

OWOSSO
Planning Commission



Regular Meeting
7:00pm, Monday, April 28, 2014
Owosso City Council Chambers

AGENDA
Owosso Planning Commission
Monday, April 28, 2014 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: April 28, 2014

APPROVAL OF MINUTES: March 24, 2014

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from March 24, 2014
3. Zoning map of East Main from Washington to Gould
4. Overlay District Information
5. Site plan for 601 Clinton Street and staff recommendations
6. Site plan for 201 & 215 N. Water Street and staff recommendations (will bring to meeting)

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS: None

SITE PLAN REVIEW: 601 Clinton Street
201 & 215 N. Water Street

BUSINESS ITEMS:

1. 601 Clinton Street site plan review & special use permit
2. 201 & 215 N. Water Street site plan review
3. Address industrial zoning language – creation of I-3 Heavy Industrial zone
4. Wireless tower and antenna – planning stage and constructing ordinance
5. East Main from Washington to Gould – confirm potential zoning changes, set public hearing

ITEMS OF DISCUSSION: Overlay district and its function

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next meeting will be Tuesday, May 27, 2014 (due to Memorial Day Holiday)

Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Monday, April 28, 2014

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: www.ci.owosso.mi.us

Affirmative Resolutions
Owosso Planning Commission
Monday, April 28, 2014 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 140428-01

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the agenda of April 28, 2014 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 140428-02

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the minutes of March 24, 2014 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 140428-03

Motion: _____
Support: _____

The Owosso Planning Commission hereby grants a special use permit for 601 Clinton Street based on site plan drawings submitted for review

Or

The Owosso Planning Commission hereby denies a special use permit for 601 Clinton Street due to

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Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 140428-04

Motion: _____

Support: _____

The Owosso Planning Commission hereby approves the site plans for 201 & 215 N. Water Street

Or

The Owosso Planning Commission hereby rejects the site plans for 201 & 215 N. Water Street base on the following reason/circumstances:

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-

-

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 140428-05

Motion: _____
Support: _____

The Owosso Planning Commission confirms potential zoning changes for properties along East Main from Washington Street to Gould and hereby sets a public hearing for _____ at 7:00 pm.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 140428-06

Motion: _____
Support: _____

The Owosso Planning Commission hereby adjourns the April 28th, 2014 meeting, effective at _____pm.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: April 21, 2014
TO: Chairman Wascher and the Owosso Planning Commission
FROM: Susan Montenegro,
RE: Planning Commission Meeting: April 28, 2014

The planning commission shall convene at 7:00pm on Monday, April 28, 2014 in the city council chambers of city hall.

This meeting will have these specific focus items:

1. 601 Clinton Street – site plan review - requesting special use permit
2. 201 & 215 N. Water Street – site plan review
3. Address industrial zoning language – changing I-2 classification, creation of I-3 classification
4. Wireless cell tower ordinance planning and creation
5. Proposed zoning changes E. Main to Gould – set public hearing

Monday night's meeting will be a busy one as there is much on the docket! I have new plans for 601 Clinton Street and for 201 & 215 N. Water Street that I did not include in this packet but will bring to the meeting. It is imperative that all members are present at this meeting because two members will be excluded from voting due to conflicts of interest on the Water Street project.

TiAL Products would like to add investment casting to their building. This is an enclosed, small foundry and will include smelting of aluminum byproduct leftover from castings. Their concern revolves around language in the I-1 classification. Gregg is asking this committee to consider leaving them as I-2 so they can do the investment casting. Don Crawford and I spoke with him this week and have come to the conclusion that a new classification is needed in the industrial zoning section of the ordinance. The committee will need to address proposed zoning changes that will protect both the city and TiAL Products interests. Additionally, in the future we will need to look at definitions located in the zoning ordinance and determine which ones need to be updated. I will bring proposed changes to the meeting for a new I-2 classification.

A proposed version of the wireless cell tower ordinance is submitted for your review. Please read through carefully. PC will have further discussion on this ordinance at the meeting to determine if the proposal is ready to head to council or needs further tweaking.

I have official site plans in my office that are too large to attach as files if you have a chance to stop in before the meeting Monday evening. I will bring them down to council chambers early if that is more convenient.

Please feel free to email or call my cell phone at 989.890.1394 or email me at susan.montenegro@ci.owosso.mi.us if you have questions. Please **RSVP for the meeting**. I look forward to seeing you all on the 28th!

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
March 24, 2014 – 7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all in attendance.

ROLL CALL: Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman William Wascher; Vice-Chairman Frank Livingston, Secretary Tom Kurtz, Commissioners David Bandkau, Ron Schlaack (arrived 7:10 p.m.), Brent Smith, Thomas Taylor, and Craig Weaver.

MEMBERS ABSENT: Commissioner Randy Woodworth.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development and Don Crawford, City Manager.

AGENDA APPROVAL:
MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE AGENDA FOR MARCH 24, 2014.
YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:
MOTION BY COMMISSIONER WEAVER, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES OF THE MEETING OF FEBRUARY 24, 2014.
YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from February 24, 2014
3. Zoning map of East Main from Washington to Gould

COMMISSIONER / PUBLIC COMMENTS: NONE

PUBLIC HEARING: WESTOWN ZONING CHANGES

Public Hearing began at 7:02 p.m.

Ms. Chris Delaney representing her parents, Mr. & Mrs. Carl Lamphere who own 219 S. Lansing, a duplex zoned light industrial; and 123 N. Lansing, zoned General Business thought they should be grandfathered in or zoned as multi-family. Ms. Susan Montenegro, Assistant City Manager and Director of Community Development noted that they were trying to reduce spot zoning. It could remain non-conforming use. Commissioner Kurtz noted it could remain until a catastrophic event occurred and a rebuild became necessary.

Mr. Mark Beattie, 209 S. Chipman had a partial fire. Chairman Wascher said if it totally burned down it might, but not if it just needed repair, no.

Per Ms. Montenegro, Mr. Greg Jones, 412 & 450 S. Shiawassee wanted his property left at I-2 as he is in the process of putting in a foundry. Mr. Kurtz said I-2 could be a junk yard and wanted to continue with I-1 to protect it.

Public Hearing ended at 7:15 p.m.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER LIVINGSTON THAT THE OWOSSO PLANNING COMMISSION PROPOSE THE FOLLOWING ZONING CHANGES TO THE OWOSSO CITY COUNCIL TO SET A PUBLIC HEARING FOR THE FOLLOWING PROPERTIES:

Address	From	To
108 State	B4	R1
111 S Lansing	I1	R1
115 S Lansing	I1	RM-1
125-219 S Lansing	I1	R1
814 Lynn	I1	R1
401 S State	I1	R1
919-921 Beehler	I1	R2
123 N Lansing	B4	OS1
412 S. Shiawassee	I2	I1
450 S. Shiawassee	I2	I1
202-308 S. Shiawassee	I1	OS1
508-509 Genesee	I1	OS1
511 Clinton	I1	OS1
615 Clinton	I1	R1
312 State	R2	R1
520 Milwaukee	I2	I1

YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEW: 601 CLINTON STREET

Ms. Susan Montenegro noted that the original application was submitted as a variance, but would actually be a special use permit for a loft apartment at 601 Clinton Street. This is industrial space used for Allen Paper Company with the vacant upstairs. Section 38-454(e) was read aloud by Ms. Montenegro including additional requirements in subsections 1-6. The applicant, Ms. Paula Alexander, introduced her architect, Mr. Jeff Peltier, 1888 Ketegawn, Owosso. Discussion noted that it was an upper level loft which is unused at this time. There is nothing else on site except the building; the entrance and windows are historically accurate; there is residential in the area to the west and one block to the south is the Woodard Station. The discussion continued about the parking on the site; some delivery trucks go home with the drivers overnight and some trucks go inside the building; there are no further plans for any other lofts in the building

Commissioner Bandkau noted that this site plan put the board in a tough spot as Section 38.390 (2) spells out exactly what must be on a site plan and this submitted plan lacks a north arrow, the dimensions of the lot lines, the locations of the utilities, structures, drives, parking areas, right of way widths, alleys, etc.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER SMITH THAT THE OWOSSO PLANNING COMMISSION HEREBY RECOMMENDS THAT A PUBLIC HEARING BE HELD NEXT MONTH FOR SPECIAL USE PERMIT WITH APPROPRIATE BUILDING PLANS FOR 601 CLINTON STREET.

YEAS ALL. MOTION CARRIED.

BUSINESS ITEMS:

1. Wireless Tower and Antenna - Planning Stage and Constructing Ordinance.

General discussion brought the board to the conclusion that the New Baltimore ordinance was preferred. Ms. Montenegro will revise that ordinance with City of Owosso language to present at the next Planning Commission meeting.

2. East Main from Washington to Gould – Confirm Potential Zoning Changes, Set Public Hearing

Commissioner Bandkau felt that there were two houses in the block between Oakwood and Dewey that were well cared for and had new siding which maybe should not have changed zoning at this time. Commissioner Kurtz disagreed and thought that all should be changed and not leave spot zoning. Commissioner Taylor doesn't see those houses there in the long term. Commissioner Bandkau sees that

there may be residential in the center of the blocks and changes at the nodes sooner. Chairman Wascher asked about the Overlay District. Mr. Wascher asked how do we get rid of it. Ms. Montenegro will check into it. She will e-mail everyone the overlay information and continue the discussion next month. At this time, there will be no public hearing on this district at the next meeting.

ITEMS OF DISCUSSION: Conflicts of Interest

Ms. Montenegro read from the Planning Commission Bylaws Article VI General Provision, Section 6.1 (6) Avoid Conflict of Interest. She asked if the section needed to be developed any further. It was noted that two members need to exclude themselves from future armory discussions.

COMMISSIONER / PUBLIC COMMENTS:

Commissioner Bandkau noted that it is important to watch the process. It is easier to stand behind something with it is properly submitted.

Chairman Wascher commented about the invitation to Rowe's Engineering. Several board members are interested in attending.

ADJOURNMENT:

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER TAYLOR, TO ADJOURN AT 8:15 P.M.
YEAS ALL. MOTION CARRIED.**

Tom Kurtz, Secretary

mms

City of Owosso Planning Commission Staff Report 2014-04-28

MEETING DATE: April 28, 2014

TO: Planning commission

FROM: Susan Montenegro, director of community development

SUBJECT: Site plan approval request of Paula Alexander for adding a loft apartment within the Allen Paper Company Building at 601 Clinton Street

PETITIONER’S REQUEST AND BACKGROUND MATERIALS

Paula Alexander, property owner, has requested planning commission review and consideration of a required special use permit for a loft apartment within an older industrial building according to the *Code of Ordinances of the City of Owosso*, Chapter 38, Zoning Article XIX. Special Use Permits Section 38-454, Special uses that may be permitted (e).

Location

The site is on the southwest corner of South Elm Street and Clinton Street within the Allen Paper Company building.

Surrounding land uses and zoning

	LAND USE	ZONING
North	Spiritual Episcopal Church and McDonald’s restaurant	R-1 and B-4
East	Valley Lumber, Inc. lumber yard	I-1
South	Vacant lot and vacant building	I-1
West	Single family dwellings	I-1 and R-1

Comparison chart

	EXISTING	PROPOSED
Zoning	I-1	I-1
Gross lot area	Approximately 975 square feet in rear.	Approximately 975 square feet in rear.
Setbacks-		
North	Approximately six (6) feet	Approximately six (6) feet
East	Approximately two (2) feet	Approximately two (2) feet
South	Approximately 15 feet	Approximately 15 feet
West	Approximately 15 feet	Approximately 15 feet

Building height	Approximately 20 feet	Approximately 20 feet
Parking	There is one parking space on the west side of the building. Two parking spaces are possible if one vehicle is parked behind the other. An additional parking space can be within the building in an area currently being used for storage. All other parking is street parking.	The proposal is to have one parking space on the west side of the building and to have two parking spaces in the current storage area. Additional parking requirements would be met by street parking.

Planning background

The Allen Paper Company building was constructed before 1900. Allen Paper Company, primarily a paper products supplier, has occupied the first floor of the building since 1991. The second floor has been vacant for many years.

Paula Alexander, owner of the building, proposes to convert part of the second floor into a loft apartment. Such a use has been envisioned in Owosso’s planning for many years and provisions were written into the zoning code to permit such a use.

Comments pending, dismissed or unresolved

The site plan has been reviewed according to the specific standards and conditions of the zoning ordinance.

Loft apartments in older industrial buildings: The development of an apartment or apartments in the upper stories of older industrial buildings, hereinafter entitled "loft apartments," may be permitted subject to the following specific standards and conditions:

- (1) Need: It can be demonstrated that the building is an architectural landmark at least fifty (50) years old and an example of a period of style or method of construction significant to the region. Also the building's upper floors are considered functionally obsolete for industrial purposes and would clearly benefit from the development of a loft apartment dwelling or group of dwellings, the benefit being the justification for continued investment and rehabilitation of a historically significant structure. The development of residential living units shall not impair existing, routine legal conforming operations of industrial activity onsite or existing and future uses on neighboring properties. The planning commission and city council shall place a critical emphasis on the evaluation of the short term and long term influence of mixing residential living with industrial district uses. A finding of potential interference or residential complaints or legal standing against industrial uses, such as hours of operation, activity in shipping areas, noise, and the like-referenced areas of conflict specified in the *Uniform Building Code* shall result in the denial of a special use permit for loft apartments.

Various studies show there is a need for high-quality rental apartments near the center of the city. Furthermore, reuse of vacant industrial space is needed to provide additional value to the structure and, in turn, provide more tax revenues.

The master plan shows the area as designated for planned unit developments and envisions all or parts of the older industrial buildings being converted to residential.

- (2) Location: The structure is located on the boundary of a residential district, said boundary including any residential districts on the opposite side of a street.

The structure is not located adjacent to a residential district but is separated from such a district by only one single-family residential property to the west, which is zoned industrial (I-1). The I-1 district is bounded by residential on the west and encompasses the Woodard Station PUD.

- (3) Square footage: Each apartment shall contain at least one thousand (1,000) square feet of floor area, the purpose of said area being the control of lower residential densities in industrial areas and the provision of adequate residential storage area within the unit. The apartment shall contain at least one hundred (100) square feet of floor space dedicated to storage. Each unit shall contain a functional laundry area with hookups for a washer and dryer.

The preliminary plans for the loft apartment show an apartment containing 1,030 square feet with two closets containing 70 square feet, a walk-in closet containing 144 square feet, and a laundry area containing 60 square feet. When the closet areas and laundry area are totaled, this exceeds the required 100 square feet of storage space.

- (4) Parking: Parking shall comply with [section 38-380](#), off-street parking requirements, and shall be in addition to the loading zone and parking space requirements for the balance of the structure's zoning specifications for parking.

The structure has been nonconforming since the adoption of the zoning code (the first zoning code in 1925 didn't address parking), with essentially no off-street parking provided for employees along with other requirements for loading and unloading which currently occurs on the adjacent streets and sidewalks.

The current zoning code has the following definition:

Nonconforming building. A building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter was derived (December 6, 1970), or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

There is one parking space on the west side of the building. Two parking spaces are possible if one vehicle is parked behind another. An additional parking space can be within the building in an area currently being used for storage. All other parking is street parking.

There appears to be no way for the owner to provide onsite parking for the existing employees of Allen Paper Company, which requires five spaces. It may be possible to make the interpretation that the only parking spaces that are need are the two for the proposed apartment.

The alternative in meeting the off-street parking requirement, would be for the applicant to

purchase or lease properly-constructed and paved parking spaces within 300 feet [as Section 38-380 (2) provides] or obtain a variance from the zoning board of appeals (as Section 38-378. Nonconforming provides for a “B” nonconformance).

(5) Open space: Compliance with [section 38-123](#) is required.

Section 38-123 requires a minimum of 200 square feet of open space suitable for recreational space per unit. The property has approximately 975 square feet in the rear which would meet this purpose.

(6) Floor area ratio: The provisions of [section 38-352](#)(e) shall apply.

Section 38-352 (e) appears to have no applicability to the proposal, as this is not an RM-1 district.

Other

Public safety (fire, police and emergency medical)--There are no issues with respect to accessibility based upon the existing structure and the proposed plan.

Utilities--There are adequate water and wastewater services to the structure.

Engineering--Traffic counts show approximately 2,000 vehicles per day on Clinton Street and 400 per day on South Elm Street. Parking is permitted on both sides of the streets. The parking on the east side of South Elm Street serves the neighborhood, although the street parking encroaches upon the Valley Lumber, Inc. property.

Building--A preliminary review of the building plans included with the site plan show that a sprinkler system may be required (Building Code Section 903.28) and fire resistance ratings (Building Code Section (508.4). Final plans may show that a sprinkler system is unnecessary.

EXHIBITS



Proposed tandem parking – currently used as a warehouse



Front of building – corner of Clinton and Elm



Parking space – measures 14' wide



Empty lot located across from front of Allen Paper



What appears to be current parking adjacent to Valley Lumber Company. Not sure who parks here.

City of Owosso Planning Commission Staff Report 2014-04-28

MEETING DATE: April 28, 2014

TO: Planning commission

FROM: Susan Montenegro, director of community development

SUBJECT: Site plan approval request for 201 & 215 N. Water Street

PETITIONER’S REQUEST AND BACKGROUND MATERIALS

Ryan Henry of Kincaid/Henry Building Group has requested planning commission site plan review for the Chamber of Commerce building and the Armory building. Plans include redevelopment of the property.

Location

The sites are located on the west side of N. Water located between a city owned parking lot and the Junior High School.

Surrounding land uses and zoning

	LAND USE	ZONING
North	Owosso Public Schools Junior High	R-1 and B-4
East	Valley Lumber, Inc. lumber yard	I-1
South	City owned parking lot	B-4
West	Shiawassee River, Arts Center and Curwood Castle Park	

Comparison chart

	EXISTING	PROPOSED
Zoning	B-3	B-3
Gross lot area	.7 acres for both properties Approximately 15,000 square feet in rear.	.7 acre project for both properties Approximately 15,000 square feet in rear.

Setbacks- North East South West	Approximately 15 feet Approximately 900 feet Approximately 10 feet Approximately 20-40 feet from edge of water (angle)	Approximately 15 feet Approximately 900 feet Approximately 10 feet Approximately 20-40 feet from edge of water (angle)
Parking	Current parking utilizes public parking spaces in the city owned lot between the Armory and the Matthews building.	A new parking lot area will be constructed in the public lot between the Armory and the Matthews Building as a process of the Downtown Infrastructure Grant during the fall of 2014

Planning background

The property consists of approximately 0.70 acres of land developed with an approximately 30,000 square foot two-story building located on the central portion of the property and an approximately 2,337 square foot office building (Chamber) located on the eastern portion of the property. The remainder of the property consists of associated landscaped ground.

The development includes significant demolition of interior and exterior components of the existing Armory building, which will then be renovated into new office space and conference rooms. A portion of the basement may have a retail component to bring the public into the building

Comments pending, dismissed or unresolved

The site plan has been reviewed according to the specific standards and conditions of the zoning ordinance.

Other

Public safety (fire, police and emergency medical)

Comments/recommendation will be completed Monday, April 28th, 2014 and will be submitted to planning commission at the meeting.

Utilities and Engineering

1. The new sanitary service into the street must be done under city permit. The contractor is responsible to connect to the wye. City crews will inspect the wye and replace it if necessary. All connections between new and old material must be fitted with a FERNCO coupler. Sewer under the road must be SDR-26, sewer outside road should be schedule 80 or better.
2. The new water service will be installed by city crews from the watermain to curb shutoff under permit and charge basis. The contractor must coordinate this work with the city.
3. The street patch in Water Street must be 6” 21AA Crushed Limestone Base, 6” MDOT 2C Bituminous Base, and 2” MDOT 36A Top Course as minimum patch requirements. Existing pavement is combination of asphalt over concrete base. The edges must be sawcut and trimmed

before placing bituminous material. Damaged edges must be trimmed again before placing top course material.

4. The existing driveway approaches must be removed, curb restored and sidewalk replaced to new grades. In addition, ADA sidewalks ramps must be installed to fit with ramps on opposite side of street. Those ramps must include warning strips per city standard. New crosswalk pavement markings must be laid in street patch area.
5. Plans call for abandoning a sanitary sewer connection that currently goes to near middle of the building. That connection must be bulk-headed at both ends (inside manhole at one end), then filled with flowable-fill material.
6. Plans call for leaving an existing water service, lying along south edge of street patch. Plan shall be modified to require it cut and capped at the main and either removed, or filled with flowable-fill material.
7. The proposed storm sewer adjacent to the Armory building is shown to be tied into the existing storm. This connection point should be done within a new manhole.
8. The patch work will require street closure. The contractor must provide traffic control as required by the Michigan Manual of Uniform Control Devices. Special consideration must be made for pedestrian needs since this work area is adjacent to an active business (ice-cream shop) and nearby school. The contractor is required to make necessary communications with emergency services while street is closed.
9. All materials placed inside the city ROW must meet or exceed city standards.

Building

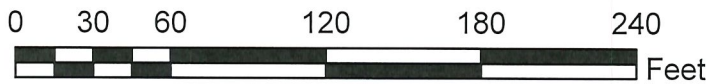
Realizing this is not a full building plan review but rather a preliminary review, the site plan review is okay to proceed following review of the C01 to C07 and L01 plans that were submitted.

City of Owosso

201 & 215 N. Water Street



GROUNDS







City of Owosso


201 & 215 N. Water Street




Legend

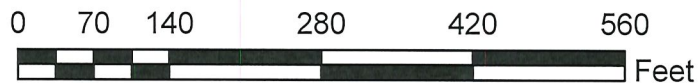
-  ROW
-  Row_New
-  Row_Private
-  Row_Closed

Zoning

 <all other values>

Z_PRIMARY

-  <Null>
-  B1
-  B2
-  B3
-  B4
-  C-OS
-  I1
-  I2
-  OS1
-  P1
-  PUD
-  R1
-  R2
-  RM1
-  RM2
-  Shiawassee_River
-  City Parcels 2013 Edition
-  Tax ID
-  Plat Lines



Overlay District

What is it?

An overlay district is used to establish alternative land development requirements within a specific area of your community that requires special attention, such as an environmentally sensitive area or rapidly developing strip corridor. For some examples of overlay districts, refer to the Other resources section of GQGP quality growth tool: Overlay District. The overlay is usually superimposed over conventional zoning districts. It consists of a physical area with mapped boundaries and written text spelling out requirements that are either added to, or in place of, those of the underlying regulations. But don't assume that you must already have zoning or other development regulations in your community to use overlay districts. Overlays are frequently used as stand-alone regulations to manage development in particular areas of a community.

How to do it

- 1. Assemble stakeholders.** Get input from neighborhood groups, developers and interest groups whose constituencies might be affected by the overlay district. Involve the public at the outset with full discussion of the problems or goals that the overlay addresses.
 - possible stakeholder groups may include:
 - local government representatives
 - neighborhood organizations
 - property owners
 - realtors
 - home builders
 - bankers
- 2. Identify areas of the community where an overlay district may be appropriate.** Begin by identifying areas of the community where special development problems or needs exist. Are there areas of the community where your conventional land use regulations don't seem to be working (e.g., polluted streams, inappropriate development on hillsides, unattractive commercial corridors, etc.)? Have concerns been expressed by residents, visitors or merchants from a particular part of your community? Investigate these areas in detail to determine the exact nature and causes of the problems they are facing.
- 3. Determine whether an overlay district is the right solution.** There are many situations for which you might consider using overlay districts. For some Examples of Overlay Districts, refer to the Other resources section of GQGP quality growth tool: Overlay District. Explore alternative approaches openly and take time to consider the best alternatives for solving the problem. For some Alternatives to Overlay Districts, refer to the Other resources section of GQGP quality growth tool: Overlay District.

4. **Decide specific overlay boundaries and requirements.** Involve stakeholders in setting the overlay boundaries and requirements. A design charrette (refer to GQGP quality growth tool: Design Charrette) is an excellent tool for involving stakeholders in this process. Begin by identifying the public purposes and desired outcomes from establishing the overlay district. Boundaries for the overlay district should be drawn based on reliable scientific factors or other logical rationale for including properties within the district, so that the resulting boundaries will be legally defensible. Overlay requirements may be established by beginning with a menu of all possible development standards, then narrowing the list to those likely to be most effective at achieving desired outcomes. It may be useful to trial run the proposed overlay requirements by applying the criteria to many different situations to determine if they are likely to have the desired effect.

5. **Adopt the ordinance and revise the comprehensive plan.** For a model overlay district ordinance refer to the Model ordinances and other implementation instruments section of GQGP quality growth tool: Overlay Districts. A good overlay district ordinance should provide all of the following components:
 - a. Purpose Statement - Tie the overlay to the goals and objectives of the Comprehensive Plan, cite the public necessity behind the intent, and make a direct connection to protecting the public health, safety, morals, general welfare and aesthetics.
 - b. Spatial Definition - The boundary or rule for spatial definition should be as simple and understandable as possible. Provide the information in a way the public can understand.
 - c. Procedures for Application - Additional information will be needed in the application to demonstrate compliance with the factors addressed in the overlay regulations.
 - d. Special Definitions - Specialized standards will likely require specialized terminology that must be defined.
 - e. Standards for Review and Approval - The reviewing body needs guidance concerning how to determine compliance. If there are no standards for review and approval, an ordinance may be struck down for vagueness, or decisions overturned as being arbitrary and capricious.
 - f. Review Board - A Review Board can provide more opportunity for public input, more political "cover" and a broader perspective than reviews by staff. However, if the substance of the overlay is overly technical or specialized, it will be necessary to require technical expertise and training for board members.
 - g. Appeals Process - The term "hardship" needs to be carefully prescribed to address unique situations and to avoid variances based on convenience rather than peculiar damages. The standing to appeal needs to be limited to "aggrieved parties" having direct and substantive claims in order to avoid groundless appeals.
 - h. Resolution of conflicting provisions - If the overlay intends to add new provisions above those existing in the underlying zoning districts, then it will be necessary to prescribe which set of standards takes precedence in case of a conflict.

In adopting the overlay ordinance, make sure you meet all legal requirements for open meetings, public notice, etc. Also be sure to revise your comprehensive plan to reflect the new overlay requirements. Your Comprehensive Plan is the best place to prepare your case for using overlay districts. It should provide the goals, objectives, and policies that substantiate the need and public purpose of overlay districts. This will provide stronger legal foundation for your overlay district, should it ever be challenged in court.

Things to consider before using this tool

- Overlay districts are more appropriate for communities that employ professional planning staff. If you don't already have staff in place, you can get technical assistance from your Regional Development Center or, in some cases, small local governments can agree to pool their resources with adjacent jurisdictions to share more technically prepared staff.
- The overlay district is a tool that is widely used and accepted in Georgia and in other states. No additional statutory authority is required. There has been little case law on using overlays. Legal issues are related to 14th amendment clauses on due process and equal protection in the U.S. Constitution. The primary legal consideration concerns imposing higher standards on certain property. These are more extreme forms of the same legal issues that pertain to the use of zoning in general. If in some cases the strict enforcement of the district requirements might come close to invoking a "takings" claim, your overlay district should provide for hardship variances or face possible court tests.
- Public concerns vary with the nature of the regulations being imposed by the overlay district. The greatest concerns are often related to the documentation of public necessity, impacts on property values, and fairness of application to only a portion of the community. Property owners and the real estate developers often allege that the overlay deprives them of property value because it constrains the full use and enjoyment of their property.
- If there is likely to be public opposition to the overlay district, interim development controls may be instituted for the overlay area to allow time for more deliberation.
- It is possible to impose multiple overlapping overlay districts on the same parcel. The resulting complexity could make such a scheme difficult to administer. It's possible that one overlay may work at cross-purposes to another.
- Costs of implementing overlay districts include both the initial ordinance development costs and long-term administrative costs of enforcement after the ordinance is in place.
 - The initial costs vary with the nature of the district. Architectural design standards, relatively straight-forward landscape, signs, bulk and density controls can often be prepared without consultant assistance. Highly technical issues such as noise regulation or water quality protection are the most expensive because they can require in-depth consultant studies. The costs of these studies might be partially reimbursed through state or

federal grants. You might be able to share costs with other jurisdictions seeking to enact similar regulations.

- The level of administrative costs depends on the:

- 1) number of applications

- 2) complexity of each case

- 3) number of reviews and public hearings that are required.

Most overlay districts require staff to review and process site plan applications. Administrative reviews are faster than full public hearings that require posting signs and preparing newspaper ads and letters. The full cost of the public hearing process includes both the cost of staff to attend public hearings and staff time to review the outcome and process the approvals, denials, and appeals. If a review board reviews each application and holds public meetings, two or more public hearings may be required per application. Multiple reviews and re-applications add still more staff time and effort.

- Your staff may need special training to interpret and apply the requirements of an overlay district that has technical aspects requiring scientific analysis, historic preservation, architectural standards, or economic analysis.
- Be sure that your overlay district has well-defined boundaries. It is essential to know and make clear which properties are affected by mapping the overlay on parcel maps. Overlay districts that are not parcel-specific should be displayed on a parcel-by-parcel basis with more detailed maps or by rule in order to be efficiently and fairly administered and enforced.

Additional Information regarding Overlay Districts

Background

An overlay district is used to establish special development requirements within a particular area of your community. The overlay is a mapped area that is usually superimposed over conventional zoning districts found in most communities' zoning ordinances and maps. But don't assume that you have to have zoning in your community to create overlay districts. Overlay districts are used to establish special regulations that can be either a higher level of restrictions or may actually permit exceptions or less restrictive standards than required in the underlying regulations. Many types of overlay districts can be used to implement Quality Growth approaches such as design regulations, Traditional Neighborhood Development (TND), and watershed protection, just to name a few.

An overlay district, like a conventional zoning district, consists of a physical area with mapped boundaries and written text spelling out requirements that are either added to, or in place of, those of the underlying regulations. The mapped boundaries of the overlay district do not necessarily coincide with other zoning district boundaries, and may not follow parcel boundaries. Often natural features define the boundaries of an overlay district.

A simple example of an overlay district might establish a different standard for routine matters such as front yard setbacks. For example, where an underlying district may require a minimum front yard set back of 40 feet from the right-of-way, a Traditional Neighborhood District Overlay may provide that all commercially zoned property will be developed with a uniform setback of 15 feet from the curb line.

Overlay districts are becoming common where local officials realize the need to set higher standards in some geographically specific areas. These overlays are intended to protect and enhance distinct community resources that conventional zoning districts may not properly address. Also, overlay districts recognize that certain standards may not be necessary or appropriate to apply throughout the community.



Planning Implementation Tools Overlay Zoning



Center for Land Use Education

www.uwsp.edu/cnr/landcenter/

November 2005

TOOL DESCRIPTION

Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. (see Figure 1). The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area.

COMMON USES

Natural Resource Protection

Overlay districts can manage development in or near environmentally sensitive areas, such as groundwater recharge areas (e.g. to ensure water quality and quantity), special habitat (e.g. species or feature protection) or floodplains (e.g. prevent flood damage). Common requirements may include building setbacks, density standards, lot sizes, impervious surface reduction and vegetation requirements. Structure requirements could include building floor height minimums and flood-proofing to high water level.

Development Guidance

Overlay zones may also be applied to protect historical areas or encourage or discourage specific types of development. Land within the historic overlay district may be subject to requirements that protect the historical nature of the area (e.g. materials, façade design, or color). A community might use incentives along a transit corridor to encourage higher development densities, target uses or control appearance.

Potential Uses

- ◆ Create a walkable community, connect pathways
- ◆ Preserve/enhance a special district
- ◆ Encourage economic development
- ◆ Preserve/enhance rural character
- ◆ Protect quality of surface water
- ◆ Protect groundwater quality and quantity
- ◆ Manage stormwater
- ◆ Preserve forestry integrity
- ◆ Preserve sensitive area/wildlife habitat
- ◆ Protect aesthetics of the natural environment
- ◆ Preserve farmlands

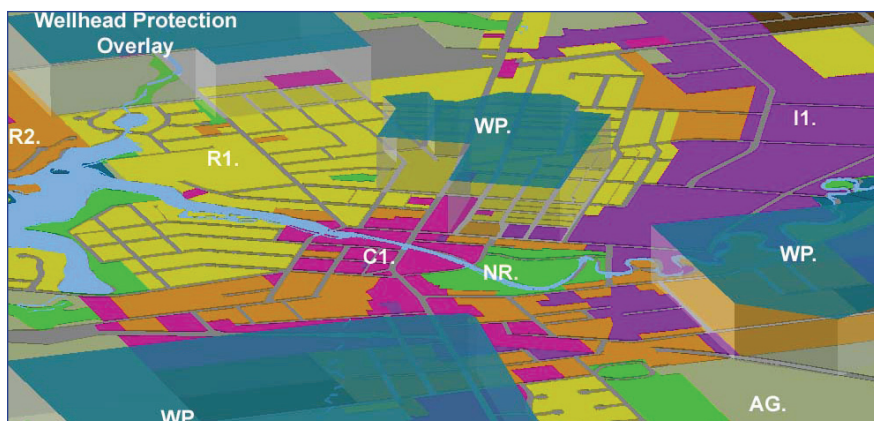


Figure 1. A wellhead protection overlay has special provisions in addition to the requirements of the base municipal zones in order to protect nearby wells from contaminants

IMPLEMENTATION

CREATION

Any governmental unit with the power to create zoning districts can create an overlay district. There are three basic steps to creating an overlay district:

- 1. Define the purpose of the district.** The district should have a clearly defined purpose e.g. to protect drinking water, preserve historical character, minimize erosion from storm water runoff, etc.
- 2. Identify the areas that make up the district.** Mapping district boundaries will depend on the natural or cultural resources and the geographic areas that relate to achieving the purpose of the district. For example, if the purpose of the zone is to protect groundwater, important groundwater recharge areas and areas prone to pollution, such as fractured bedrock or areas with a high groundwater table should be mapped..
- 3. Develop specific rules that apply to the identified district.** In a groundwater recharge district for example, provisions may restrict development or require development guidelines that capture and filter water runoff..

“When reviewing a project of any size in the overlay zone, it is important that the development be consistent not only with the goals and objectives of the overlay but with the long-term goals and strategies of the overall municipal comprehensive plan.”

It is critical that the zoning provisions offer clear guidance to both property owners and the governing body charged with approving proposals. Zoning requirements must be applied equally over all properties within the district. The ordinance not only must comply with any state and federal regulations, but must also be consistent with the goals, objectives, and policies of the municipality’s comprehensive plan.

It is important that the local governing body involve the public to clarify issues and explain the reasons behind mapping district boundaries. An educational program targeting developers and affected property owners will help increase awareness and compliance with the new requirements.

The procedures for adopting an overlay district are the same as for adopting a zoning or rezoning provision. The overlay provisions as well as changes to the zoning map must be approved by the local governing body for adoption.

ADMINISTRATION

Consideration of the overlay district standards can be incorporated into the existing subdivision or site plan review process for large-scale residential developments and most commercial development. Because smaller-scale development will often require only a building permit, it may be necessary to include provisions for a streamlined form of site plan review for these projects. This review could be administered by a municipal board or commission or by a zoning administrator or building inspector. Long-term compliance can be addressed in the existing procedures for current zoning compliance.

Report Card: Overlay Zoning

Cost	Money or staff resources required to implement tool.
A	Assuming a zoning ordinance currently exists, the cost to create the district should be similar to the potential cost to modify the existing ordinance. Little if any additional staff would be required to administer the new zoning provisions.
Public Acceptance	The public's positive or negative perception of the tool.
B	Zoning provisions for the overlay zone in addition to base zoning rules may be confusing to the public without some education.
Political Acceptance	Politician's willingness to implement tool.
B	Political willingness will depend upon the provisions within the ordinance.
Equity	Fairness to stakeholders regarding who incurs costs and consequences.
B	The tool can be perceived as fair if all properties within the zone are treated equally and the criteria for delineating the zone are straightforward and justified.
Administration	Level of complexity to manage, maintain, enforce, and monitor the tool.
B	An overlay district can be integrated into the administration of the existing zoning ordinance. An additional process may need to be established for small projects needing only a building permit. Reviewer training will be needed. A well-written ordinance and clear boundaries will simplify compliance.
Scale	The geographic scale at which tool is best implemented.
Municipal to Regional	The tool is most often implemented at a municipal or county scale. Wisconsin's shoreland zoning program is an example of statewide overlay zoning that is administered locally.

GRADING EXPLANATION

A - Excellent

B - Above Average

C - Average

D - Below Average

F - Failing

Comments and grades were derived from a Delphi process conducted with practicing planners and educators in 2005

WISCONSIN EXAMPLES

Town of Empire, Fond du Lac County

The Town of Empire, Fond du Lac County WI has developed a Critical Areas Overlay (CAO) District that minimizes development in areas prone to unwanted soil erosion and groundwater contamination, and on sites difficult to develop in a safe manner. It also preserves unique and valuable geologic and other natural resource features such as the Niagara Escarpment and woodland. The ordinance specifies a ridgeline buffer, lists prohibited uses, states grading restrictions for roads, requires vegetative screening of buildings on the ridge, preserves existing vegetation and significant rock outcroppings and limits impervious surface.

City of Green Bay

The City of Green Bay WI has an Urban Parking Overlay District as part of its downtown redevelopment effort to encourage building reuse and infill. It allows structures to share parking areas and receive parking credit for available stalls within a given distance from a building..

City of Oshkosh

The City of Oshkosh WI has a Highway 41 Corridor Overlay which applies to lots abutting frontage roads adjacent to the highway. It regulates building architecture, orientation and setbacks as well as landscaping, signage, utilities, waste storage and driveways.

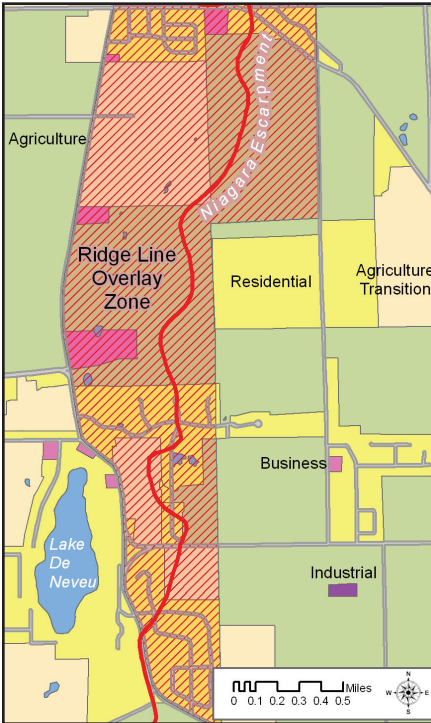


Figure 2. Town of Empire overlay zoning example

FOR MORE INFORMATION

Gravin, Elizabeth (Summer 2001). "Making Use of Overlay Zones". Planning Commissioners Journal, Issue 43, 16-17.

Hoch, Charles J., Dalton, Linda S., & So Frank S. – editors, (2000). The Practice of Local Government Planning, 3rd edition. International City/County Management Association, Washington, D.C., pp 359-360.

Pace University Land Use Law Center, White Plains, NY. Overlay Zoning, SERIES III: Innovative Tools and Techniques, Issue Number 2. Available at <http://www.law.pace.edu/landuse/boverlay.html>

ACKNOWLEDGEMENTS

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Figure 1 and 2 developed by Douglas Miskowiak. Data for wellhead protection provided by Waupaca County Land Information Office and for the Town of Empire by East Central Wisconsin Regional Planning Commission.

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ARTICLE X. - SPECIAL LAND USE AND PLANNED UNIT DEVELOPMENT (PUD)

ARTICLE X. - SPECIAL LAND USE ^[5]

[Sec. 60-239. - Wireless communication towers.](#)

Sec. 60-239. - Wireless communication towers.

- (a) *Purpose and intent.* The general purpose of this section is to authorize wireless communications towers, while still maintaining the community integrity, as well as the general character, property value, and aesthetic quality of the city.
- (1) Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication and similar communication services and facilities, shall be permitted as a special land use in the industrial zoning districts, when found to be needed or desirable to the public convenience or welfare and in conformance with the following requirements: It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such.
 - (2) New towers may be located in the I (industrial) zoning districts after special land use approval.
 - (3) The development of new structures, stealth, concealed antennas, or such appurtenances on existing buildings or structures may be permitted in exceptional cases in other zoning districts, subject to special land use by the planning commission and the city council. Such approval would require a unique approach with no adverse impacts on the surrounding residential properties or adjacent neighborhoods.
 - (4) The co-location of a wireless antenna on an existing tower shall also require special land use approval.
- (b) *Requirements of the applicant.*
- (1) The applicant shall demonstrate that the tower is required in this general area and shall submit the grid patterns necessary for their system as part of such documentation. The city may also request that the applicant provide a map or overlay identifying all of the tower locations, search rings, or coverage area within the City of Owosso and the nearest adjoining units of government which are within a three-mile radius of the applicant's site. The city may also require the applicant to show why a cable based, fiber optic, or similar system cannot or should not be used in lieu of a wireless communication tower.
 - (2) In order to maximize the efficiency of providing such services, while minimizing the impact of such facilities on the city, co-location of such facilities on an existing tower or other existing structure is required, when physically feasible. The applicant shall have reviewed public sites, existing towers, tall buildings, or similar structures which are, or may be, capable of providing adequate service. If collocation is deemed not feasible, the applicant shall furnish written documentation as to why a co-location at another site or facility is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible.
 - (3) A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted for all towers and antennas. This technical documentation of any information regarding these concerns may be required by the planning commission or city council.
 - (4) The development of any such facility, together with accessory uses, shall be in such a location or be of a size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community atlarge. Furthermore,

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE X. - SPECIAL LAND USE AND PLANNED UNIT DEVELOPMENT (PUD)

the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:

- a. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the city, and any such tower/antenna shall not exceed 175 feet in height.
 - b. The tower site shall be landscaped to obscure the view of the tower base, accessory buildings, and/or protective fences from any public right-of-way in accordance with article IX of this chapter. Greenbelts or landscaped berms may also be required along any residential zoning district. A six-foot fence shall enclose the site.
 - c. The city encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public. Monopole (stealth or equivalent type) antenna structures may be required where such are technologically feasible.
 - d. Setback requirements will be determined in relation to the tower/antenna design and collapse data as stated in subsection (b)(3). Minimum setback requirements, unless otherwise provided for, are as follows:
 1. When adjacent to nonresidential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a nonresidential zoning district may be reduced to one-half the overall height of the tower. In no instance shall any tower facility be located within a front yard.
 2. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus 50 feet. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any residential district may be reduced to the overall height of the tower/antennas. In no instance shall any tower be located within a front yard.
 3. Further modifications to setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be determined that there will be no adverse impacts as a result of such development.
 - e. All new tower construction should provide for multiple antennas or multiple facilities upon the tower to encourage co-location. Leasing terms or the lease document must be provided (refer to subsection (b)(8)).
 - f. A visual simulation (rendered drawing to scale) may be required in a district that is within or abuts a sensitive or extremely visible areas as deemed by the planning commission. This simulation should include existing structures and natural elements and the tower's relation to those elements.
- (5) In addition to site plan review for new or reconstructed towers, the planning commission, upon deeming it necessary, shall require an independent third party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one or more of the following findings:
- a. The applicant has not substantiated a need for a proposed tower to the satisfaction of the commission.

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- b. The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the commission.
 - c. The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
 - d. The data supplied by the applicant is determined to be disorganized, confusing or misleading by the commission.
 - e. The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- (6) All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances, including Federal Aviation Agency and Federal Communications Commission standards and shall be continuously maintained in a safe and complying condition. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the building official.
- (7) The applicant shall submit a letter agreeing that should any tower/antenna facility, approved under this Section, cease to be used for its approved use, for more than 90 continuous days or more than 90 days of any 120 day period it shall be removed from the site within 180 days of such cessation. The lease shall also state such conditions. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three feet of the caisson upon which the tower is located and covering the remaining portion with top soil. The letter of agreement may include a financial guarantee, to insure removal of all facilities approved under the special use permit. Any such agreement, including any financial guarantee, shall be in a form acceptable to the city's attorney. The financial guarantee may also include a provision for periodic adjustments to the guarantee according to changes in the Consumers Price Index or other similarly established and accepted price indexes.
- (8) The applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:
- a. Promptly responding to any requests for information from a potential co-user of their tower/antenna;
 - b. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
 - c. Make no more than a reasonable charge for a shared use lease.
- (c) *Planning commission decisions.* The record of the planning commission and city council shall include substantial evidence to support such decision. The written findings and conclusions shall be contained in the minutes of the Commission.

(Ord. No. 158, § 10.28, 9-22-2008)

FOOTNOTE(S):

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Chapter 38 - ZONING

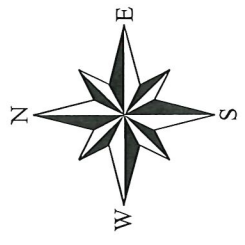
ARTICLE X. - SPECIAL LAND USE AND PLANNED UNIT DEVELOPMENT (PUD)

State Law reference— Special land uses, MCL 125.3502, 125.3504; planned unit development, MCL 125.3503. [\(Back\)](#)

City of Owosso

Zoning

[Light Yellow Box]	<all other values>
[White Box]	Z_PRIMARY
[White Box]	<Null>
[Pink Box]	B1
[Red Box]	B2
[Dark Red Box]	B3
[Dark Red Box]	B4
[Green Box]	C-OS
[Light Gray Box]	I1
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[Yellow Box]	R1
[Light Green Box]	R2
[Dark Green Box]	RM1
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April 19, 2013

