

OWOSSO
Planning Commission



Regular Meeting
7:00pm, Monday, February 23, 2015
Owosso City Council Chambers



MEMORANDUM

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

DATE: February 17, 2015

TO: Chairman Wascher and the Owosso Planning Commission

FROM: Susan Montenegro, asst. city manager/director of community development

RE: Planning Commission Meeting: February 23, 2105

The planning commission shall convene at 7:00pm on Monday, February 23, 2015 in the city council chambers of city hall.

Tonight's meeting is important as we will have a public hearing to hear citizen comments regarding the proposed M-71 Corridor zoning changes. Additionally, we will also look at the draft language to add to the *Code of Ordinances* for smoking lounges. I have redone the site plan review application process and will be bringing a copy of that for your review and discussion. The goal is to streamline the process while giving detailed information to the applicant of what is required for site plan review. I would like to ask city council to amend the current wording in the zoning ordinance pertaining to site plan review and increase the time from 10 days to 25 days. This will allow staff to do a more adequate review and allow for items that are missing to be added before coming to planning commission. ZBA is asking that PC review current parking regulations for industrial sites and feel the current ordinance is outdated. Overall it should be an interesting night!

Please feel free to contact me at 989.725.0554 or 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 23rd!

AGENDA
Owosso Planning Commission
Monday, February 23, 2015 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: February 23, 2015

APPROVAL OF MINUTES: January 26, 2015

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from January 26, 2015
3. Smoking lounge ordinances for review
4. New site plan application for review

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. M-71 Corridor rezoning

SITE PLAN REVIEW:

None.

BUSINESS ITEMS:

1. Smoking (Hookah) Lounge language for Owosso Code of Ordinance.

ITEMS OF DISCUSSION:

1. New site plan application for review
2. Review of Parking Ordinance requirements-ZBA asks PC to consider revisions to section 38-380 (e)(1) for industrial parking as they appear to be outdated.

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next meeting will be Monday, March 23, 2015.

Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Monday, February 23, 2015

[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, February 23, 2015 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 150223-01

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the agenda of February 23, 2015 as presented.

Ayes: _____
Nays: _____
Approved: ____ Denied: ____

Resolution 150223-02

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the minutes of January 26, 2015 as presented.

Ayes: _____
Nays: _____
Approved: ____ Denied: ____

Resolution 150223-03

Motion: _____
Support: _____

The Owosso Planning Commission hereby recommends zoning changes to the following properties:

| Parcel Address | Parcel Number | Current Zoning | Proposed Zoning |
|-----------------------|----------------------|-----------------------|------------------------|
| 424Maple | 050-710-000-001-00 | R-2 | R-1 |
| 416 Maple | 050-710-000-003-00 | R-2 | R-1 |
| 406 Maple | 050-710-000-005-00 | R-2 | R-1 |
| 637 Corunna Ave | 050-710-000-002-00 | R-2 | R-1 |
| 633 Corunna Ave | 050-542-000-019-00 | R-2 | R-1 |
| 625 Huron | 050-542-000-022-00 | I-2 | I-1 |
| 638 Corunna Ave | 050-542-000-026-00 | B-4 | I-1 |
| 634 Corunna Ave | 050-542-000-025-00 | B-4 | I-1 |
| 460 E. Howard | 050-680-003-004-00 | R-2 | I-1 |
| 452 E. Howard | 050-680-003-003-00 | R-2 | I-1 |
| 446 E. Howard | 050-680-003-002-00 | R-2 | I-1 |

| | | | |
|-----------------|--------------------|-----|-----|
| 440 E. Howard | 050-680-003-001-00 | R-2 | I-1 |
| 429 E. Howard | 050-680-002-002-00 | R-2 | I-1 |
| Division Street | 050-680-001-001-00 | R-1 | I-1 |
| 401 E. Howard | 050-680-002-003-00 | I-2 | I-1 |
| 330 Howard | 050-651-018-001-00 | I-2 | I-1 |
| 514 Division | 050-651-018-003-00 | I-2 | I-1 |
| 515 S. Saginaw | 050-651-018-004-00 | I-2 | I-1 |
| 509 S. Saginaw | 050-651-018-002-00 | I-2 | I-1 |
| 514 Saginaw | 050-651-019-004-00 | I-2 | B-4 |
| 510 S. Saginaw | 050-651-019-002-00 | I-2 | B-4 |
| 515 S. Park | 050-651-019-001-00 | I-2 | B-4 |
| 517 S. Park | 050-651-019-009-00 | I-2 | B-4 |
| S Park St | 050-651-019-003-00 | I-2 | B-4 |
| E. Howard | 050-651-000-004-00 | I-2 | I-1 |
| S. Washington | 050-651-000-005-00 | I-2 | I-1 |

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 150223-04

Motion: _____

Support: _____

The Owosso Planning Commission hereby recommends the Owosso City Council amend the following ordinance, adding j. to Section 38-217. Principal uses permitted to the *Owosso Code of Ordinances*:

Sec. 38-217. - Principal uses permitted.

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-1 districts as principal uses permitted;
- (2) All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
 - b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
 - c. Private clubs, fraternal organizations and lodge halls;
 - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in;

- e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
- f. Business schools and colleges or private schools operated for profit;
- g. Medical marihuana dispensary or clinic provided that the medical marihuana dispensary or clinic is operated in full compliance with the Medical Marihuana Act, MCL 333.26421, and no medical marihuana dispensary or clinic shall be located within one thousand (1,000) feet of another dispensary, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any dispensary be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 - 1. Any house of worship;
 - 2. Any parcel zoned and used for residential purposes;
 - 3. Any licensed day care facility;
 - 4. Any public library.
- h. Other uses similar to the above uses;
- i. Accessory structures and uses customarily incident to the above permitted uses.
- j. **Smoking Lounges shall not be located within one thousand (1,000) feet of another smoking lounge, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any smoking lounge be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:**
 - 1. **Any house of worship;**
 - 2. **Any parcel zoned and used for residential purposes;**
 - 3. **Any licensed day care facility;**
 - 4. **Any public library.**

(3) Residential structures existing as of January 1, 2012.

(Code 1977, § 5.41; Ord. No. 721, §§ 3, 4, 4-18-11; Ord. No. 729, § 1, 2-6-12)

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 150223-05

Motion: _____

Support: _____

The Owosso Planning Commission hereby recommends adding the following definition to Section 38-5. -Definitions of the *Owosso Code of Ordinances*:

Smoking lounge shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term “smoking lounge” includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafes and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 150223-06

The Owosso Planning Commission hereby adjourns the February 23, 2015 meeting, effective at _____pm.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
January 26, 2015 – 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 Francis Livingston, Secretary Tom Kurtz, Commissioners Mike O'Leary, Brent Smith, Thomas Taylor, Craig Weaver, and Randy Woodworth.

MEMBERS ABSENT: Commissioner David Bandkau.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development; City Attorney William Brown; Helen Granger, Independent; Tim Rath, The Argus Press.

AGENDA APPROVAL: **MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER WOODWORTH TO APPROVE THE AGENDA FOR JANUARY 26, 2015.**
YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL: **MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES FOR THE MEETING FOR DECEMBER 8, 2014.**
YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from December 8, 2014
3. Commissioner Conflict of Interest
4. Smoking Lounge Ordinances Examples
5. Michigan Smoke Free Law FAQ
6. House Bill 4271 (stalled in senate).
7. Detroit Free Press Article

COMMISSIONER / PUBLIC COMMENTS:

Commissioner Woodworth asked if there is a chance of getting a copy of the draft board minutes before the next meeting packet. He read where the city council was taking action on the planning commission's recommendation and he would like to review the minutes sooner in the future. Recording Secretary Marty Stinson replied yes - they are usually done within a week after the meeting. Another board member commented they are usually on the city's website if you want to see them. Commissioner Woodworth would like the draft e-mailed to the board members. Ms. Stinson replied she will do so from now on.

Commissioner Kurtz noted there is a house bill which may impact city ordinances regarding the protection of amateur radio antennas. It was in last Wednesday's Independent, and is sponsored by Dick Camp; Michigan PRB1.

Commissioner Woodworth asked about the cost of making the city map / GIS available online. Ms. Montenegro, Assistant City Manager and Director of Community Development will check for costs.

PUBLIC HEARING: None

SITE PLAN REVIEW: None

ITEMS OF DISCUSSION: Commissioner Conflict of Interest

Mr. Bill Brown, City Attorney, discussed the issue regarding planning commissioners' conflict of interest and the appropriate protocol. One of the main things is to go back to the bylaws, Article 6, Section 6.1, Paragraph 6, the last two sentences: "An official with a conflict of interest must make that interest public, abstain from voting on the matter, and leave any chamber in which such deliberations are to take place. The official must not discuss the matter privately with any other official voting on the matter." Last month the commissioners voted to allow a commissioner to remain in the chambers during deliberations. That can open a can of worms to the planning commission. Mr. Brown continued that it is standard advice to leave the room. The point is you don't want the cloud of suspicion over the room or any action that could lead to a problem. Mr. Brown suggested a submission in writing. The board could call the commissioner back into the room to ask additional or for clarification during the proceedings. It was suggested that Commissioner Woodworth could possibly serve the city in some other capacity than on the Planning Commission as he has so many involvements with various projects. Mr. Woodworth firmly believes he belongs on this commission. Commissioner Woodworth asked for confirmation from Chairman Wascher if we are going to continue to honor the bylaws by doing submissions in writing and leaving the room during the hearing / discussion / voting. Chairman Wascher replied yes.

BUSINESS ITEMS:

1. Medical Marijuana Dispensary Language for Owosso Code of Ordinance.

Commissioner Kurtz asked in reading through sample ordinances, they all referred to obtaining a license. Is that licensed created by the state or the municipality? Ms. Montenegro thought it was a city license. She isn't aware that the state issues licenses. Mr. Kurtz noted that there is one key piece in city ordinances that businesses that are smoking establishments had to be a completely separate structure.

7:18 p.m. Bill Brown left the meeting.

Discussion followed regarding state law not being adopted yet; licensing; loopholes in the ordinance; goals of this commission.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WEAVER TO KEEP THE ORDINANCE THAT IS ALREADY ON RECORD WHICH IS SECTION 38-217 (2) g. MEDICAL MARIHUANA DISPENSARY OR CLINIC PROVIDED THAT THE MEDICAL MARIHUANA DISPENSARY OR CLINIC IS OPERATED IN FULL COMPLIANCE WITH THE MEDICAL MARIHUANA ACT, MCL 333.26421, AND NO MEDICAL MARIHUANA DISPENSARY OR CLINIC SHALL BE LOCATED WITHIN ONE THOUSAND (1,000) FEET OF ANOTHER DISPENSARY, ANY PARK IDENTIFIED AND SO SIGNED BY THE CITY, OR ANY PUBLIC OR PRIVATE SCHOOL, COLLEGE, OR UNIVERSITY PROPERTY, NOR SHALL ANY DISPENSARY BE LOCATED WITHIN FIVE HUNDRED (500) FEET OF THE FOLLOWING USES, AS DEFINED AND MEASURED BY THE MICHIGAN LIQUOR CONTROL ACT, MCL 436.15031:

1. ANY HOUSE OF WORSHIP;
2. ANY PARCEL ZONED AND USED FOR RESIDENTIAL PURPOSES;
3. ANY LICENSED DAY CARE FACILITY;
4. ANY PUBLIC LIBRARY.

ROLL CALL VOTE:

YEAS: KURTZ, LIVINGSTON, O'LEARY, SMITH, TAYLOR, WASCHER, WEAVER AND WOODWORTH

NAYS: NONE

ABSENT: BANDKAU

2. Smoking (Hookah) Lounge Language for Owosso Code or Ordinance.

It was noted that there is nothing currently on city ordinances regarding smoking (hookah) lounges. Discussion followed regarding specialty tobacco retail store; hookah lounge, state standards; city ordinance.

MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER LIVINGSTON TO RECOMMEND TO CITY COUNCIL TO HAVE THE SAME TYPE OF RESTRICTIONS FOR HOOKAH LOUNGES AS WE ALREADY HAVE FOR MARIHUANA LOUNGES ON SECTION 38-217 (2) g. WITH THE FOLLOWING DEFINITION ADDED:

SMOKING LOUNGE SHALL MEAN AN ESTABLISHMENT, WHICH HAS A STATE ISSUED SMOKING BAN EXEMPTION CERTIFICATE, AND THAT ALLOWS SMOKING OF TOBACCO PRODUCTS OR NON-TOBACCO PRODUCTS OR SUBSTANCES ON THE PREMISES. THE TERM "SMOKING LOUNGE" INCLUDES, BUT IS NOT LIMITED TO, FACILITIES COMMONLY DESCRIBED AS TOBACCO RETAIL SPECIALTY STORES, CIGAR BARS AND LOUNGES, HOOKAH CAFES AND LOUNGES, TOBACCO BARS AND LOUNGES, TOBACCO CLUBS OR 0% NICOTINE ESTABLISHMENTS.

ROLL CALL VOTE:

YEAS: KURTZ, LIVINGSTON, O'LEARY, SMITH, TAYLOR, WASCHER, WEAVER AND WOODWORTH

NAYS: NONE

ABSENT: BANDKAU

COMMISSIONER / PUBLIC COMMENTS:

Chairman Wascher read in the paper that the Lincoln school project was back on. Where does that leave the planning commissioners? Ms. Montenegro said as long as nothing is changed in the plans, it can just be an administrative sign off by herself.

Commissioner Weaver read the Cook Foundation is offering a \$1,000,000 grant if the school millage passes at the next election.

Ms. Montenegro mentioned the conference she recently attended. How many know everything about site plan review? How many recognize the level of liability they are exposed to? She announced training events upcoming that she will forward to commissioners. If we can get 20 people together, trainers will come on site. Maybe we can get other cities and the county to join us.

Ms. Montenegro announced the Parks and Recreation Commission is having a Plunge for the Parks on February 28. So far we have 18 people plunging and we are looking for more. The money will be used to improve the skate park off of Gould Street. The local bikers group, Iron Wheels, is donating \$2500 for skate park improvements. She asked the commission for jumpers and donations.

ADJOURNMENT:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER O'LEARY, TO ADJOURN AT 7:53 P.M. UNTIL THE NEXT MEETING ON FEBRUARY 23, 2015.

YEAS ALL. MOTION CARRIED.

Tom Kurtz, Secretary

mms

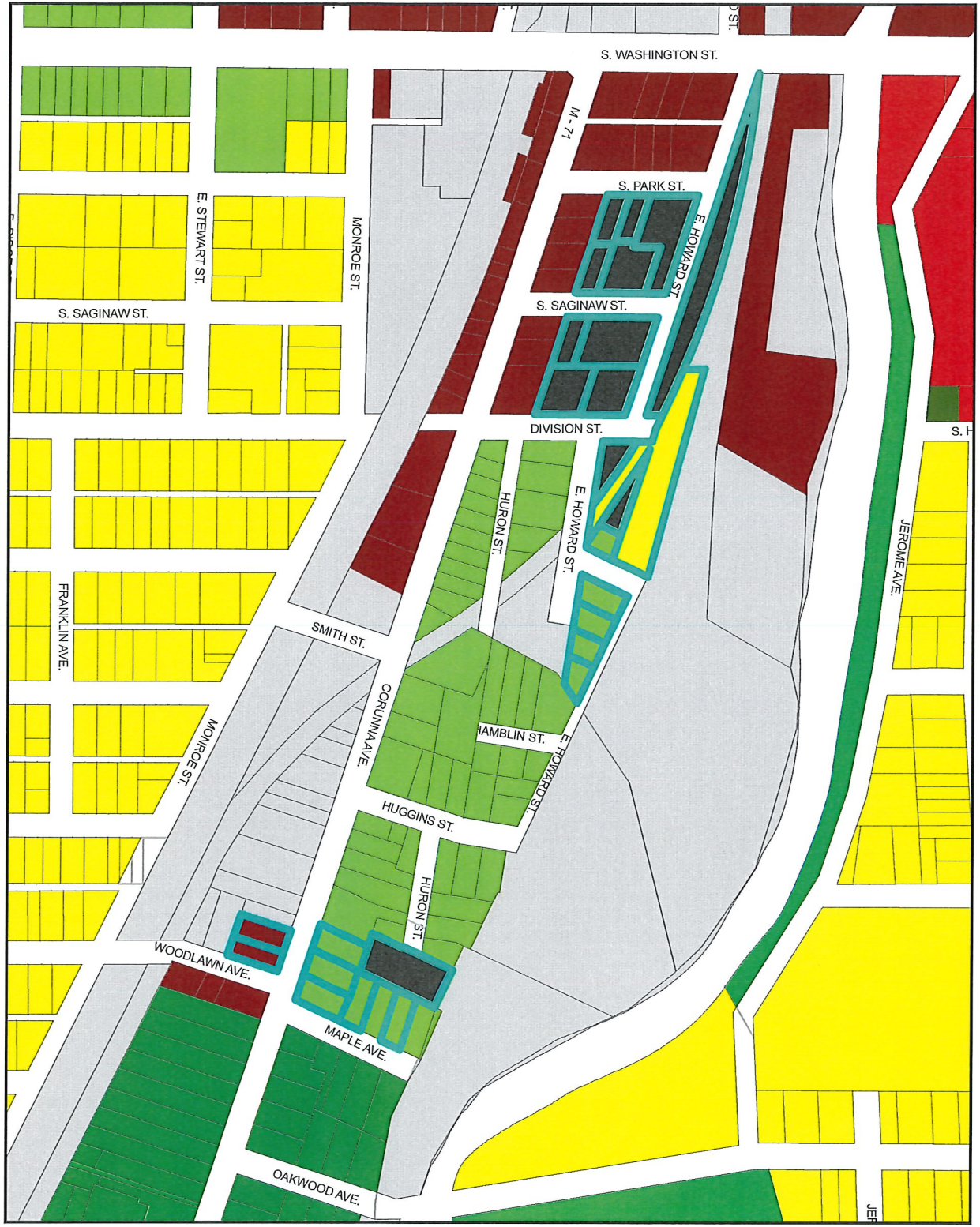
M-71 Proposed Rezoning Public Hearing February 23, 2015

| Parcel Address | Parcel Number | Current Zoning | Proposed Zoning |
|-----------------------|----------------------|-----------------------|------------------------|
| 424 Maple | 050-710-000-001-00 | R-2 | R-1 |
| 416 Maple | 050-710-000-003-00 | R-2 | R-1 |
| 406 Maple | 050-710-000-005-00 | R-2 | R-1 |
| 637 Corunna Ave | 050-710-000-002-00 | R-2 | R-1 |
| 633 Corunna Ave | 050-542-000-019-00 | R-2 | R-1 |
| 625 Huron | 050-542-000-022-00 | I-2 | I-1 |
| 638 Corunna Ave | 050-542-000-026-00 | B-4 | I-1 |
| 634 Corunna Ave | 050-542-000-025-00 | B-4 | I-1 |
| 460 E. Howard | 050-680-003-004-00 | R-2 | I-1 |
| 452 E. Howard | 050-680-003-003-00 | R-2 | I-1 |
| 446 E. Howard | 050-680-003-002-00 | R-2 | I-1 |
| 440 E. Howard | 050-680-003-001-00 | R-2 | I-1 |
| 429 E. Howard | 050-680-002-002-00 | R-2 | I-1 |
| *Division Street | 050-680-001-001-00 | R-1 | I-1 |
| 401 E. Howard | 050-680-002-003-00 | I-2 | I-1 |
| *330 Howard | 050-651-018-001-00 | I-2 | I-1 |
| 514 Division | 050-651-018-003-00 | I-2 | I-1 |
| 515 S. Saginaw | 050-651-018-004-00 | I-2 | I-1 |
| 509 S. Saginaw | 050-651-018-002-00 | I-2 | I-1 |
| 514 Saginaw | 050-651-019-004-00 | I-2 | B-4 |
| 510 S. Saginaw | 050-651-019-002-00 | I-2 | B-4 |
| 515 S. Park | 050-651-019-001-00 | I-2 | B-4 |
| 517 S. Park | 050-651-019-009-00 | I-2 | B-4 |
| S Park St | 050-651-019-003-00 | I-2 | B-4 |
| E. Howard | 050-651-000-004-00 | I-2 | I-1 |
| S. Washington | 050-651-000-005-00 | I-2 | I-1 |

City of Owosso

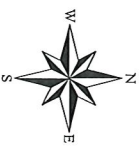
M71 Corridor Proposed Rezoning

February 17, 2015



Legend

- Zoning**
- <all other values>
 - Z_PRIMARY
 - <Null>
 - B1
 - B2
 - B3
 - B4
 - C-OS
 - I1
 - I2
 - OS1
 - P1
 - PUD
 - R1
 - R2
 - RM1
 - RM2
 - City Parcels 2013 Edition
 - Plat Lines



**NOTICE OF PUBLIC HEARING
CITY OF OWOSSO
OWOSSO, MICHIGAN
PLANNING COMMISSION**

Notice is hereby given that a public hearing will be held at the regular scheduled meeting of the Owosso Planning Commission on Monday, February 23, 2015 which begins at 7:00 p.m., in the City Council Chambers, City Hall, 301 W. Main St.

This is a public hearing with the intent to make official changes to the Zoning Ordinance pertaining to the specific addresses listed below. An official recommendation will be made to the Owosso City Council and is subject to its official adoption.

Please contact Susan Montenegro at susan.montenegro@ci.owosso.mi.us or 989-725-0544 if you have any questions, comments, or other feedback. Written comments may be submitted prior to the City Clerk or at the public hearing.

Addresses:

M-71 Corridor Rezoning Public Hearing

| Parcel Address | Parcel Number | Current Zoning | Proposed Zoning |
|-----------------------|----------------------|-----------------------|------------------------|
| 424 Maple | 050-710-000-001-00 | R-2 | R-1 |
| 416 Maple | 050-710-000-003-00 | R-2 | R-1 |
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| 460 E. Howard | 050-680-003-004-00 | R-2 | I-1 |
| 452 E. Howard | 050-680-003-003-00 | R-2 | I-1 |
| 446 E. Howard | 050-680-003-002-00 | R-2 | I-1 |
| 440 E. Howard | 050-680-003-001-00 | R-2 | I-1 |
| 429 E. Howard | 050-680-002-002-00 | R-2 | I-1 |
| Division Street | 050-680-001-001-00 | R-1 | I-1 |
| 401 E. Howard | 050-680-002-003-00 | I-2 | I-1 |
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| 514 Division | 050-651-018-003-00 | I-2 | I-1 |
| 515 S. Saginaw | 050-651-018-004-00 | I-2 | I-1 |
| 509 S. Saginaw | 050-651-018-002-00 | I-2 | I-1 |
| 514 Saginaw | 050-651-019-004-00 | I-2 | B-4 |
| 510 S. Saginaw | 050-651-019-002-00 | I-2 | B-4 |

| | | | |
|---------------|--------------------|-----|-----|
| 515 S. Park | 050-651-019-001-00 | I-2 | B-4 |
| 517 S. Park | 050-651-019-009-00 | I-2 | B-4 |
| S Park St | 050-651-019-003-00 | I-2 | B-4 |
| E. Howard | 050-651-000-004-00 | I-2 | I-1 |
| S. Washington | 050-651-000-005-00 | I-2 | I-1 |

Classifications

R1 – One family residential R2 – Two family residential
 B4 – General business district
 I1 – Light industrial I2 – General industrial

[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

Sec. 38-217. - Principal uses permitted.

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-1 districts as principal uses permitted;
- (2) All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
 - b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
 - c. Private clubs, fraternal organizations and lodge halls;
 - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in;
 - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
 - f. Business schools and colleges or private schools operated for profit;
 - g. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within one thousand (1,000) feet of another dispensary, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any dispensary be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library.
 - h. Other uses similar to the above uses;
 - i. Accessory structures and uses customarily incident to the above permitted uses.
 - j. **Smoking Lounges shall not be located within one thousand (1,000) feet of another smoking lounge, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any smoking lounge be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:**
 - 1. Any house of worship;**
 - 2. Any parcel zoned and used for residential purposes;**
 - 3. Any licensed day care facility;**
 - 4. Any public library.**
- (3) Residential structures existing as of January 1, 2012.

(Code 1977, § 5.41; Ord. No. 721, §§ 3, 4, 4-18-11; Ord. No. 729, § 1, 2-6-12)

Section 38-5. Definitions

Smoking lounge shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term “smoking lounge” includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafes and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments.

Sec. 38-380. - Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of compliance and occupancy, as hereinafter prescribed:

- (1) Off-street parking spaces may be located within a side or rear yard unless otherwise prohibited in this chapter. Off-street parking will not be permitted between the surfaced area of a street and the property line of the street right-of-way. Off-street parking will not be permitted within a front yard setback, or a side yard regulated by the front yard setback provisions of section 38-352(c), unless approval is secured from the building inspector, whose determination shall be made upon the following criteria:
 - a. That an application has been made to the building department with a drawing of the entire front yard area including the home, yard, sidewalk, street, drives, and proposed parking area with dimensions of each.
 - b. The intent being to prohibit parking, parking will be permitted only when no other space is available, and shall be limited to the occupant's licensed and operable vehicles only, and must be adjacent to the main driveway to the premises, and must be surfaced with an approved concrete, asphalt, gravel, or other aggregate.
 - c. The decision of the building inspector to grant or not grant the permit shall be appealable to the board of zoning appeals of the city.
- (2) Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve.
- (4) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (5) Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (6) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- (7) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in off-street parking area.
- (8) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the building inspector considers is similar in type.
- (9) When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.
- (10) For the purpose of computing the number of parking spaces required, the definition of "usable floor area" in section 38-5 shall govern.
- (11) The requirements of subsection (12) shall not apply to the erection, alteration or extension of any building or structure, with the exception of those to be used for residential purposes,

including transients, within the developed portion of the central business district (except as required by the subsection (5) within the following boundary):

Beginning at the center of the intersection of Main Street and the Shiawassee River, thence northerly along the Shiawassee River to the imaginary north right-of-way line of Exchange Street extended to the River, thence east along said imaginary line to the center of Water Street, thence north along Water Street to Mason Street, thence east along Mason Street to Park Street, thence south along Park Street to Exchange Street, thence east along Exchange Street to Saginaw Street, thence south along Saginaw Street and continuing south along the imaginary west right-of-way line of Saginaw Street extended to Comstock Street, thence west along Comstock Street to Park Street, thence south along Park Street approximately one hundred twenty (120) feet to the alley right-of-way, thence west along the alley right-of-way to the alley running north and southwest of Park Street, thence south along said alley to Jerome Street and the Shiawassee River, thence northwesterly along said Shiawassee River to the Point of Beginning. Also to include Block fourteen (14), Lots three (3) through fourteen (14) including South six (6) feet of the alley on the north; Block 15, Lots three (3) through ten (10) and Lot fourteen (14) including South six (6) feet of the alley on the North, of the A. L. & B. O. Williams Addition to City of Owosso. Also Lots one (1) through eleven (11) of the Eratus Barnes Addition to the City of Owosso.

- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

a. *Residential:*

1. Residential, single-family and two-family—Two (2) for each dwelling unit.
2. Residential, multiple-family—One and one-half (1½) for each dwelling unit; one (1) for each dwelling unit located in the area described in section 38-380(11).
3. Housing for the Elderly—One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy, then one and one-half (1½) spaces per unit shall be provided.
4. Mobile Home Court—Two (2) for each mobile home site (see section 38-383(3)g.).

b. *Institutional:*

1. Churches or temples—One (1) for each four (4) seats or seven and one-half (7½) feet of pews in the main unit of worship.
2. Hospitals—One (1) for each one (1) bed.
3. Homes for the aged and convalescent homes—One (1) for each four (4) beds.
4. Elementary and junior high schools—One (1) for each one (1) teacher, employee or administrator, in addition to requirements of the auditorium.
5. Senior high schools—One (1) for each one (1) teacher, employee or administrator, and in addition to the requirements of the auditorium or gymnasium, whichever is greater.
6. Private clubs or lodge halls—One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire building or health codes.

7. Private golf clubs, tennis clubs or other similar recreational uses—One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as restaurant or bar.
 8. Golf courses open to the general public, except miniature or "par-3" courses—Three (3) for each one (1) golf hole.
 9. Fraternity or sorority—One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
 10. Stadium, sports arena, or similar place of outdoor assembly—One (1) for each five (5) seats or nine (9) feet of benches.
 11. Theaters, auditoriums and gymnasiums—One (1) for each four (4) seats or seven and one-half (7½) feet of bleachers or benches.
 12. Nursery schools—One (1) for each three hundred fifty (350) square feet of usable floor space.
 13. Private noncommercial recreation areas; institutional or community recreation centers; nonprofit swimming pool clubs—See section 38-53(5)c.
- c. *Business and commercial:*
1. Planned commercial or shopping center with specific uses not designated—One (1) for each one hundred (100) square feet of usable floor area.
 2. Auto wash—One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
 3. Beauty parlor or barber shop—Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
 4. Bowling alleys—Five (5) for each one (1) bowling lane.
 5. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats—One (1) for each five (5) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
 6. Establishments for sale and consumption on the premises, of beverages, food or refreshments—One (1) for each seventy-five (75) square feet of usable floor area.
 7. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, show repair and other similar uses—One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
 8. Gasoline service stations—Two (2) for each lubrication stall, rack, or pit; and two (2) for each gasoline pump.
 9. Laundromats and coin operated dry cleaners—One (1) for each two (2) washing and/or dry cleaning machines.
 10. Miniature or "par-3" golf courses—Three (3) for each one (1) hole.
 11. Mortuary establishments—One (1) for each fifty (50) square feet of assembly room usable floor space, parlors and slumber rooms.
 12. Motel, hotel, or other commercial lodging establishments—One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.

13. Motor vehicle sales and service establishments—One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
14. Retail stores except as otherwise specified herein—One (1) for each two hundred (200) square feet of usable floor space or a minimum of six (6) spaces.

d. *Offices:*

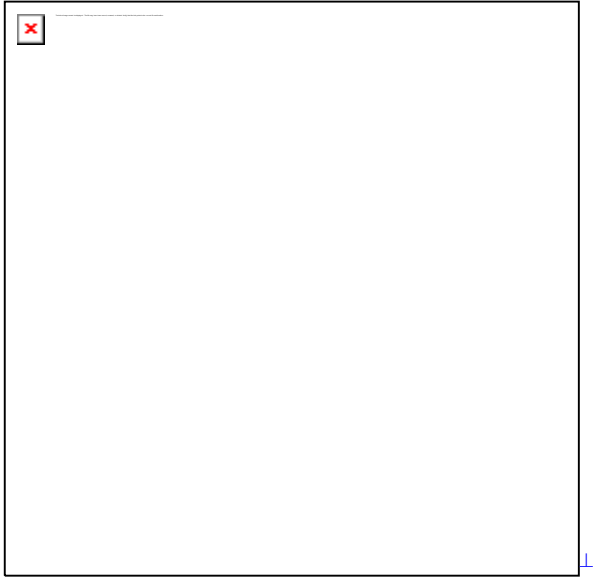
1. Banks—One (1) for each one hundred (100) square feet of usable floor space.
2. Drive-in Banks—Same as above plus reservoir parking space of five (5) vehicles per window.
3. Business offices or professional offices except as indicated in the following item 4.—One (1) for each two hundred (200) square feet of usable floor space or a minimum of four (4) spaces.
4. Professional offices—doctors, dentists, attorneys, or similar professions dealing directly with the public—One (1) for each one hundred (100) square feet of usable floor area or a minimum of four (4) spaces.

e. *Industrial:*

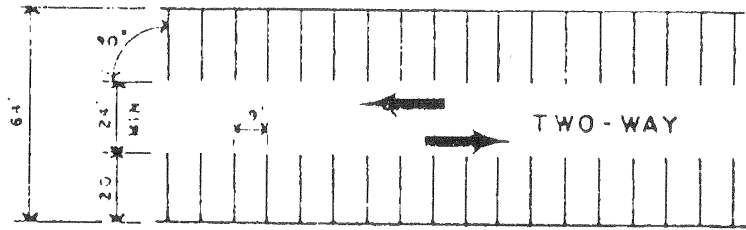
1. Industrial or research establishments—A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale establishments—A minimum of five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater.

(Code 1977, § 5.80; Ord. No. 400, § 1, 1-4-83; Ord. No. 576, § 1, 1-19-99)

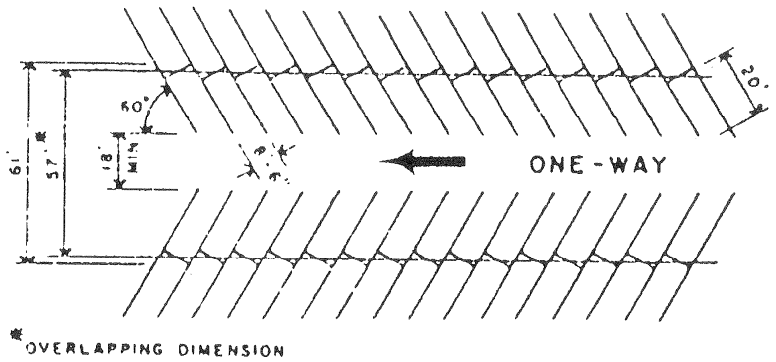
Cross reference— Parking requirements for bed and breakfast operations, § 7-6; parking, stopping and standing generally, § 33-36 et seq.



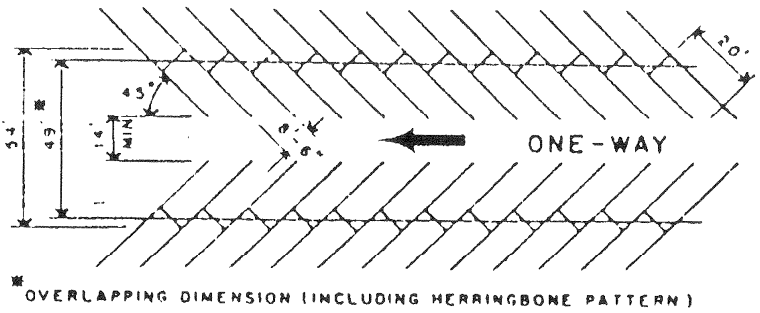
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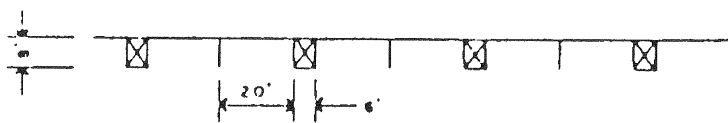
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PARALLEL



PARKING LAYOUTS