Fear, Pidek, Bailey, and Mayor Eveleth.

NAYS: None.

**Proposed Special Assessment Project – North Street, from Hickory Street to Gould Street**

City Manager Henne gave a brief presentation detailing the current condition of the street and the work being proposed. He noted that plans call for the street to be narrowed by 7 feet to allow for the installation of a new 12-inch watermain and Caledonia Charter Township officials have been approached about paying for a portion of the project.

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2020-03 for North Street from Hickory Street to Gould Street for street reconstruction.

The following people commented in regard to the proposed special assessment project:

Tom Manke, 2910 W. M-21, asked about the difference between this project and the reconstruction of South Washington Street inquiring why property owners on Washington Street got a break on the cost but those on North Street are not.

Burton Fox, 216 E. Oliver Street, said we need to work to get the township to pay their share of this project.

Patty Zamora, 1416 N. Hickory Street, asked if her driveway approach would be replaced as a part of the project. She further inquired whether the City would put a traffic signal at the corner of Hickory and North Streets to handle the extra traffic that will be generated when the Middle School moves its campus to North Street.

Mayor Eveleth responded to Mr. Manke’s question noting that property owners along South Washington Street were not specially assessed because they had recently paid a special assessment for resurfacing of the street. Unfortunately, the street surface did not last as long as was hoped. And in response to Mr. Fox’s comments he indicated that Owosso Charter Township has been great to work with in regard to funding street projects.

City Manager Henne responded to Ms. Zamora’s comments saying that the City could add the rebuild of her driveway approach to the project. He went on to say that a traffic study would need to be conducted before a traffic light would be installed at Hickory and North Streets and that he would suggest it to the Engineering Department. Lastly he noted that only a portion of the property owners on South Washington Street received a pass, those that were not assessed previously will now be assessed.

Councilmember Fear said she thought the City was waiting for the construction of the new middle school to be finished before reconstructing the street. City Manager Henne indicated that is still the plan.

Motion by Councilmember Fear to approve the following resolution:

**RESOLUTION NO. 151-2019**

**AUTHORIZING SPECIAL ASSESSMENT RESOLUTION NO. 3  
ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2020-03  
NORTH STREET, FROM HICKORY STREET TO GOULD STREET  
FOR STREET RECONSTRUCTION**

WHEREAS, the City Council, after due and legal notice, has met and having heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited:

**NORTH STREET, A PUBLIC STREET, FROM HICKORY STREET TO GOULD STREET  
STREET RECONSTRUCTION**

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$1,343,777.40 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$196,884.33 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and that the sum of \$1,146,893.07 of said total estimated cost shall be the obligation of the City at large because of benefit to the City at large.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied:  
  
**North Street, a Public Street, from Hickory Street to Gould Street  
For Street Reconstruction**
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.
6. When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Bailey, Haber, Pidek, Law, Fear, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

**Ordinance Amendment – Chapter 38, Zoning, Site Plan Review**

The proposed amendment would allow administrative review of select site plans.

City Manager Henne introduced the amendment noting that one of the City's goals is becoming a Redevelopment Ready Community and part of that process involves streamlining processes when possible. The proposed amendment will allow certain projects to be expedited.

Justin Sprague, CIB Planning Consultant, said the City needs the ability to administratively process certain site plans rather than relying solely on the Planning Commission. The proposed amendments should help to improve the process.

A public hearing was conducted to receive citizen comment on the proposed amendments to Section 38-390, Site Plan Review, of Article XVII, *General Provisions*, of Chapter 38, Zoning, of the Code of Ordinances.

The following person commented in regard to the proposed amendment:

Tom Manke, 2910 W. M-21, asked if the changes would be good for small businesses by removing some of the obstacles in the site plan process. It was noted he was correct.

Councilmember Law said he likes the idea of streamlining the process for smaller projects as long as there is an appeals process in place. It was noted there is.

Councilmember Bailey said she thinks the amendment is a great idea.

Councilmember Pidek noted that the Redevelopment Ready program works in tandem with the Main Street program and should help the downtown as well.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Fear that the following ordinance be adopted:

**ORDINANCE NO. 801**

**AN ORDINANCE TO AMEND  
CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES  
TO ALLOW ADMINISTRATIVE SITE PLAN REVIEW**

WHEREAS, the city of Owosso Planning Commission currently reviews every site plan per Chapter 38, Article XVII, Section 390; and

WHEREAS, an Administrative Site Plan Review ordinance would allow the Zoning Official to review certain site plans; and

WHEREAS, an Administrative Site Plan Review protocol would reduce the amount of time necessary to approve minor site plans; and

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the Zoning Ordinance to allow Administrative Site Plan Review in select circumstances; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which no citizen comments were received; and

WHEREAS, the Planning Commission further recommends adoption of the following amendments to the Zoning Ordinance to allow for the administrative review of select site plans; and

WHEREAS, the City Council held a public hearing on October 21, 2019, heard all interested persons, and deliberated on the requested amendment.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. AMENDMENT. That Sec. 38-390, *Site plan review*, be amended to read as follows:

**Sec. 38-390. - Site plan review.**

When provisions of this chapter require submission of a site plan, it shall be submitted in accordance with the provisions of this section. Site Plans may be approved administratively or by the Planning Commission, depending on the proposal.

- (1) Submission for approval. A site plan shall be required for the following:
  - a. Any use or development for which the submission of a site plan is required by any provision of this chapter;
  - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 38-380, off-street parking requirements;
  - c. Any use in an RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, I-1, I-2, P-1 or PUD district;
  - d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;
  - e. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, colleges, institutions, and public facilities;
  - f. Accessory buildings or building additions which require additional off-street parking.
- (2) All site plans must be reviewed and approved by the Planning Commission, with the exception of the following, that may qualify for an Administrative Site Plan Review.
  - a. The Zoning Official, at his discretion, may send a development otherwise eligible for Administrative Site Plan Review to the Planning Commission for review and approval.
  - b. The following development/construction/activity within the City is eligible for Administrative Site Plan Approval:
    1. New construction of any Principally Permitted non-residential or multiple family development that is less than 2,000 square feet in floor area;
    2. Construction of an additional less than 2,000 square feet in floor area in a non-residential district;
    3. Construction of expansion of an impervious surface less than 5,000 square feet in area;
    4. Changes in use from a non-conforming use to a more conforming use;
    5. A vacant existing building or site to be re-occupied by a use permitted and will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks;
    6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer;
    7. Relocation of a waste receptacle or screening around the waste receptacle;

8. Accessory structures in non-residential districts;
  9. Temporary uses, sales, and seasonal events;
  10. Erection of a tower, antenna, or other community facility, essential public service building
  11. Minor revisions to an approved site plan, limited to:
    - a) changes to façade or architectural features
    - b) alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance;
  - c. Site Plan Application and Submittal Requirements are required for Administrative Site Plan Approval, consistent with Section 38-390 (3).
- (3) Any person seeking site plan approval hereunder shall submit a site plan, application, and the applicable filing fee to the building department. Application should be made a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting. The building department shall provide application forms and graphic standards for the site plan. Said site plan shall be prepared by a professional architect, engineer, landscape architect or land planner and must contain the following information:
- a. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more;
  - b. Date, north point, scale, and area of the site in acres;
  - c. The dimensions of all lot and property lines, showing the relationship of the subject property to the abutting properties;
  - d. The location of all existing and proposed structures and utilities on the subject property and all existing structures within one hundred (100) feet to the subject property;
  - e. The location and layout of all existing and proposed drives and parking areas;
  - f. The location and right-of-way widths of all abutting streets and alleys;
  - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
  - h. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;
  - i. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;
  - j. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;
  - k. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;
  - l. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.
- (4) Upon receipt of a complete site plan, application, and application fee the building department shall forward said documents to the Zoning Official for distribution to appropriate City departments for comment. Staff comments shall be made with respect to compliance with the minimum technical requirements of City ordinances and the quality of the development consistent with the intent of the building codes, zoning codes and Master Plan. Upon receipt of all staff comments, the Zoning Official shall either complete the site plan review under the administrative site plan approval process or review the site plan and make its recommendation to the Planning Commission which shall consider the application, site plan, all staff, City, and consultant comments and recommendations at the next scheduled meeting.
- (5) Approval of site plan. Every site plan submitted to the City shall be in accordance with the requirements of this chapter. Copies of the site plan shall be submitted to the building department 30 days prior to the City Planning Commission's regular meeting. No site plan shall be approved until and unless a letter of assurance has been received from the building inspector that the site plan has been reviewed by and is in conformance with all applicable standards of the building department, police department, fire department, engineering department, and city utility department. Further, no construction, reconstruction, demolition, or other site work may progress during the interim, and no building permit(s) shall be issued prior to the final approval of the site plan by the Zoning Official or by the Planning Commission. Upon granting final approval of a site plan, three (3) copies of the site plan will be stamped and signed for

approval, returning one (1) copy to the petitioner, and delivering two (2) copies to the building inspector.

- (6) In the process of reviewing the site plan, the Zoning Official or Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;
  - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
    2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods;
  - c. The Zoning Official or Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;
  - d. In those instances wherein the Zoning Official or Planning Commission find that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the City may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the City may recommend that money in escrow be placed with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or moneys have been deposited with the clerk.
  - e. Whether the site is located within a designated historic overlay district, and whether the proposed action would have an adverse impact on the resources of the historic overlay district, as defined in subsection 38-32(b)(4). The Planning Commission may deny the proposed action if the action would have an unacceptable adverse impact on the historic resource or the historic overlay district itself. The Planning Commission may also require landscaping or other reasonable methods to minimize the adverse impact any proposed action may have on a historic resource or on the historic overlay district itself.
- (7) An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any natural feature for all planned unit developments.
- a. *Procedure for PUD site plan review.*
    1. The applicant for PUD site plan approval shall file with the City Zoning Official all drawings and other materials required for site plans in this chapter, all drawings and other materials required in Section 38-395 for PUD zoning district approval, and the additional information listed below. A PUD site plan application shall not be considered filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
    2. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information, including but not limited to plans, elevations, building and site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
    3. The Zoning Official will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district supplemental regulations and conceptual PUD plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a development agreement as provided in this chapter. The Zoning Administrator will notify the applicant of any questions raised by the City departments and other reviewing agencies and negotiate a development agreement with the applicant if it is determined that such an agreement is needed. The director shall submit a report and recommendation to the planning commission based on this review.
    4. The Planning Commission, after holding a public hearing on the PUD site plan with notification as required by this chapter, shall transmit its recommendation based on the standards below, together with any recommended conditions of

approval and all related reports and minutes to City Council.

- b. *Standards for PUD site plan review.* City Council, after holding a public hearing on the PUD site plan with notification as required by this chapter, and after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:
  1. The development would comply with the PUD zoning established pursuant to the requirements of section 38-395, and with all applicable local, state, or federal laws, ordinances, standards and regulations; and
  2. The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this chapter; and
  3. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.
- c. *Development Agreement.*
  1. Upon obtaining approval of a site plan, the applicant and the City Council may enter into a Development Agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The City Council may approve the Development Agreement immediately following approval of a site plan or it may be placed on a *subsequent agenda of the City Council*. *The applicant shall reimburse* the City for all fees for City legal counsel and consultant participation in the Development Agreement.
  2. The approved Development Agreement shall be recorded with the county Register of Deeds.
  3. In the event the site plan requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded as provided in subsection (5)c.2. above.
- d. *Effect of PUD site plan approval.* For three (3) years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect as the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved developments. After three (3) years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided under administrative amendments to approved PUD site plans.
- e. *PUD site plan amendments.* A minor change to an approved PUD site plan may be approved by the Planning Commission as provided in this chapter except that the proposed changes shall not alter the fundamental design, conceptual integrity, natural features shown to be preserved, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations. The following restrictions shall also apply:
  1. Adjustment in approved phases of development shall not result in a change greater than ten percent of the total gross area in any phase, or ten percent of the number of approved lots, or ten percent of the approved maximum building square footage.
  2. For residential buildings the size may be reduced or increased by five percent, provided the overall density of units does not increase and the minimum square footage requirements are met.
  3. Gross floor area of non-residential buildings may be decreased or increased by up to five (5) percent or ten thousand (10,000) square feet whichever is smaller.
  4. Floor plans may be changed if consistent with the character of the use.
  5. Horizontal and/or vertical elevations may be altered by up to five (5) percent.
  6. Relocation of a building is permitted by up to ten (10) feet, if consistent with required setbacks and other standards.
  7. Designated "areas not to be disturbed" may be increased.
  8. Plantings approved in the final PUD site plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved, which are lost during construction, may be replaced by at least two (2) trees of the same or similar species.
  9. Improvements or slight relocation of site access or circulation patterns are minor changes, such as inclusion of deceleration lanes, boulevards, curbing, and pedestrian or bicycle paths.
  10. Changes of building materials to another of higher quality can be made, with

determined of quality a judgment of the building inspector.

11. Slight modification of sign placement or reduction of size may be made.
12. Internal rearrangement of a parking lot is possible if the change does not affect the number of parking spaces or alter access locations or design.
13. Changes required by the City, county or state for safety reasons are a basis for a minor change.

(8) It shall be understood that the petitioner agrees to install and/or construct all improvements in the approved site plan within twelve (12) months from the initiation of on-site construction, and to provide for their continued maintenance.

(9) The Planning Commission may modify the foregoing requirements or waive them if it can be shown that no good purpose would be served in the preparation of a site plan.

(10) The Planning Commission may require that a bond be posted by a developer(s) to assure that improvements connected with an approved site plan are made as proposed.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective November 11, 2019.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Haber, Law, Mayor Pro-Tem Osika, Councilmembers Pidek, Bailey, Fear, and Mayor Eveleth.

NAYS: None.

#### **Ordinance Amendment – Chapter 26, Signs**

City Manager Henne indicated that the proposed amendment corrects some issues in the current ordinance, clarifies the details surrounding specific types of signs, and ensures the City is compliant with the Reed v. Town of Gilbert Supreme Court ruling.

Justin Sprague, CIB Planning Consultant, relayed the opinion of the City's enforcement team that the current ordinance is tedious and confusing. He hopes the proposed amendment will provide some clarity for staff and the public.

A public hearing was conducted to receive citizen comment on the proposed repeal and replacement of Chapter 26, Signs, of the Code of Ordinances.

The following people commented regarding the proposed amendment:

Tom Manke, 2910 W. M-21, asked if car lots would still be allowed to use penant style flags, noting that if they aren't it would be detrimental to the business. He also took issue with the digital sign on the Lebowsky Center saying it is too large to comply with the ordinance and the City looks the other way on it.

Dale Frazier, owner of D&L Auto Sales, says he has used flags and streamers for years. He makes sure they are high enough and far enough back from the road so as not to block the view and he replaces them periodically to keep them looking fresh. He asked that Council not penalize people that mind safety rules and take care of their property. Staff indicated that streamer signs are prohibited by the proposed ordinance.

Burton Fox, 216 E. Oliver Street, encouraged the City to step up enforcement of the ordinance, particularly in regard to yard signs and campaign signs. He asked if the proposed ordinance contains time limits for how quickly a digital sign can change. The City's planning consultant indicated includes rules for how electronic messages are displayed.

There was discussion among Councilmembers, City staff, and the City's planning consultant regarding erring on the side of safety, if existing signs should be grandfathered in, penalizing business owners that take good care of their signage, and obtaining a sign variance from the ZBA. Mr. Sprague noted that owners of existing signs prohibited by the new ordinance would not be immediately forced to take their signs down, but if such a sign came down for any reason it would not be reaproved.

Councilmember and Planning Commission member Fear noted that the Planning Commission had debated about festoons extensively at multiple meetings and was unable to come up with a better recommendation. The problem is that not everyone keeps their property the way Mr.

Frazier does and it is cleaner to prohibit them and not force staff into making subjective decisions about who's sign is in good condition and who's sign isn't.

Councilmember Law, the Council Representative on the Planning Commission, said he felt that Mr. Frazier's festoons did not present a danger and Council should not be in the business of regulating things that may happen someday. He also noted that he personally prefers pole signs to ground signs because of their greater visibility. That being said, he went on to say that he could live with the non-conforming appeals process.

Councilmember Pidek inquired about data regarding distracted drivers and signage. Mr. Sprague offered to obtain information and share it with Council.

Councilmember Bailey wanted to know how the City planned on getting the word out to local businesses if the ordinance passes. Planning Consultant Sprague noted that he planned to post the changes in the Building Department and further get the word out via newspaper and social media. City Manager Henne indicated they could also utilize the DDA and the Chamber of Commerce to help disburse the word.

Councilmember Fear noted that the Planning Commission had recommended the proposed ordinance unanimously.

Mayor Eveleth inquired whether the regulation set in the proposed ordinance were standard for most communities. Mr. Sprague noted that many are actually stricter, applying an aesthetic criteria as well. For the sake of safety he recommended removing as many distractions from around the road as possible.

Councilmember Fear indicated that she had wanted to figure out a way to allow car dealerships to keep using festoons but then the problem becomes a content related issue. They simply have to be allowed for everyone or for no one.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Osika that the following ordinance be adopted:

## **ORDINANCE NO. 802**

### **TO REPEAL AND REPLACE CHAPTER 26, SIGNS, OF THE CODE OF THE CITY OF OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission believe Chapter 26, Signs, of the Code of the City of Owosso, also known as the Sign ordinance, to be content based posing potential liability to the city of Owosso; and

WHEREAS, the planning commission held a public hearing at their September 23, 2019 regularly scheduled meeting regarding the proposal to repeal and replace Chapter 26, Signs, in which no citizen comments were voiced or received; and

WHEREAS, the planning commission seeks the repeal and replacement of Chapter 26, Signs, in its entirety; and

WHEREAS, the City Council held a public hearing on October 21, 2019, heard all interested persons, and deliberated on the requested amendment.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. REPEAL. That Chapter 26, Signs, of the Code of Ordinances of the City of Owosso, is hereby repealed in its entirety.

SECTION 2. REPLACEMENT. The new Chapter 26, Signs, shall read as follows:

#### **ARTICLE I. - IN GENERAL**

##### **Sec. 26-1. – Short title.**

This ordinance shall be known as and may be cited as the City of Owosso Sign Ordinance.

##### **Sec. 26-2. - Purpose.**

- a. The purpose of this article is to regulate signs and to minimize outdoor advertising within the city so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Owosso Master Plan and this article; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral.
- b. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:

1. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
  2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
  3. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values, and quality of life.
  4. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
  5. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
  6. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
  7. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- c. The regulations and standards of this article are considered the minimum necessary to:
1. Achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
  2. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
  3. Prevent off-premises signs from conflicting with other allowed land uses.
  4. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
  5. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
  6. Preserve and enhance the image of the City
  7. To prohibit all signs not expressly permitted by this chapter.
  8. To provide for the permitting of signage and the enforcement of the provisions of this chapter.
  9. Permit signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

**Sec. 26-3. – 26-4. - Reserved.**

## **ARTICLE II. - DEFINITIONS**

### **Sec. 26-5. - Sign definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

**Abandoned sign.** Any sign which is still on the premises six (6) months after a business ceases to operate or moves from the location.

**Address sign:** Address numbers attached to the building or sign which are readily visible from the street.

**Administrator.** The City Manager or his designated representative within the City of Owosso.

**Alteration.** Any construction or repair which significantly changes a sign, including additions or deletions to the sign structure.

**Accessory sign:** A sign which pertains to the use of the premises on which it is located.

**Animated sign:** A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

**Awning:** A roof like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians from the elements.

**Awning sign:** A permanent sign painted on, printed on, or attached flat against the surface of an awning.

**Balloon sign:** A type of temporary, portable sign filled with air or gas.

**Banner:** A fabric, plastic or other sign made of non-rigid material without enclosing structural framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.

**Building marker.** Any sign indicating the name of a building and date of construction which is typically cut into a masonry surface and part of the building wall construction.

**Barber pole sign:** A permanent sign attached to the building in a vertical cylinder shape with moving and/or alternating colors.

**Business or campus center:** A grouping of two or more buildings on one or more parcels of property which may share parking, access and are linked by ownership giving the appearance of a unified grouping of uses.

**Changeable message sign:** A sign on which the message is changed mechanically, electronically or manually. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage. Reference Electronic message sign (EMS) definition.

**Community special event sign:** Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, school or other non-profit activities.

**Commemorative plaque:** A memorial tablet, commemorative plaque, or sign including historical identification sign, designating the name and date of significance, cut into or raised on any masonry surface, or when constructed of cast metal, with a total maximum sign area of ten (10) square feet.

**Construction sign:** A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

**Directional sign:** A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs...

**Display time:** The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

**Double faced sign:** Signs with two parallel or nonparallel sign surfaces not more than 24 inches apart at any point on the opposite face.

**Downtown Historic District boundary:** As shown in the map.



**Electronic message sign (EMS):** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

**Fade:** A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**Feather or flutter sign:** Any sign that is comprised of material that is suspended or attached in such a manner to a pole or stake as to attract attention by waving, moving or fluttering from natural wind currents. It also includes similar signs that do not move or flutter. Feather or flutter signs are considered temporary signage.

**Festoon:** Temporary signage that is a string of ribbons, tinsel, small flags, pinwheels, streamer, pennants, or balloons, typically strung overhead.

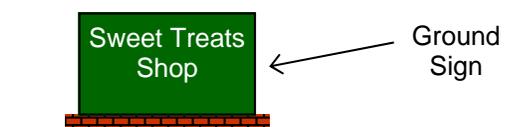
**Flag.** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

**Flashing sign:** A sign which contains an intermittent or sequential flashing light source.

**Gas station canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

**Gas station canopy sign:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure.

**Ground or monument sign:** A sign extending upward from grade that is attached to a permanent foundation with either stone or masonry or is wrapped in a material so that the support structure is concealed.



**Historical marker:** A historical marker or historic marker is an indicator such as a plaque or sign to commemorate an event or person of historic interest and to associate that point of interest with a specific locale one can visit. Historical marker designation and plaque or sign size and placement may be regulated by local, state, or federal regulations and standards.

**Illegal sign:** A sign which does not meet the requirements of this article and does not have legal nonconforming status.

**Illuminated sign.** Any sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

**Incidental sign:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

**Inflatable sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Institutional uses:** Meaning a use by public or quasi- public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital.

**Mansard:** A sloped roof or roof-like façade. Signs mounted on the face of a mansard roof shall be considered roof signs.

**Maintenance.** For the purposes of this chapter, 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.

**Marquee:** A permanent roof-like structure or canopy, supported by and extending from the face of the building.

**Marquee sign:** A permanent sign attached to any part of a marquee other than the roof.

**Menu board sign:** A sign oriented to the drive through lane for a restaurant that advertises the menu available from the drive through window.

**Moving sign:** A sign in which the sign itself, or any portion of the sign, moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

**Mural:** A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

**Nonconforming sign:** A sign that does not comply with the size, placement, construction or other standards or regulations of this article, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

**Obsolete sign:** A sign that advertises a product that is no longer made or that advertises a business that has closed.

**Off-premises sign:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

**On-premises sign:** A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

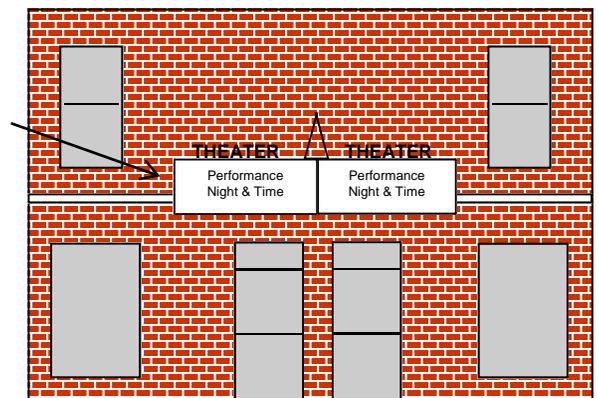
**Outline tubing sign:** A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it including neon and luminous tube. Outline tubing signs shall also apply to signs consisting of LED tubing. Accent lighting not spelling words shall not be considered signage.

**Owosso Historic District Commission:** Formed in the fall of 2010, this regulatory commission is responsible for reviewing all applications for exterior work that is completed in within the Downtown Historic District Commission (HDC) boundaries.

**Owner.** A person regarded as such on city tax records, or a tenant of the premises so designated by the administrator.

**Parapet:** The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Marquee Sign



**Pennant.** A flag or banner that tapers to a point. A pennant is considered a temporary sign.

**Pole sign:** A sign supported on the ground by a pole, braces, and not attached to any building or other structure.

**Permanent sign:** A sign designed to be installed permanently in the ground or wall of a building that is constructed out of durable materials.

**Portable sign:** A temporary sign designed to be moved from place to place by wheels, whether or not it is attached to the ground or a structure. Portable may include changeable signage area.

**Premises.** The contiguous land in the same ownership or control which is not divided by a public street.

**Principal building.** The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Projecting sign:** A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall. The leading edge may extend over the public right of way.

**Public sign:** A sign erected in the public interest by or upon orders from a city, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

**Real estate development sign:** A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

**Real estate sign:** An on-premises temporary sign advertising the property or structure's availability for sale or lease.

**Regulatory sign:** A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

**Residential entranceway sign:** A permanent sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

**Roof line:** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

**Roof sign:** A temporary sign or permanent sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, or signs where any portion of the sign extends above the roof of the building where the sign is located.

**Sandwich board sign:** A temporary sign containing two separate faces which are attached to one another at the top by one or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support.

**Sign:** A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which may contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

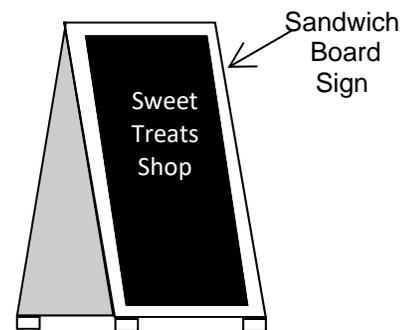
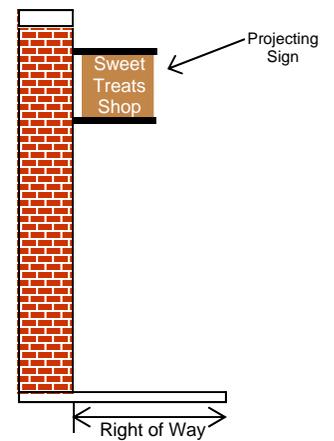
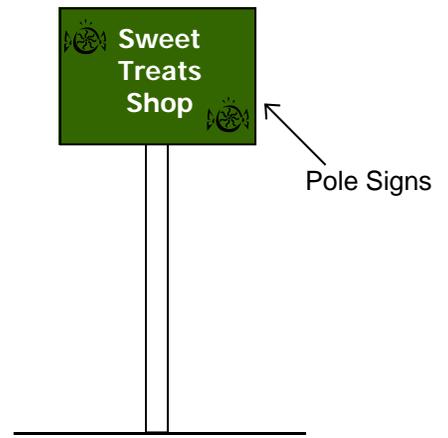
**Temporary sign:** A sign constructed of paper, cloth, canvas, plastic, cardboard, wall board, plywood, or other like material that are constructed for limited time use, lack a permanent foundation or mounting, or is determined by the Ordinance Enforcer to be displayed for a limited time.

**Time and temperature sign:** Signs which display the current time and/or temperature only.

**Vehicle sign:** Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes. This does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation on a daily basis.

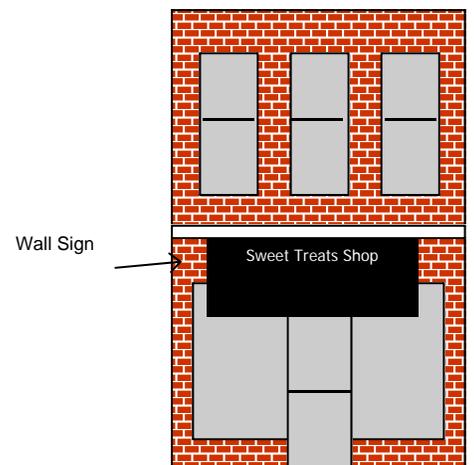
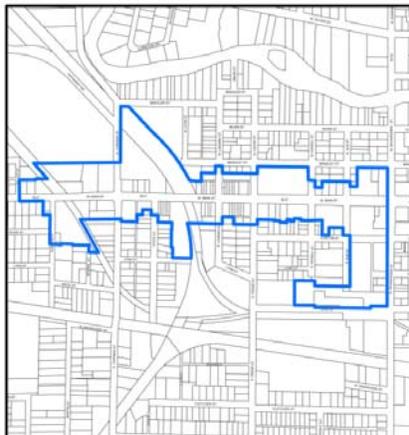
**Wall sign:** A sign attached parallel to and extending not more than 12 inches from the wall of a building.

**Westtown boundary:** As shown in the map.

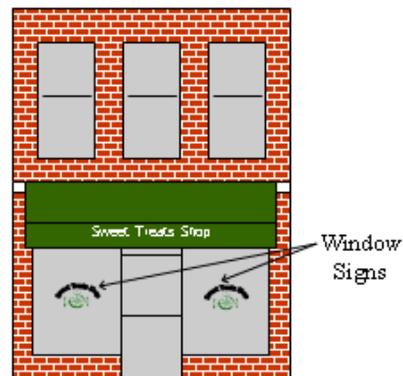


Westtown Boundary

Legend  
 — Westtown  
 □ City Parcels



**Window sign:** A sign located in or on a window which is intended to be viewed from the outside. This includes TV or computer screens placed in the window visible from the outside.



### ARTICLE III. - GENERAL PROVISIONS

#### Sec. 26-6. Applicability; effect and scope.

The regulations of this chapter shall apply to all signs visible from a public right-of-way, private road, public park or residentially zoned property located within the City of Owosso.

#### Sec. 26-7. – Sign permits.

- a. All signs are subject to the general and specific regulations of this chapter whether they require a permit or not. Any sign permitted under the ordinance may contain either a commercial or noncommercial message.
- b. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a permit to the City of Owosso.
- c. It shall be unlawful for any person to erect, re-erect, change panels, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.
- d. Applications for sign permits and the appropriate nonrefundable fee shall be made upon forms provided by the building department for this purpose and in accordance with application specifications published by the administrator. These specifications shall be as complete in form as necessary for evaluation of the sign in relationship to the requirements of this chapter.
- e. Within ten (10) days of receiving an application for a sign permit, the administrator shall review it for completeness. If the administrator finds that it is complete, the application shall then be processed. If the administrator finds that it is incomplete, the administrator shall, within such ten (10) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.
- f. The administrator shall issue a permit within ten (10) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
- g. When a permit is denied, the administrator shall within ten (10) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity.
- h. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall inspect the work completed in conformance with the approved permit and applicable codes. If the construction is not complete within six months of the permit issuance date, the permit shall expire.

#### Sec. 26- 8. – Signs exempt from permit regulations.

The following signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- a. Address signs
- b. Building marker
- c. Commemorative plaque
- d. Historical marker sign
- e. Directional signs
- f. Public signs and regulatory signs
- g. Temporary signs as detailed in this chapter
- h. Time and temperature signs
- i. Window signage

#### Sec. 26-9. - Prohibited signs.

The following signs are prohibited in all districts:

- a. Abandoned signs
- b. Balloon signs
- c. Festoons
- d. Flashing signs
- e. Illegal signs
- f. Inflatable signs
- g. Moving signs excluding barber shop poles
- h. Obsolete signs
- i. Off-premise signs, unless otherwise specified in this chapter
- j. Outline tubing signs
- k. Pennants

- l. Portable signs
- m. Roof signs
- n. Vehicle signs
- o. Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
- p. Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers of motorized vehicles.
- q. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- r. Signs which obstruct the minimum 5 feet of clearance required for Barrier Free accessibility.
- s. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters

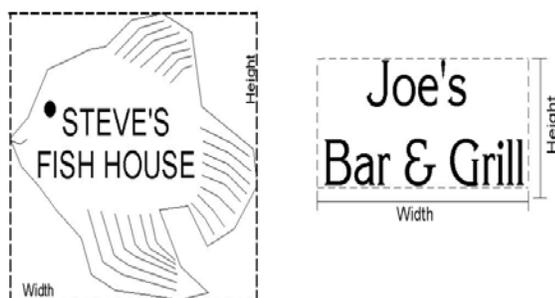
**Sec. 26-10. - General standards for permitted signs.**

The following regulations shall apply, unless otherwise specifically stated in this chapter, to all signage erected or located in any zoning district within the city:

- a. The current edition of the Michigan Building Code shall be in full force and effect in the City as if set out fully herein. Complete printed copies of the code are available for public use and inspection at the office of the city clerk.
- b. Sign setbacks.
  - 1. All signs, unless otherwise provided for, shall be set back a minimum of five feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
  - 2. Side yard setbacks for signs shall be the same as that required for the main structure or building.
- c. Adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- d. Illumination.
  - 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to the sign.
  - 2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
  - 3. External sources of illumination shall be shielded and directed to prevent glare onto neighboring properties or the public right of way.
  - 4. Underground wiring shall be required for all illuminated signs not attached to a building.
- e. Maintenance, construction and design.
  - 1. All signs shall be maintained in good structural condition at all times...
  - 2. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
  - 3. All signs, including any cables, guide wires, or supports shall have a minimum clearance of four feet from any electric fixture, electric line, street light, or other public utility pole or standard.
  - 4. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- f. Addresses. Addresses shall be in compliance with the International Fire Code requirements for number size and visibility from the public right of way.
- g. Noncommercial speech. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- h. Directional Signs.
  - 1. Private On-premise directional signs.
    - a) Not more than one directional sign shall be permitted for each approved driveway entrance from a right of way, with a maximum sign area of six square feet per sign, and a maximum height of six feet.
    - b) Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage.
    - c) Directional signage located within a business center not adjacent to a public right of way shall be governed by the property owner.
  - 2. Private Off-Premise Directional Signs. Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the city of Owosso.
    - a) Off-premise directional signs shall be no greater than twelve (12) square feet.
    - b) Sign lettering may only display the off-premise business name, address, and an arrow indicating direction.
    - c) Off-premise directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 Districts.

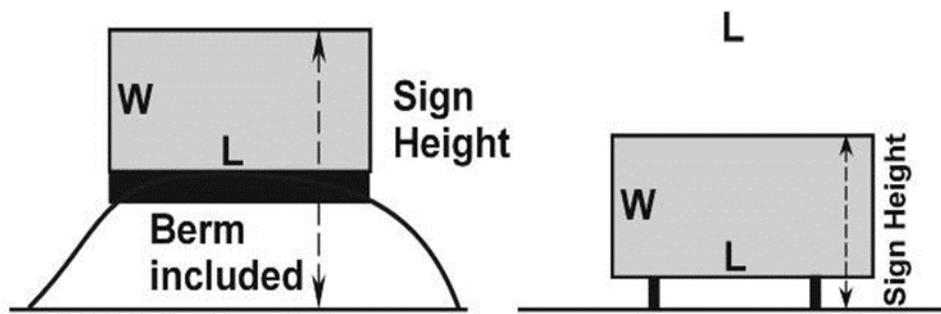
3. Public Off-Premise Directional Signs: Public off-premise directional signs erected by the City, City affiliated organization or State of Michigan shall be permitted in the street right-of-way
- i. Temporary signs. Temporary signs as defined in Sec. 26-5 are allowed with a permit subject to the following:
  1. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed 30 square feet. The maximum size of individual temporary signs shall not exceed twenty 20 square feet in area. Temporary signs shall not be higher than 42 inches above average mean grade of the yard on which it is placed.
    - a) Exceptions:
      1. For uses other than one and two family dwellings, temporary signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 20 feet in height.
      2. One temporary sign located on vacant land that is for sale or for lease, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 64 square feet of sign area (total), but not more than 32 square feet per sign face and not more than 8 feet in height.
    - b) Location of Temporary Signs:
      1. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
      2. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
      3. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
      4. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
      5. Signs shall be located so as to comply with the corner clearance requirements of the ordinance.
      6. Temporary signs shall not be illuminated.
    - c) Time Limitations for Temporary Signs: Temporary signs shall be removed within 60 days of placement, except for temporary signs that are located on real property that is for sale or lease. Temporary signs are permitted for 60 days in a 120-day period.
  - j. Measuring sign area and height.
    1. Measurement of allowable sign area (see Figure 26.10a Guidelines for Measuring Sign Face Square Footage below).

**Figure 26.10a. How to Measure Sign Face**



2. The sign area shall include the surface area which encloses the extreme limits of the sign copy together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
3. Measurement of sign height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

**Figure 26.10b. How to Measure Sign Height**



**Sec. 26-11. - Nonconforming signs.** Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this article to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of this article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this article, however, the following alterations are regulated:

- a. A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- b. A nonconforming sign shall not be replaced by another nonconforming sign.
- c. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-12c, dangerous, unsafe, abandoned, and illegally erected signs.
- d. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

**Sec. 26-12. - Dangerous, unsafe, abandoned, and illegally erected signs.**

- a. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
- b. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph 5. below.
- c. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
- d. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
- e. Process for enforcing violations of section 26-12, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-12, the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

**Sec. 26-13. - Administration of sign ordinance standards.**

- a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
- b. Signs in the public right of way. In addition to the penalties prescribed below, any sign erected in the public right of way may be removed by the ordinance enforcer and stored in a safe location for at least 48 hours. During this period of time, the sign owner may obtain the sign from the City upon request and payment of a fee established in the City's Fee Schedule which will cover the cost of removal and storage. After 48 hours, the City may dispose of the sign.

- c. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this article. Any such violation, including the failure to remove a sign when directed under the authority of this article, shall constitute a misdemeanor punishable in accordance with section 34-231 of the Owosso Code of Ordinances.

**Sec. 26-14. – Board of Appeals**

- a. Organization. The sign board of appeals shall be the zoning board of appeals as organized in chapter 38.
- b. Powers and duties.
  - 1. Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
  - 2. Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit.
  - 3. Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
  - 4. Interpret the provisions of this chapter.
- c. Grounds for variance. The board of appeals may grant a variance from the provisions or requirements of this chapter only where:
  - 1. The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question.
  - 2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
  - 3. The unusual conditions applying to the specific property do not apply generally to other properties in the city.
  - 4. The granting of the variance will not be contrary to the general objective of this chapter of moderating the size, number and obtrusive placement of signs and the reduction of clutter.
  - 5. Support for hardship. Where there is insufficient evidence, in the opinion of the board of appeals, to support a finding of “undue and unnecessary hardship” under subsection (a) of this section, but some hardship does exist, the board may consider the requirement fulfilled if:
    - a) The proposed sign is of particularly good design and in particularly good taste.
    - b) The entire site has been or will be of particularly good design and in granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.
  - 6. Notice of hearing. Shall be done in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006 and any amendments to said Act.

**Sec. 26-15—26-19. - Reserved.**

**ARTICLE IV. – SPECIFIC SIGN STANDARDS**

**Sec. 26-20. - Signs Permitted in Residential One-family Residential (R-1), Two-family Residential (R-2), Attached One-family Residential (R-T), Multiple-family Residential (RM-1) and Multiple-family Residential – High rise (RM-2) Districts Signage Table**

Type	# Allowed	Max Height	Max Size
Wall	1 per business		Not exceed 10% facade
Awning	1 per business		Not exceed 10% facade
Ground	1 per parcel	6 feet	24 square feet per side
Ems	Institutional use only *		50% of allowed ground sign
Subdivision/Development Entrance	Entrance to development	6 feet	24 square feet per side
Business Placard (B & B)	1 per residence		2 feet x 3 feet

**Sec. 26-21. - Signs Permitted in Residential One-family Residential (R-1), Two-family Residential (R-2), Attached One-family Residential (R-T), Multiple-family Residential (RM-1) and Multiple-family Residential – High rise (RM-2) Districts Signage.**

- a. The following signs are permitted in the R-1, R-2, R-T, RM-1 and RM-2 zoning districts subject to the following requirements:
  - 1. Wall Sign.
    - a) One wall sign per business not to exceed 10% of front façade for all uses other than single family homes, duplexes, and attached condominiums.
    - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.

- c) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
- 2. Awning signs may be used as an alternative or in addition to wall signs for all uses other than single family homes, duplexes, and attached condominiums, provided that they meet the following standards:
  - a) Awning signs and wall signs must not exceed 10% of front façade
  - b) Any sign area on an awning shall be included in calculations of maximum wall sign square footage.
  - c) Awning signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
  - d) No awning sign shall extend above the roof or parapet of the structure to which it is attached.
  - e) Awning signs shall not be internally illuminated.
- 3. Home Occupations as allowed and defined in Sec. 38-394 shall be permitted a sign not to exceed a size of 2' x 3' mounted flush to the building. The sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event, shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- 4. Bed and breakfast signs as detailed in Chapter 7 of the Owosso City Code.
- 5. Ground Sign shall be permitted as follows for all uses other than single family homes, duplexes and attached condominiums:
  - a) Not more than one ground sign is permitted per parcel.
  - b) The top of the ground sign shall be no more than six feet above ground level.
  - c) A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.
  - d) No ground sign shall have an area exceeding 24 square feet per side.
  - e) A ground sign shall be located on the same parcel as the use.
  - f) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- 6. One electronic message sign, meeting the above requirements, may be permitted for institutional uses located in a residential district when meeting the following requirements:
  - a) The institutional use is located on a major or minor arterial or collector road.
  - b) The size of the electronic message sign shall be no greater than 50% of the allowable ground sign square footage.
- 7. Residential Entryway/Ground Sign shall be permitted as follows at the entrance of a residential subdivision:
  - a) Entryway Sign:
    - 1. The top of the ground sign shall be no more than six feet above ground level.
    - 2. A ground sign shall not extend closer than 5 feet to the adjacent public right of way and shall meet the adequate sight distance requirements of this chapter.
    - 3. No ground sign shall have a single surface area exceeding 24 square feet per side.
    - 4. A ground sign shall be located on the same parcel or at the vehicular entrance to identify a subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, or similar residential uses.
  - b) Real Estate Sales Sign:
    - 1. One temporary sign located on vacant land that is for sale or for lease or a residential development that has site plan approval and is under construction, and when the parcel exceeds two acres in area, shall be allowed to have a size equal to 64 square feet of sign area (total), but not more than 32 square feet per sign face and not more than 8 feet in height.
    - 2. Real Estate Sales signs must be removed after the last lot/parcel/residence is sold/leased in the development.
- 8. Temporary signs per Sec. 26-10(i) of this chapter and:
  - a) Temporary signs include, but are not limited to the following:
    - 1. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.
    - 2. An on-site sign advertising an on-going garage, estate or yard sale.
    - 3. Noncommercial signs which contain noncommercial information or directional messages.
    - 4. Political signs.
    - 5. Holiday or other seasonal signs.
    - 6. Construction signs for buildings under construction. See Real Estate Development Sign requirements.

7. All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.
- b) Location of temporary signs shall comply with the following:
  1. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
  2. Temporary signs shall not be located closer than 20 feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.
  3. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
  4. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
  5. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
  6. Signs shall not be located within any clear vision triangle, as described in section 38-388 Corner Clearance.
- c) Time limitations for temporary signs. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.

**Section 26-22. - Signs Permitted in Local Business (B1), Planned Shopping Center (B2), Central Business (B3) and General Business (B4) Districts Signage Table**

<sup>1</sup> Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one street frontage.

<sup>2</sup> Additional wall signage is permitted per Section 26.23.a.2.c

<sup>3</sup> Additional pole sign may be permitted per Section 26.23.e

<sup>4</sup> The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

Zone District										
Sign Type	OS-1	B-1	B-2	B-3	B-4	I-1	I-2	P U D	P 1	C-OS
Pole sign <sup>1,3</sup> (number allowed)	NA	1	1	1	1	1	1	Signage as permitted in B-1, B-2, B-3 and B-4	See Section 38-333	
Pole sign area (square feet)		40	40	40	40	40	40			
Pole sign height max (feet)		20 or building height								
Sign Setback (feet)(c)	5	5	5	5	5	5	5			
Ground Sign <sup>1</sup> (number allowed)	1	1*	1*	1*	1*	1	1			1*
Ground sign height max (feet)	NA	6	6	6	6	6	6			6
Ground Sign area (square feet)	40 per side	40 per side	40 per side	40 per side	40 per side	40 per side	40 per side			40 per side
Wall sign <sup>1,2</sup> (number allowed)	1	1 per business	1 per business	1 per business	1 per business	1	1			
Wall area <sup>4</sup>	10%	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	20% or 200 square feet, whichever is less	20% or 200 square feet, whichever is less			
EMS sign as part of pole sign or ground sign (% of sign changeable)	50%	50%	50%	50%	50%	50%	50%			

<b>Window Signs (max square ft)</b>		25% first floor window	25% first floor window	25% first floor window	25% first floor window					
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**Sec. 26-23. Signs Permitted in Local Business (B1), Planned Shopping Center (B2), Central Business (B3) and General Business (B4) Districts Signage.**

- a. Wall Sign:
  - 1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a sign permit, and prior to installation of new signage or modification of existing signage.
  - 2. Wall signs may be used provided that they meet the following standards:
    - a) One wall sign per business not to exceed 10% of front façade or 100 square feet, whichever is less is permitted.
    - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached.
    - c) Businesses located on a second public right of way, public parking lot or public alley shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
    - d) Additional wall sign square footage is permitted when the following is met:
      - 1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet.
      - 2. Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
    - e) No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
    - f) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
- b. Ground Sign
  - 1. Ground Sign may be used provided that they meet the following standards:
    - a) The top of the ground sign shall be no more than six feet above ground level.
    - b) A ground sign shall not extend closer than 5 feet to the public right of way.
    - c) No ground sign shall have an area exceeding 40 square feet per side.
    - d) A ground sign shall be located on the same parcel as the building or use to which it is accessory.
    - e) An additional ground sign may be permitted if access to the parcel is provided from two public streets.
    - f) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- c. Changeable or electronic message sign
  - 1. Changeable or electronic message signs as part of a wall or ground sign when the following requirements are met:
    - a) Changeable or electronic message signs are not permitted within the historic district boundary.
    - b) One changeable or electronic message signs sign shall be permitted per premises, but not both.
    - c) The area of a changeable or electronic message sign shall not exceed half the total area of the sign.
    - d) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
    - e) Electronic messages shall not flash, fade in or out, or scroll.
    - f) Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
  - 2. One gasoline price sign is permitted for a gas station canopy with an area not to exceed ten percent of the canopy façade.
- d. Pole Signs
  - 1. Pole signs may be used provided that they meet the following standards:
    - a) Pole signs are not permitted within the historic district boundary.
    - b) A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.
    - c) A pole sign shall not extend closer than 5 feet to the public right of way.
    - d) The lower edge of the pole sign shall be is eight feet or more above the ground level.
    - e) No pole sign shall have a single surface area exceeding 40 square feet per side.
    - f) A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.
    - g) Changeable or electronic message signs as part of a pole sign when the following requirements are met:

1. Changeable or electronic message signs are not permitted within the historic district boundary.
  2. One changeable or electronic message sign shall be permitted per premises, but not both.
  3. The area of a changeable or electronic message sign shall not exceed half the total area of the sign.
  4. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
  5. Electronic messages shall not flash, fade in or out, or scroll.
  6. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
- h) One gasoline price sign is permitted for an overhead gas pump awning with an area not to exceed ten percent of the awning façade.
- e. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
1. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
  2. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
- f. Awning
1. Projecting and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:
    - a) Any sign area of an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
    - b) Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
    - c) No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
    - d) Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
    - e) Awning signs shall not be internally illuminated.
    - f) If any projecting sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
    - g) If at any time the insurance policy obtained to subsection (f.1.g) is canceled, the projecting sign shall be immediately removed. In the event the projecting sign is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.
- g. Marquee
1. Marquee signs shall be permitted within the Historic district and Westtown district for theater uses as follows:
    - a) The bottom of the marquee sign shall be a minimum of eight feet above the ground.
    - b) A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
    - c) A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
    - d) One marquee shall be permitted per public entrance.
    - e) The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
    - f) No marquee sign shall project into an alley or truck service driveway.
    - g) If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
    - h) If at any time the insurance policy obtained to subsection (g.1.g) is canceled, the marquee shall be immediately removed. In the event the marquee is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.

- h. Menu Boards
  - 1. Menu board signs may be used provided that they meet the following standards:
    - a) Menu display boxes shall be constructed of high-quality materials, and their size, location, and design shall be appropriate to the character of the building and the restaurant.
    - b) Menu signs, including display box, shall not exceed 25 square feet in area and 6 feet in height.
- i. Sandwich Board
  - 1. Sandwich board signs are permitted within the Historic District and Westtown district subject to the following requirements:
    - a) One sign per entrance shall be permitted regardless of the number of tenants on the premises.
    - b) The sign shall be located on the sidewalk.
    - c) The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
    - d) Each sign shall not exceed an overall height of 4 feet and a maximum square footage of 8 per side.
    - e) No sign shall be located in such a manner as to interfere with vehicular traffic flow or visibility.
    - f) Sign placement shall permit for the minimum 5 feet of clearance required for Barrier Free accessibility, which includes but is not limited to placement on a sidewalk.
    - g) No sign shall be placed as to obstruct any door or opening used as a means of egress or as to prevent free passage.
    - h) All signs must be constructed of weather-proof, durable material, have a professionally-made appearance and be kept in good repair.
    - i) Sandwich board signs may not be illuminated by any means and may not have moving parts.
    - j) The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
    - k) If at any time the insurance policy obtained pursuant to subsection (i.1.j) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not removed, the City of Owosso shall have the right to remove the sign at the expense of the property owner.
  - j. Temporary signs per Sec. 26-10(i) of this chapter.

**Sec. 26-24. - Light Industrial (I1) and General Industrial (I2) Districts Signage.**

The following signs are permitted in the I1 and I2 zoning districts subject to the following requirements:

- a. Wall signs
  - 1. Wall signs may be used provided that they meet the following standards:
    - a) One wall sign per business not to exceed 20% of front façade or 200 square feet, whichever is less is permitted.
    - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached.
    - c) Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
    - d) Additional wall sign square footage is permitted when the following is met:
      - 1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet.
      - 2. Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
    - e) No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
    - f) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
  - 2. Projecting signs and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:
    - a) Any sign area of an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
    - b) Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
    - c) No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
    - d) Wood posts or supporting arms shall not be used in conjunction with any projecting sign.

- e) Awning signs shall not be internally illuminated.
- b. Pole signs.
  - 1. Pole signs may be used provided that they meet the following standards:
    - a) A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.
    - b) A pole sign shall not extend closer than 5 feet to any part of the public right of way.
    - c) The lower edge of the pole sign shall be eight feet or more above the ground level.
    - d) No pole sign shall have a single surface area exceeding 40 square feet for a single face sign.
    - e) A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.
    - f) Changeable or electronic changeable message signs as part of a pole sign when the following requirements are met:
      - 1. One changeable message sign shall be permitted per premises.
      - 2. Message changes may occur electronically or manually.
      - 3. The area of a changeable message sign shall not exceed half of the total area of the sign.
      - 4. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
      - 5. Electronic messages shall not flash, fade in or out, or scroll.
      - 6. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
- c. Ground Sign
  - 1. Ground signs may be used provided that they meet the following standards:
    - a) The top of the ground sign shall be no more than six feet above ground level.
    - b) A ground sign shall not extend closer than 5 feet to any part of the public right of way.
    - c) No ground sign shall have an area exceeding 40 square feet per side.
    - d) A ground sign shall be located on the same parcel as the building or use to which it is accessory.
    - e) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
    - f) Changeable or electronic message signs as part of a ground sign when the following requirements are met:
      - 1. One changeable message sign shall be permitted per premises.
      - 2. Message changes may occur electronically or manually.
      - 3. The area of a changeable message sign shall not exceed half of the total area of the sign.
      - 4. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
      - 5. Electronic messages shall not flash, fade in or out, or scroll.
      - 6. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
- d. Number of pole or ground signs.
  - 1. Not more than one pole or ground sign may be erected accessory to any single building or structures regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
    - a) If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
    - b) If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
- e. Temporary signs per Sec. 26-10(i) of this chapter.

**Sec. 26-25. Planned Unit Development District (PUD) Signage.**

- a. The following signs are permitted in the PUD subject to the following requirements:
  - 1. Signage in PUD zoning districts established prior to the adoption of this amendment shall utilize the sign regulations for the B1, B-2, B-3 and B-4 zoning districts.
  - 2. PUD zoning districts established after the adoption of this chapter amendment will state allowable signage in the approved development program for the PUD.

**Sec. 26-26. Vehicular Parking District (P1) Signage.**

- a. The following signs are permitted in the P1 zoning district subject to the following requirements:
  - 1. Signage per Sec. 38-333 - No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area per the directional signage requirements of this chapter.

**Sec. 26-27. Conservation/Open Space District (C-OS) Signage.**

- a. The following signs are permitted in the C-OS zoning district subject to the following requirements:
  1. Ground signs may be used provided that they meet the following standards:
    - a) The top of the ground sign shall be no more than six feet above ground level.
    - b) A ground sign shall not extend closer than 5 feet to any part of the public right of way.
    - c) No ground sign shall have an area exceeding 40 square feet per side.
    - d) A ground sign shall be located on the same parcel.
    - e) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
  2. Number of ground signs. Not more than one ground sign may be erected; provided however, a property may have two ground signs when the following is met:
    - a) If fronting along two or more right of ways, 1 ground sign is allowed on each right of way.
    - b) If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
  3. Temporary signs per Sec. 26-10(i) of this chapter.

**Sec. 26- 28—26-31. - Reserved.**

SECTION 3. EFFECTIVE DATE. This amendment shall become effective November 11, 2019.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Fear, Bailey, Pidek, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: Councilmembers Haber and Law.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, said he felt the Council had damaged small businesses and overreached when it approved amendments to the Sign Ordinance. He also noted that the recent Oktoberfest was a great event and he thanked the Mayor for taking the time to answer public questions.

Dale Frazier, owner of D&L Auto Sales, said he was disappointed that Council approved the amendments to the Sign Ordinance, noting that he does not believe that any traffic accidents had been caused by the festoons at his car lot. He said he would not recommend a business move to Owosso.

Gale Porter, 644 N. Park Street, said he opposes single hauler trash service in the City. He said he currently receives excellent service from a local company and jobs would be lost if the City switched to a single trash hauler.

Burton Fox, 216 E. Oliver Street said he had a great discussion with the City Manager regarding single hauler trash service. It is his belief that the trash ordinance needs to require trash pickup with services billed to the property owner. He then addressed the Sign Ordinance saying there needs to be further consideration for the car dealer and the City must provide equal enforcement of the ordinance.

Eddie Urban, 601 Glenwood Avenue, said he needs to have surgery again but has had to postpone it because the City is requiring him to clean up his property. He expressed frustration with the City saying he thought his sheds were grandfathered in.

**CONSENT AGENDA**

Motion by Councilmember Bailey to approve the Consent Agenda as follows:

**Set Public Hearing – Proposed Brownfield Plan #21.** Set a public hearing for November 4, 2019 to receive citizen comment regarding the proposed Brownfield Redevelopment Plan #21 – 152 Howard Street Project as follows:

**RESOLUTION NO. 152-2019**

**SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR  
BROWNFIELD PLAN #21  
FOR THE PROPERTY COMMONLY KNOWN AS  
152 HOWARD STREET**

WHEREAS, the City of Owosso Brownfield Redevelopment Authority recommended approval of an application for an Brownfield Plan for 152 Howard Street on October 9, 2019, from Carl and Sue Ludington, and

WHEREAS, the property in question is described as parcel # 050-651-020-001-00:

*COM 90.6' S OF NE COR BLK 20 AL WILLIAMS ADD TH N 90.6' TH NW'LY ALG N  
LN LOT 1 122' TH S 124.60' TH E'LY 117' TO POB;* and

WHEREAS, it must be determined that approval of Brownfield Plan #21 would be beneficial to the city of Owosso, as well as the local and regional economies.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: the Owosso City Council sets a public hearing for November 4, 2019 at or about 7:30 p.m. in the council chambers for the purpose of hearing comments for those within the district, and any other resident or taxpayer, of the city of Owosso; and
- SECOND: the city clerk gives the notifications as required by law; and
- THIRD: the city staff is directed to investigate and determine if the qualifications of the act are satisfied and to report their findings at the hearing.

**OMS/DDA RLF Loan Funding Approval – 108 N. Washington Street.**\* Consider approval of the application from Owosso Books & Beans, LLC requesting a loan from the OMS/DDA Revolving Loan Fund in the amount of \$50,000.00 for working capital for their location at 108 N. Washington Street as detailed below:

**RESOLUTION NO. 153-2019**

**AUTHORIZING  
RELEASE OF OMS/DDA REVOLVING LOAN FUNDS TO  
OWOSSO BOOKS & BEANS, LLC.  
FOR ELIGIBLE EXPENSES AT 108 N. WASHINGTON STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on September 23, 2019 a loan application was submitted to the OMS/DDA for a loan request from Owosso Books & Beans, LLC for \$50,000.00 for use as working capital for the Owosso Books & Beans bookstore location at 108 N. Washington Street.

WHEREAS, on September 24, 2019 the OMS/DDA Design & Business Vitality Committee reviewed and approved the application, giving it an overall score of 55. This score is well above the 30 points required for consideration. The OMS/DDA Board also approved the release of grant dollars for these applications during the October 3, 2019 Board Meeting.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso approves the loan of \$50,000.00 to Owosso Books & Beans, LLC for working capital associated with the Owosso Books & Beans bookstore located at 108 N. Washington Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- SECOND: The accounts payable department is hereby authorized to release funds in the amount of \$50,000.00 to Owosso Books & Beans for use as stated above.

**OMS/DDA RLF Loan Funding Approval – 118 S. Washington Street.**\* Consider approval of the application from Nom Nom Sweeties requesting a loan from the OMS/DDA Revolving Loan

Fund in the amount of \$6,975.00 for buildout expenses for their location at 118 S. Washington Street as detailed below:

**RESOLUTION NO. 154-2019**

**AUTHORIZING  
THE RELEASE OF OMS/DDA REVOLVING LOAN FUNDS  
TO NOM NOM SWEETIES  
FOR ELIGIBLE EXPENSES AT 118 S. WASHINGTON STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board; and

WHEREAS, on August 13, 2019 a loan application was submitted from Nom Nom Sweeties to the OMS/DDA requesting a loan in the amount of \$6,975.00 for business buildout expenses for their business located at 118 S. Washington Street. These loan dollars will be used as match funds associated with a MEDC Match on Main grant that the owner received.

WHEREAS, on September 24, 2019 the OMS/DDA Design & Business Vitality Committee reviewed and approved the application, giving it an overall score of 67. This score is well above the 30 points required for consideration. The OMS/DDA Board also approved the release of grant dollars for these applications during the October 3, 2019 Board Meeting.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The City of Owosso approves the loan of \$6,975.00 to Nom Nom Sweetie for business buildout expenses located at 118 S. Washington Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.

SECOND: The accounts payable department is hereby authorized to release funds in the amount of \$6,975.00 to Nom Nom Sweeties for use as a loan.

**OMS/DDA RLF Bridge Loan Funding Approval – 114-116 W. Main Street.** (This item was removed from the agenda.)

**OMS/DDA RLF Grant Funding Approval – Turnabout Ventures, LLC.\*** Consider approval of the application from Turnabout Ventures, LLC requesting a grant from the OMS/DDA Revolving Loan Fund in the amount of \$9,575.00 to obtain architectural services for the development of upper-floor residential units at 113 E. Main Street, 115 E. Main Street, 110 N. Washington Street, and 108 E. Exchange Street as follows:

**RESOLUTION NO. 155-2019**

**AUTHORIZING RELEASE OF OMS/DDA REVOLVING GRANT FUNDS  
TO TURNABOUT VENTURES, LLC  
FOR ELIGIBLE EXPENSES AT 113 E. MAIN STREET; 115 E. MAIN STREET;  
110 N. WASHINGTON STREET; AND 108 E. EXCHANGE STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on September 4, 2019 grant applications were submitted to the OMS/DDA for grant requests from Turnabout Ventures, LLC for the contracting of architectural services for upper-floor residential development for 4 properties located at 113 E. Main Street; 115 E. Main Street; 110 N. Washington Street; and 108 E. Exchange Street. Improvements are being made to support the development of residential units located on the upper floors of each property.

WHEREAS, on September 24, 2019 the OMS/DDA Design & Business Vitality Committee reviewed and approved each application, giving each property an overall score higher than the 30 points required to qualify for grant dollars. The OMS/DDA Board also approved the release of grant dollars for these applications during the October 3, 2019 Board Meeting.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso approves the grant of \$2,712.50 to Turnabout Ventures, LLC for the contracting of architectural services for upper-floor residential development for 113 E. Main Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- SECOND: The City of Owosso approves the grant of \$2,712.50 to Turnabout Ventures, LLC for the contracting of architectural services for upper-floor residential development for 115 E. Main Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- THIRD: The City of Owosso approves the grant of \$2,712.50 to Turnabout Ventures, LLC for the contracting of architectural services for upper-floor residential development for 110 N. Washington Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- FOURTH: The City of Owosso approves the grant of \$1,437.50 to Turnabout Ventures, LLC for the contracting of architectural services for upper-floor residential development for 108 E. Exchange Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- FIFTH: The accounts payable department is hereby authorized to release \$9,575.00 to Turnabout Ventures, LLC for the purpose stated.

**Warrant No. 576.** Authorize Warrant No. 576 as follows:

Vendor	Description	Fund	Amount
Gould Law, P.C.	Professional services- 9/10/19-10/14/19	General	\$10,335.10
Waste Management	Landfill charges – 10/1/19-10/15/19	WWTP	\$12,009.86

**Check Register – September 2019.\*** (This item was added to the agenda.) Affirmed check disbursements totaling \$3,136,209.80 for September 2019.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Pidek, Haber, Bailey, Mayor Pro-Tem Osika, Councilmembers Fear, Law, and Mayor Eveleth.

NAYS: None.

The meeting was recessed at 8:49 p.m.

The meeting resumed at 8:59 p.m.

**ITEMS OF BUSINESS**

**Lot Split Authorization – 123 N. Washington Street**

City Manager Henne noted that the action before Council this evening will return one combined lot to the two original separate parcels.

Motion by Councilmember Bailey to authorize the division of a City lot under the Michigan Subdivision Control Act for platted lot at 123 N. Washington Street as follows:

**Current Description:**

Address	Status	Parcel #
123 N. Washington St.	Before Split	050-470-022-020-00
<b>Description:</b> E 1/2 LOT 2 BLK 22 ALSO W 44' OF LOT 3 & THE N 44' OF THE E 88' OF LOT 3 BLK 22 ORIGINAL PLAT		

**Descriptions After Split:**

Address	Status	Parcel #
123 N. Washington St.	After Split	050-470-022-020-00
<b>Description:</b> W 44' OF LOT 3 & THE N 44' OF THE E 88' OF LOT 3 BLK 22 ORIGINAL PLAT		

Address	Status	Parcel #
113 W. Exchange St.	After Split	050-470-022-005-00
<b>Description:</b> E 1/2 LOT 2 BLK 22 ORIGINAL PLAT		

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Pidek, Fear, Law, Haber, Bailey, and Mayor Eveleth.

NAYS: None.

**Brownfield Reimbursement Agreement – J&H Oil Project**

City Manager Henne noted the reimbursement agreement is required by law.

Motion by Mayor Pro-Tem Osika to approve the Reimbursement Agreement for Brownfield Plan #20 – J&H Oil Project as follows:

**RESOLUTION NO. 156-2019**

**RESOLUTION APPROVING BROWNFIELD REIMBURSEMENT AGREEMENT FOR BRA DISTRICT #20 – J&H OIL PROJECT – 918 E EXCHANGE STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved Brownfield Plan # 20 – J&H Oil project on September 30, 2019; and

WHEREAS, the City of Owosso’s tax abatement policy and Public Act 381 require that the City and the applicant enter into a Brownfield reimbursement agreement; and

WHEREAS, this agreement is between the Hop Family, LLC and J&H Oil Company in accordance with the 13-year Brownfield Plan #20 in an amount not to exceed \$426,878 over the term of the agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to approve the reimbursement agreement for Brownfield District # 20 – J&H Oil Project.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Brownfield Redevelopment Act 381 Reimbursement Agreement between the City of Owosso, Michigan and the Hop Family, LLC and J&H Oil Company.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Bailey, Haber, Law, Mayor Pro-Tem Osika, Councilmembers Fear, Pidek, and Mayor Eveleth.

NAYS: None.

**Development Agreement – Matthews/Mueller Building**

City Manager Henne explained the situation saying one winner of the medical marijuana provisioning center license lottery had planned on locating their business in the building, going so far as to purchase the property. Since that time they have learned that they cannot locate a marijuana facility on the property if they wish to receive any federal grant funding. The City has agreed to allow the marijuana facility to relocate in exchange for assurances that the building will be redeveloped, brought up to code, or demolished.

City Manager Pidek was excused from the meeting at 9:05 p.m. as he has a financial interest in the property.

Mayor Eveleth noted this building is the #1 item he hears about from citizens.

Councilmember Fear inquired whether any of the other lottery applicants would have grounds to sue the City if the agreement is approved. City Attorney Scott J. Gould indicated that he was not aware of any grounds for them to sue as other properties do not have the extenuating circumstances this property does.

Councilmember Fear went on to question the proposed timeline in the agreement asking if the building will remain in its current condition for the next 18 months. City Manager Henne said the City cannot wait that long because of the building's current state.

Motion by Councilmember Bailey entering into an agreement with Owosso REI Group, LLC for the redevelopment and/or remediation of the Matthews/Mueller Building as detailed below:

**RESOLUTION NO. 157-2019**

**AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT FOR  
THE MATTHEWS/MUELLER BUILDING  
300 WEST MAIN STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, held a medical marijuana provisioning center lottery selection process to award 4 licenses that can be used within the commercially-zoned areas of the city; and

WHEREAS, one of the winners of the lottery intended to locate their provisioning center in the Matthews/Mueller Building located at 300 West Main Street; and

WHEREAS, the Michigan Economic Development Corporation refuses to consider grant funding for rehabilitation of the Matthews/Mueller Building if a marijuana business is located in the building; and

WHEREAS, the City of Owosso, Community Development Department has negotiated a Development Agreement with the new owners of the Matthews/Mueller Building to enable them to open their marijuana business and redevelop/remediate the Matthews/Mueller Building; and

WHEREAS, the development agreement would allow the owners of the building to move their medical marijuana provisioning center license to another location in return for redevelopment or remediation of the Matthews/Mueller Building.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso has theretofore determined that due to the significant deterioration of the building it is advisable, necessary and in the public interest to execute a development agreement with Owosso REI Group, LLC for the redevelopment/remediation of the Matthews/Mueller Building.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Development Agreement between the City of Owosso and Owosso REI Group, LLC

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Bailey, Haber, Law, and Mayor Eveleth.

NAYS: Councilmember Fear.

ABSTAIN: Councilmember Pidek.

Councilmember Pidek returned to the meeting at 9:10 p.m.

**Obsolete Property Rehabilitation Exemption Certificate Revocation – 344 West Main Street**

City Manager Henne explained that the certificate was being recommended for revocation because the owners did not execute the plan, nor did they notify the City when the property was sold in 2017. Notice of this hearing has been sent to both the former owner and current owner.

Motion by Councilmember Fear for the revocation of the Obsolete Property Rehabilitation Exemption Certificate #3-16-0026 issued to D.R. & H.P., LLC for the property located at 344 West Main Street due to a lack of follow-through on the project as follows:

**RESOLUTION NO. 158-2019**

**APPROVING THE REVOCATION OF  
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE # 3-16-0026  
FOR 344 W. MAIN STREET**

WHEREAS, after a duly noticed public hearing an Obsolete Property Rehabilitation Exemption application was approved by the City Council of the City of Owosso on September 19, 2016 for real property located at 344 W Main Street; and

WHEREAS, the State Tax Commission considered and approved Certificate # 3-16-0026 on December 13, 2016; and

WHEREAS, the rehabilitation of the facility failed to proceed in good faith with the operation of the facility; and

WHEREAS, per Act 146 of 2000, 125.2792, section 12, the City of Owosso has determined the rehabilitation has not proceeded in a manner consistent with the purposes of the act; and

WHEREAS, the owner of this facility was notified by certified first class mail on September 23, 2019 of the intention of the City of Owosso to revoke the Obsolete Property Rehabilitation Exemption Certificate # 3-16-0026.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Owosso, Michigan that:

FIRST: that the Obsolete Property Rehabilitation Exemption Certificate # 3-16-0026 issued to D.R. & H.P., LLC for the property located at 344 West Main Street is revoked.

SECOND: that City staff will provide notice of said revocation to the State Tax Commission.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmember Pidek, Mayor Pro-Tem Osika, Councilmembers Law, Haber, Bailey, Fear, and Mayor Eveleth.

NAYS: None.

**Brownfield Termination – Plan #19 – 344 W. Main Street**

City Manager Henne explained the brownfield plan in question applies to the same property as the previous item and is recommended for termination for the same reasons.

Motion by Councilmember Pidek for termination of Brownfield Plan #19 – 344 W. Main Street Project for failure to execute eligible activities within two years of approval and sale of the property without notice to the City as detailed below:

**RESOLUTION NO. 159-2019**

**AUTHORIZING TERMINATION OF BROWNFIELD PLAN  
FOR 344 W MAIN: DISTRICT #19**

WHEREAS, the City of Owosso Brownfield Redevelopment Authority held a public hearing on December 16, 2016 to provide notice to and fully inform all taxing jurisdictions which are affected by the Brownfield Plan for parcel number 050-120-006-008-00, property located at 344 W Main Street; and

WHEREAS, in compliance with PA 381 of 1996, as amended, a public hearing was held January 3, 2017 on the adoption by the Owosso City Council of the proposed Brownfield Redevelopment Plan; and

WHEREAS, the City of Owosso Council did approve and adopt the proposed plan by Resolution No. 10-2017 on January 3, 2017; and

WHEREAS, the Brownfield Plan as adopted on January 3, 2017 identified that D.R. & H.P., LLC had prepared a plan that would fully rehabilitate the two-story building into a mixed-use development including office space, retail and 9 new living units. The plan proposed the development would cost approximately \$2,838,158.00 and create 3 new full time jobs.

WHEREAS, the project has failed to occur with respect to the eligible property and a transfer of ownership occurred August 31, 2017 to Dwyerwood, LLC without a 30-day written notice to the Authority as agreed upon in the reimbursement agreement; and

WHEREAS, the City of Owosso gave 30-days written notice via certified mail on September 20, 2019 to the developer of the City's intent to terminate the plan.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The 381 Brownfield Plan for 344 W. Main Street – District #19 is hereby terminated pursuant to MCL 125.2666(8)(b).

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Fear, Bailey, Haber, Law, Pidek, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

### **Tax Abatement Policy Amendments**

City Manager Henne explained the need to update the nearly 10-year old policy and detailed the proposed changes.

There was discussion regarding the proposal to require reporting information on the number of new employees living within the City limits, whether it was allowed, whether a business could really determine how many of their new employees live in the City, and using the information as more of a data point than a requirement.

Mayor Eveleth asked that Council be scheduled to review the policy periodically. City Manager Henne acknowledged getting the policy just right will take some finessing.

Motion by Councilmember Pidek to approve the following detailed amendments to the City's Tax Abatement Policy:

### **RESOLUTION NO. 160-2019**

#### **AUTHORIZING AMENDMENTS TO THE CITY OF OWOSSO TAX ABATEMENT POLICY**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, adopted a tax abatement policy on June 7, 2010; and

WHEREAS, the Policy was adopted to ease the negative local economic effects of the Great Recession; and

WHEREAS, the economy has improved since the original policy was adopted and needs have shifted to include availability of housing; and

WHEREAS, the City of Owosso wishes to strengthen the tax abatement application process to include proof of financial need for a project seeking abatements; and

WHEREAS, the City of Owosso seeks to impose a commitment from projects awarded certain abatements to support the community in return for a pledge of taxpayer dollars for private development; and

WHEREAS, the City of Owosso seeks to align projects requiring abatements with the goals set forth in the City's various planning efforts; and

WHEREAS, the City of Owosso wishes to continue robust support for local economic and community development.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to adopt revisions to the Owosso Tax Abatement Policy, substantially as attached.

#### **TAX ABATEMENT POLICY Effective Date: October 21, 2019**

Policy Statement: The City of Owosso is committed to enhancing the quality of life and stimulating the local economy through the attraction of high-quality development, the retention and creation of high-quality jobs, and the development of additional housing opportunities within the City. Accordingly, consideration for tax abatement is viewed as a privilege, not as a property right. This policy establishes minimum requirements and a uniform set of standards and procedures to be used when considering a request for a tax abatement/exemption

## I. MINIMUM REQUIREMENTS FOR TAX ABATEMENTS

- a. Abatements shall be subject to duration and amount limits.
- b. Such duration and amount limits shall be for the minimum amount necessary to meet the goals of the project.
- c. Benefits to the City of the proposed abatement shall be:
  - i. At least equal to or greater than the cost of the abatement; and
  - ii. In the public interest because it will accomplish at least one of the following purposes:
    1. Increase or preserve the tax base
    2. Provide employment opportunities
    3. Expand housing opportunities within the City
    4. Provide or help acquire or construct public facilities
    5. Help redevelop or renew blighted areas
    6. Help provide access to services to residents
    7. Finance or provide public infrastructure
    8. Accomplish development goals in the City Master Plan
- d. The City of Owosso will not support tax abatements for proposals that are not economically feasible. The method of analysis for this requirement will be a thorough review of project pro-formas and/or financials.
- e. All projects seeking tax abatement shall include job creation/retention or an expansion of housing opportunities within the City.
- f. The taxable value of the proposed abatement – considered together with the aggregate taxable value of property exempt under certificates previously granted and in force shall not exceed five (5) percent of taxable value of the City of Owosso.

Example:           2018 City of Owosso taxable value = \$253,262,708  
                      5% of City of Owosso taxable value = \$12,663,135

*Per MCL 125.2788(1): If the taxable value of the property proposed to be exempt*

*pursuant to an application under consideration, considered together with the aggregate taxable value of property exempt under certificates previously granted and currently in force ...exceeds 5% of the taxable value of the qualified local governmental unit, the legislative body of the qualified local governmental unit shall make a separate finding and shall include a statement in its resolution approving the application that exceeding that amount shall not have the effect of substantially impeding the operation of the qualified local governmental unit or impairing the financial soundness of an affected taxing unit.*

- g. The City will not issue or be a signatory on bonds in connection with abatements.
- h. Commencement of any new construction or improvements shall be within the limits set forth within the applicable public act for the abatement being sought.
- i. The City Council will not take action on any abatement unless the application presents the project at the public hearing and is available to answer questions.
- j. The City of Owosso reserve the right to waive, modify or amend any of these policies when it is in the best interest of the City of Owosso.

## II. EVALUATION CRITERIA

- a. Private Development Objectives: This City of Owosso will consider using tax abatements to help private development projects that strive to achieve one or more of the following objectives:

- i. To retain local jobs and/or increase the number and diversity of high-quality jobs that offer attractive wages and benefits.
  - ii. To encourage additional unsubsidized private development in the City of Owosso – either directly or indirectly through spinoff development without the use of tax abatement).
  - iii. To expand the availability of housing opportunities within the City limits.
  - iv. To facilitate the development process and to achieve development of sites that would not be developed without tax abatement assistance.
  - v. To remove blight and/or encourage redevelopment of commercial and industrial areas that result in high quality redevelopment (i.e. contaminated site cleanup) beyond the costs normally incurred in development.
  - vi. To provide infrastructure necessary to accommodate economic development
  - vii. To meet other public policy goals as adopted by the City of Owosso – including but not limited to the City’s Master Plan.
- b. Additional Objectives: The City of Owosso will also consider the following factors when evaluating tax abatement requests to help private development projects.
- i. To support local businesses, extra consideration will be given to existing businesses seeking to expand and grow within the City.
  - ii. The extent to which the proposed project creates high quality jobs in the City –paying wages equal to or greater than the average local wage of the same class.
  - iii. The extent to which the proposed project adds to the net commercial, industrial, or general tax base of the City and optimizes the private development of the proposed site.
  - iv. Whether or not the proposed project provides services not already provided in the City or services which are needed.
  - v. Whether or not the proposed business would be in direct competition with existing businesses in the City. Abatements should not be given to businesses which would receive a competitive advantage over existing businesses in the City.
  - vi. Whether or not the project will significantly impact environmental/natural resources.
  - vii. The extent to which other political subdivisions are in support of the project.
  - viii. The extent to which the project represents additional tax revenue for the City.
  - ix. The extent to which the project requires improvements in city infrastructure, road construction, or other traffic problems. Also to be considered is the impact of the proposal on other city services such as law enforcement, human services, prosecutions, parks, and historic preservation.
  - x. Consistency of the proposed project with the City land use regulations and planning and zoning policies.
  - xi. How the proposed project furthers the goals and objectives of the City and/or community.
  - xii. The level of private financial investment into the project.
  - xiii. The extent to which the project utilizes local vendors/products in construction and/or operation upon completion.

### III. APPLICATION

- a. The applicant shall submit an application – available at City Hall – for all projects for which a tax abatement is sought from the City of Owosso.
- b. Applications shall include:
  - i. A letter formally requesting tax abatement from the City of Owosso
    - 1. For some abatements, this letter must also request that a tax abatement district be established for the property depending on the public act governing the abatement.
  - ii. Completed application for tax abatement with any requested supporting materials.
  - iii. A project pro-forma
  - iv. Official forms developed by the State of Michigan – if applicable – shall also be submitted in a timely manner per procedures set forth within the applicable abatement act under which the application is made
  - v. The applicant shall submit completed applications to the City Clerk. An application will not be accepted if it is incomplete or if any required materials are not included.

### IV. APPROVAL PROCESS

- a. The City Clerk shall notify – by certified mail – each taxing jurisdiction of a request to establish an abatement district or application for the abatement. Said taxing jurisdiction shall have fifteen (15) days from the date of receipt of said notification to

respond in writing with their thoughts and considerations. These taxing jurisdictions shall have no voting or veto authority.

- b. The City Clerk shall notify applicant by certified mail if the application is found consistent with this policy. Procedures set forth within the abatement act shall be followed.
- c. The length of the exemption shall be determined by the attached abatement schedule.
- d. The approval for the abatement district and approval of an application for abatement shall not be addressed at the same meeting.

#### V. REQUIRED AGREEMENTS

- a. Development Agreement: All projects granted tax abatement will be required to enter into a development agreement. The development agreement will be recorded against the property, will clearly define the responsibilities of the property owner(s) receiving the abatement, and will require annual reporting.
- b. \*Participation Agreement: All projects granted Brownfield TIFs or OPRA will be required to enter into a participation agreement for:
  - i. An annual payment to the city of 15% of the annual amount of CITY abated taxes or \$2,500 per year - whichever is less - for a Public Safety Administrative Fee  
***\*Brownfield and OPRA only. N/A for housing-exclusive projects or any other type of abatement granted.***
- c. Reimbursement Agreement (PA 381 Brownfield Only): All projects granted a Brownfield tax abatement are required to enter into a reimbursement agreement with the city per Public Act 381.

#### VI. ANNUAL REPORTING REQUIREMENTS

- a. All projects granted tax abatement shall submit an annual status report on the form developed and provided by the City of Owosso. The requirement makes all abatements granted consistent with the State Tax Commission Administrative Rule 55(3). The report will include – but not be limited to – status of employment, wage level, real property project progress and costs, aesthetic enhancement progress and costs as part of the project, number of employees living in the city, and other improvements and costs not listed within the scope of the project.

#### VII. RESCISSION OF ABATEMENTS

- a. Imposition of any rescission is at the sole discretion of the City of Owosso and shall be considered on a case-by-case basis in compliance with the applicable act under review.
- b. Rescission shall not violate the statutory requirements of the applicable act in any way. Consideration may include but not be limited to:
  - i. Sale or closure of the facility and departure of the company from the jurisdiction unless abatement is transferable.
  - ii. Significant change in the use of the facility and/or the business activities of the company not consistent with the requirement of the applicable act for which approved.
  - iii. Significant employment reductions not reflective of the company's normal business cycle and/or local and national economic condition.
  - iv. Failure to achieve the minimum number of net new jobs and wage level as specified in the abatement application.
  - v. Failure to perform requirements outlined in the participation agreement with the City.
  - vi. Failure to complete the project in a timely manner as specified in the approval resolution and/or the applicable act.
  - vii. Failure to comply with annual reporting requirements.
  - viii. Failure to pay annual property taxes timely on real property not exempt under the approved abatement.
  - ix. Failure to comply with the City's ordinances and policies.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Bailey, Law, Haber, Pidek, Fear, and Mayor Eveleth.

NAYS: None.

**Complete Count Committee Establishment**

Motion by Councilmember Fear to establish a Complete Count Committee at the recommendation of the Census Bureau and approve appointment of the following people to the committee:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Jeff Deason	Complete Count Committee	10-31-2020
Steve Flayer	Complete Count Committee	10-31-2020
Justin Horvath	Complete Count Committee	10-31-2020
Piper Brewer	Complete Count Committee	10-31-2020
Nathan Henne	Complete Count Committee	10-31-2020
Christopher Eveleth	Complete Count Committee	10-31-2020
Nicholas Pidek	Complete Count Committee	10-31-2020
Susan Ludington	Complete Count Committee	10-31-2020
Marlene Webster	Complete Count Committee	10-31-2020
Laura Burroughs (added at the meeting)	Complete Count Committee	10-31-2020

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Law, Bailey, Mayor Pro-Tem Osika, Councilmembers Fear, Haber, Pidek, and Mayor Eveleth.

NAYS: None.

**COMMUNICATIONS**

- Bradley Kirkland, Planning Commission. Letter of resignation.
- Cheryl A. Grice, Finance Director. Revenue & Expenditure Report – September 2019.
- N. Bradley Hissong, Building Official. September 2019 Building Department Report.
- N. Bradley Hissong, Building Official. September 2019 Code Violations Report.
- N. Bradley Hissong, Building Official. September 2019 Certificates Issued Report.
- N. Bradley Hissong, Building Official. September 2019 Inspections Report.
- Kevin D. Lenkart, Public Safety Director. September 2019 Police Report.
- Kevin D. Lenkart, Public Safety Director. September 2019 Fire Report.
- Downtown Development Authority/Main Street. Minutes of October 3, 2019.
- Parks & Recreation Commission. Minutes of September 25, 2019.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, said that under the amended Sign Ordinance many signs in commercial districts will be rendered illegal. He cautioned the City against playing favorites by allowing signs for favored businesses and not others.

Justin Horvath, SEDP president, thanked Council for supporting the tax abatement for Covenant Eyes. He also thanked the group for their leadership in updating the tax abatement policy saying he thinks it could be a blueprint for other communities.

Eddie Urban, 601 Glenwood Avenue, said he looked up to Burton Fox as a Councilmember. He went on to say that Councilmember Law is a lot like him and he thanked him for his help the other day.

Councilmember Bailey asked for a report on the rental inspection program.

Mayor Pro-Tem Osika thanked Justin Horvath for educating her on various tax abatements.

**NEXT MEETING**

Monday, November 04, 2019

**BOARDS AND COMMISSIONS OPENINGS**

- Building Board of Appeals – Alternate - term expires June 30, 2019
- Building Board of Appeals – Alternate - term expires June 30, 2021
- Brownfield Redevelopment Authority – term expires June 30, 2022
- Historical Commission – term expires December 31, 2019
- Historical Commission – 2 terms expire December 31, 2020
- Parks & Recreation Commission – term expires June 30, 2021

Planning Commission – term expires June 30, 2020  
Planning Commission – term expires June 30, 2022  
Shiawassee District Library – term expires June 30, 2023

**ADJOURNMENT**

Motion by Councilmember Bailey for adjournment at 9:45 p.m.

Motion supported by Mayor Pro-Tem Osika and concurred in by unanimous vote.

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Christopher T. Eveleth, Mayor

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Amy K. Kirkland, City Clerk

\*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.