



**CITY OF OWOSSO
PLANNING COMMISSION
Regular Meeting**

Monday, August 27, 2018 at 6:30 a.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA – August 27, 2018

APPROVAL OF MINUTES – May 29, 2018

OLD BUSINESS - None

NEW BUSINESS:

1. Site Plan – Dave Wakeland is requesting site plan approval for a drive through pharmacy at 417 W. Main Street

OTHER BOARD BUSINESS

2. Election of Officers. Elect the chair, vice-chair and secretary for the 2018-19 fiscal year.
3. Review of Section 26-18. The Owosso Zoning Board of Appeals is requesting the review and potential revision of prohibition of pole signs.
4. Review of Section 26-21. The Owosso Zoning Board of Appeals is requesting the review and potential revision specific sign standards as it relates to business centers.

5. Review of Section 26. The Owosso Zoning Board of Appeals is requesting the creation of Board of Appeals section within the Sign section that details powers, duties and variance criteria.

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Monday, September 24, 2018, if any requests are received.

Commissioners, please call Tanya at 725-0540 if you will be unable to attend this meeting

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and recordings 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

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY, MAY 29, 2018 – 6:30 P.M.**

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited.

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Secretary Janae Fear, Commissioners Adams, Jenkins, Kirkland, Law and Taylor

MEMBERS ABSENT: None

OTHERS PRESENT: Assistant City Manager Susan Montenegro, City Attorney Scott Gould

APPROVAL OF AGENDA:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR MAY 29, 2018.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE APRIL 23, 2018 MEETING.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from April 23, 2018
3. Draft ordinance for Medical Marihuana

COMMISSIONER/PUBLIC COMMENTS:

None

PUBLIC HEARING:

1. Medical Marihuana Ordinance – draft ordinance was presented for the Public Hearing.

Kayla Bedell of 520 N Park St. Owosso had questions about the lottery. It was explained the lottery process was for provisioning centers only.

The City's Municode is listed in alphabetical order hence the reason for the Chapter 16.5.

Zoning changes will be added to Chapter 38.

If this draft ordinance is recommended to be sent onto Council, the Council would then hold a Public Hearing at their July 2, 2018 meeting.

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER LAW TO RECOMMEND THE DRAFT ORDINANCE TO COUNCIL.

RCV YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEW:

None

BUSINESS ITEMS:

None

ITEMS OF DISCUSSION:

None

COMMISSIONER/PUBLIC COMMENT:

Vice-Chair Livingston took a moment to thank Ms. Montenegro for her service and wish her the best for her future with the City of Leslie.

Master Plan update process is with the MEDC and their assistance with the RFP for a firm to assist the city with the update. The city will receive \$20,000 in assistance from the MEDC to go towards the Master Plan update process.

ADJOURNMENT:

**MOTION BY COMMISSIONER FEAR, SUPPORTED BY VICE-CHAIR LIVINGSTON TO ADJOURN AT 6:46 P.M. UNTIL THE NEXT MEETING ON JUNE 25, 2018.
YEAS ALL, MOTION CARRIED.**

Janae L. Fear, Secretary



CITY OF OWOSSO PLANNING COMMISSION STAFF REPORT

DATE: August 27, 2018

TO: Planning Commissioners

FROM: Amy Cyphert, Assistant City Manager & Community Development Director

SUBJECT: Site Plan Request – 427 W. Main Street, Parcel # 050-700-001-001-00

Background & Building Information

In 1983, the existing 924 square foot convenience store building was constructed to compliment the gas/fueling station use. In 2012, the station was closed due to changes in the fueling/convenience store industry and the need for a larger convenience store. Since then, the property owner, Wakeland Oil, has been marketing the vacant site for sale or lease.

Wakeland Oil is in discussions with a pharmacist that would like to open an independent pharmacy at this location. The addition of the drive through window in the B-4 zoning district requires site plan review. No changes are proposed for the exterior of the existing building. The tenant will have the option of adding signage that meets the sign ordinance requirements. We have confirmed with Dave Wakeland that the pharmacy will not be supplying medical marihuana.

Zoning and Zoning Use

	CURRENT LAND USE	ZONING
Site	Vacant	B-4
North	Wendy's Restaurant	B-4
East	Karl Manke's Barber & Beauty	B-4
South	Wicke, Autumn OD - Advanced Eyecare & Contact Center	B-1
West	Tub Town Car Wash/Office	B-4



	REQUIRED	EXISTING	PROPOSED
Zoning	n/a	B-4	No change
Gross lot area	---	.375 acres = 16,335 sq ft	No change
Max. Height of Structures	35'		No change
Setbacks- Front yard Side yard Rear yard	60' 10' 10'	76' 40' 34'6"	No change
Parking	Exempt	None striped	1 ADA parking space 7 additional parking spaces

Principal Uses Permitted with Special Conditions

Per Section 38-268, businesses in the character of a drive-in are subject to the following conditions:

- a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained. – **The building is 76 feet from W. Main Street.**
- b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets. – **On August 20th, the ZBA granted a variance for 2 existing access points that are within 60 feet of the intersection.**
- c. All lighting shall be shielded from adjacent residential districts. – **N/A**
- d. A six-foot high, completely obscuring wall shall be provided when abutting or adjacent districts are zoned for any residential, OS-1, B-1, B-2, B-3 or B-4 districts. The wall shall further meet the requirements of article XVII, general provisions. – **There is an existing 6 foot fence adjacent to the B-1 zoned parcel.**

Parking and Site Circulation

City Staff (Building Official, Engineer & Planner) reviewed the original site plan submitted. Staff had some concerns with the location of parking spaces, traffic flow throughout the site, etc. City Staff requested revisions to the site plan to resolve the items and the applicant has revised the site plan per the request of City Staff. See attached letter from Westward Architecture.

Site Modifications

No changes are proposed to the existing fence, dumpster enclosure, sidewalks, etc. In the event, the tenant wants signage, they will have to submit a sign permit application and meet the ordinance requirements.

Staff Recommendation

Staff recommends the site plan be approved since the site plan complies with pertinent City ordinances and allows a building that have been vacant since 2012 to be occupied.

Commission Action

Consider granting site plan approval for the project with the following motion:

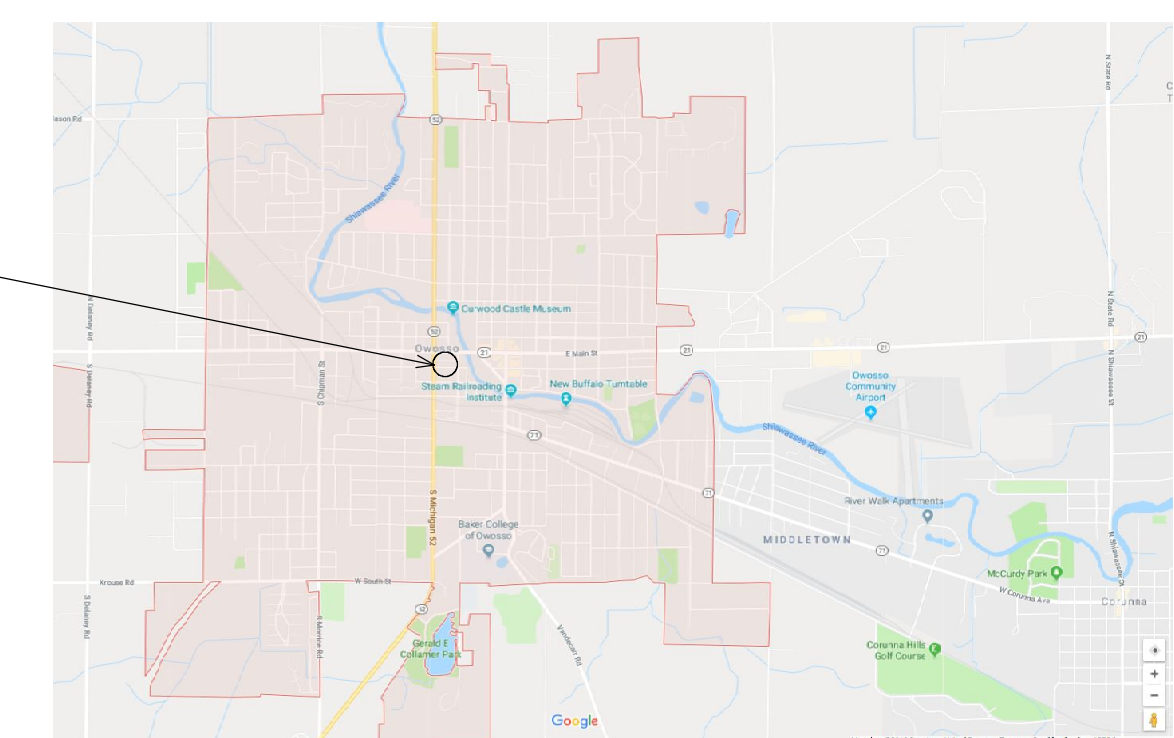
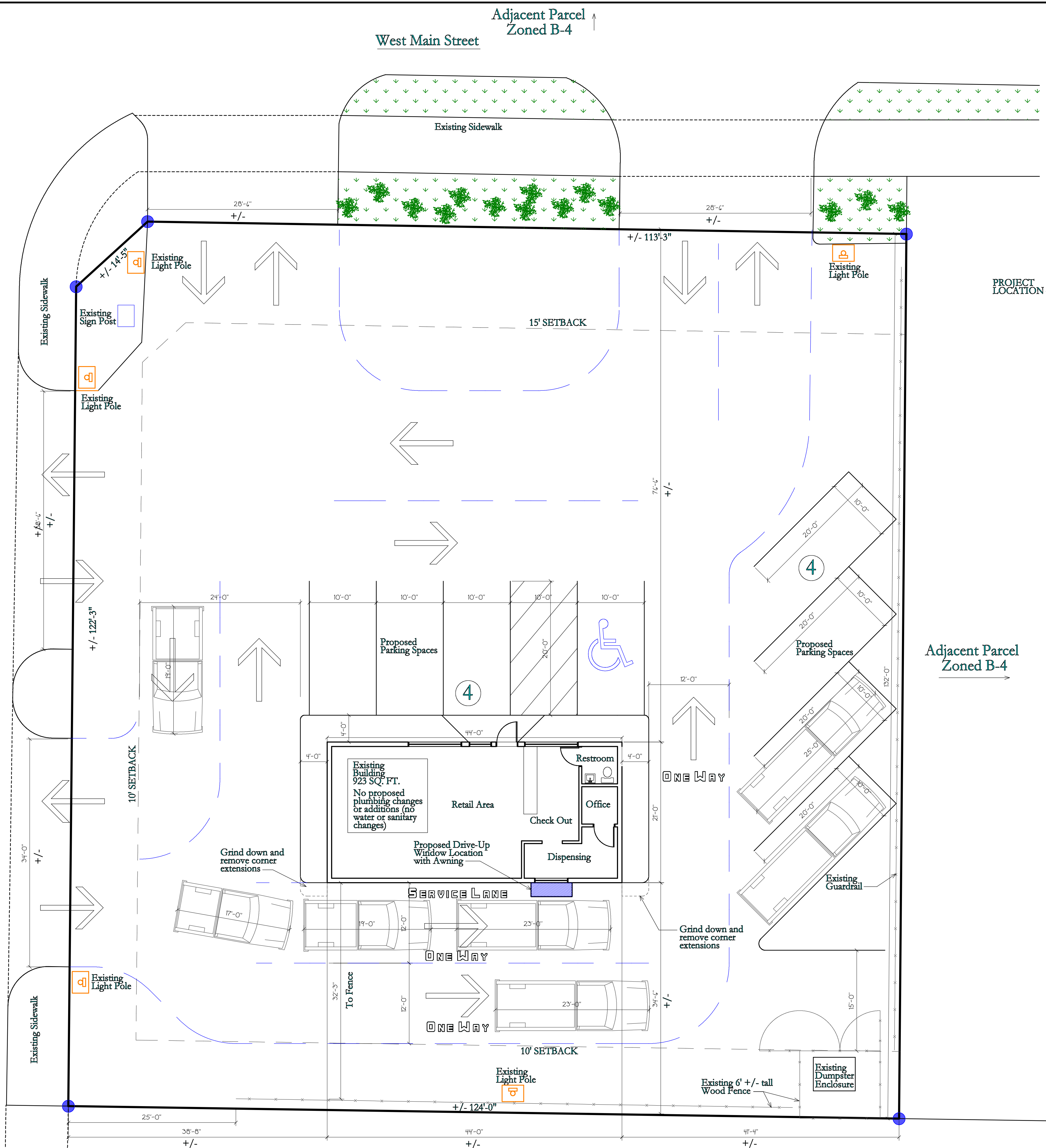
Motion by _____ to approve the site plan for the Pharmacy Building located at 427 W. Main Street as depicted on the plan prepared by Westward Architecture, project number 2018-0110, sheet SP, last dated 8-17-18 subject to the following:

1. That the tenant using the drive through is a pharmacy.
2. That any interior changes to the building will require a building permit and construction plans.
3. That any tenant signage will require sign permits.

supported by _____.

Attachments:

1. Site plan
2. Google aerial map with site plan overlay
3. Letter dated 8-20-18 from Westward Architecture



VICINITY MAP
SCALE = 1:20



SITE PLAN
SCALE: 1/8" = 1'-0"

This site plan is not a survey. It is meant for planning only, and is an approximate representation of buildings and site features, and not meant to be an exact map.

Parcel: 050-700-001-001-00
 Lot Size: Approx. 0.375 acres
 Zoned: B-4
 Owner: Wakeland Oil Company
 527 W. Washington St., Owosso, MI
 989-723-5500
 Parking not required per Section 38-380 (11) for buildings within the central business district.
 Parking calculated per Section 38-380 (12):
 Minimum of 1 parking space per 200 sq. ft. of usable floor space or a minimum of (6) spaces.

Adjacent Parcel Zoned B-4

S. Shiawassee

Adjacent Parcel Zoned B-4

Existing Alley

Adjacent Parcel Zoned B-1

Description	Date
Site Plan Approval	July 27, 2018
Owner Review	Aug. 22, 2018

WV Westward Architecture
 2036 Fischer Road
 Gaylord, Michigan
 westwardarchitecture.com
 989.370.9431

Project Number:	2018-0110
Project Name:	Pharmacy Building
Project Address:	427 W. Main Owosso, MI 48867

SP

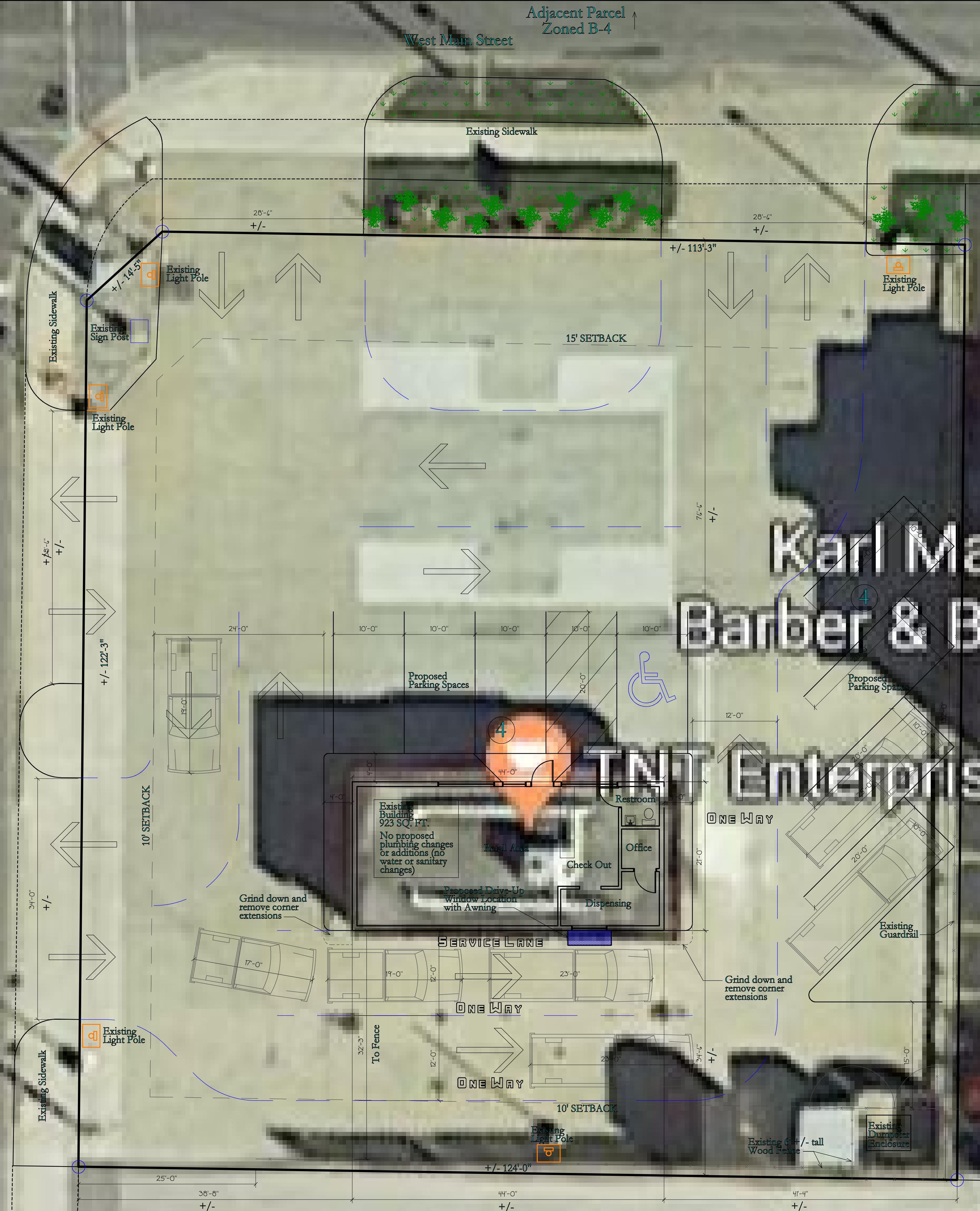
S Michigan 52

S. Shiawassee

Adjacent Parcel Zoned B-4

West Main Street

Adjacent Parcel Zoned B-4



Karl Manke's Barber & Beauty

TNT Enterprises

SITE PLAN
SCALE: 1/8" = 1'-0"

This site plan is not a survey. It is meant for planning only, and is an approximate representation of buildings and site features, and not meant to be an exact map.

Parcel: 78-050-700-011-011-00
 Lot Size: Approx. 0.375 acres
 Zoned: B-4
 Owner: Wakeland Oil Company
 527 W. Washington St., Owosso, MI
 989-723-5500
 Parking not required per Section 38-380 (11) for buildings within the central business district.
 Parking calculated per Section 38-380 (12):
 Minimum of 1 parking space per 200 sq. ft. of usable floor space at a minimum of (6) spaces.

Description	Date
Site Plan Approval	July 27, 2018
Owner Review	Aug. 17, 2018

Westward Architecture
 2036 Fischer Road
 Caylord, Michigan
 westwardarchitecture.com
 989.370.9431

Project Number: 2018-0110
 Project Name: Pharmacy Building
 Project Address: 427 W. Main
 Owosso, MI 48867

SP



Additional Letter for Zoning Approval

Issued August 20, 2018.

Client Information: _____

Wakeland Oil Co.
527 S. Washington St.
Owosso, MI 48867
989.723.8944

Project Summary: _____

Existing Gas Station Building is being converted into a pharmacy. The use group has not changed (M-Mercantile to M-Mercantile). The owner is requesting to build a **drive-through window** for the dispensing of products as shown on the attached site plan.

Overview:

We respectfully submit a revised site plan (attached), which addresses the following concerns:

Response to Randy J. Chesney email, sent Aug. 6, 2018:

1. The site plan has been updated and revised to include standard size (not compact) vehicles. Parking and one-way traffic lanes have been revised to fit as the site allows.
2. We propose to keep the existing curb cuts.
3. Existing pavement shall be inspected for areas to fix, and visible voids will be filled.
4. No new plumbing is proposed, existing water and sanitary sewer will remain as is.

Response to Bradley Hissong email, sent Aug. 1, 2018:

1. Dumpster enclosure was shown on the submitted site plan. Existing doors to enclosure have been added. Dumpster enclosure to remain.
2. Services Drives:
 - a. We propose to keep the existing curb cuts.
 - b. Circulation and parking have been revised. Please see new site plan for review.
3. A variance is requested.

Response to Amy Cyphert letter, dated Aug. 2, 2018:

1. The use of adjacent parcels was shown on the submitted site plan, the site is zoned B-4, and the west, north, and east adjacent parcels are also B-4. The south adjacent parcel is zoned B-1.
2. Width of drives are shown on revised site plan.

3. Signage and/or directional arrows will be provided on the property to indicate one-way traffic and service lanes.
4. All sidewalks are existing, approximate sizes are represented.
5. Parking exemption is noted on the revised plan.
6. Parking calculations have been noted on the revised plan.
7. West Main Street parking spaces have been eliminated.
8. Existing dumpster enclosure to remain.
9. Existing building footprint has been updated to include existing interior walls, doors, and existing features.
10. Exterior photos of the existing building have been included below.
11. Signage for the property will remain as is, or submitted separately by the owner if requesting a change.
12. We propose to keep the existing curb cuts.

Thank you for your time,

Brittany Stripp, Architect
 Westward Architecture

Existing front and side elevation:



Existing rear and side elevation:



Approximate location of proposed drive-through window.

Chapter 26 - SIGNS^[1]

ARTICLE I. - MICHIGAN BUILDING CODE

Sec. 26-1. - Adoption of Michigan Building Code.

The current edition of the Michigan Building Code shall be in full force and effect in the city as if set out fully herein. Complete printed copies of the code are available for public use and inspection at the office of the city clerk.

(Ord. No. 783, § 2, 6-19-17)

Secs. 26-2—26-4. - Reserved.

ARTICLE II. - IN GENERAL

Sec. 26-5. - Short title.

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

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-6. - Purpose.

The purpose of this chapter is to regulate signs and to minimize outdoor advertising within the city so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Owosso Master Plan and this chapter; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral.

These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:

- (1) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- (2) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (3) Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values and quality of life.
- (4) Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- (5) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- (6) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (7) Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S.

Constitution.

- (8) The regulations and standards of this chapter are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- (9) Prevent off-premises signs from conflicting with other allowed land uses.
- (10) Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- (11) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
- (12) Preserve and enhance the image of the city's central business district.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-7. - Applicability; effect and scope.

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.

The effect of the chapter as more specifically set forth herein, is:

- (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter.
- (2) To allow signs that are small unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits.
- (3) To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.
- (4) To prohibit all signs not expressly permitted by this chapter.
- (5) To provide for the enforcement of the provisions of this chapter.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-8. - Reserved.

ARTICLE III. - DEFINITIONS

Sec. 26-9. - Sign definitions.

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

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

Administrator: The building official or his designated representative within the building department.

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

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

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

Awning or canopy sign: A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

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

Billboard: A sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Permitted off-premises directional signs shall not be considered billboards for the purpose of this chapter.

Building marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Business center: A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of ground signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least twenty-five (25) percent of the available sales area.

Changeable message sign: A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs; also called menu board, reader board or bulletin board.

Combination sign: Any sign which combines the characteristics of two (2) or more signs.

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

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

Directional sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a ground sign.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

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

Freestanding sign: A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

Gasoline price sign: A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground or monument sign: A three-dimensional, self-supporting, base-mounted freestanding identification sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Identification sign: Also a "nameplate" sign or "information" sign with only name and address of occupant on the sign bearing no advertising message or logo.

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

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

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

Integral sign: A memorial sign or commemorative tablet which contains names of buildings, dates of erection, and monumental citations.

Luminous tube: See "neon" and "outline tubing sign."

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

Maintenance: For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Marquee: A permanent roof-like structure or canopy supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

Menu board, reader board, or bulletin board: See "changeable message sign."

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

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

Nameplate: A nonelectric, on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign: See "outline tubing sign."

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

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

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

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

Outline tubing sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it. See "neon" and "luminous tube".

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

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

Pennant: Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign: A sign designed to be installed permanently in the ground a minimum of forty-two (42) inches deep by use of a steel post, wood post or other appropriate materials.

Political sign: A temporary sign used in connection with local, state, or national elections or referendums.

Portable sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Poster panel sign: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

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

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

Programmable display sign: An animated sign, including LEDs, made up of a field of individual electronic elements or mechanical grids that, when programmed and activated, create still or moving images or words. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage.

Projecting sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

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

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

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

Real estate open house sign: Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.

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

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

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

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

Roof sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Rotating sign: See "moving sign."

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Temporary sign: A sign not constructed or intended for long-term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time such as a garage or estate sale.

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

Vehicle sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes rather than for transportation purposes.

Wall sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs, which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall also be considered wall signs.

Window sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-10. - Reserved.

ARTICLE IV. - GENERAL PROVISIONS

Sec. 26-11. - Permits required and fees.

It shall be unlawful for any person to erect, re-erect, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-12. - Sign erector qualifications.

The administrator shall evaluate, authorize or deny as a part of the permit the person assigned to the installing of, erecting, maintaining, repairing or altering a sign. The authorization of the erector shall be based on the administrator's evaluation of the direct experience of the person specified for the sign work. Notwithstanding the previous sentences, a person does not undergo evaluation to install a nonelectrical sign, provided the sign does not exceed an area of thirty-two (32) feet, a height of seven (7) feet above grade, has no illumination, and no remuneration, monetary or otherwise, is involved.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-13. - Application.

Applications for sign permits and the appropriate nonrefundable fee shall be made upon forms provided by the building department for this purpose and in accordance with application specifications published by the administrator. These specifications shall be as complete in form as necessary for evaluation of the sign in relationship to the requirements of this chapter.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-14. - Completeness.

Within ten (10) days of receiving an application for a sign permit, the administrator shall review it for completeness. If the administrator finds that it is complete, the application shall then be processed. If the administrator finds that it is incomplete, the administrator shall, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-15. - Issuance and denial.

The administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign within ten (10) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the administrator shall within ten (10) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing Code sections and interpretation of possible nonconformity.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-16. - Inspection.

A person conducting or performing work covered by a permit required by this chapter shall notify the administrator when such work has commenced. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month or at such earlier date as the owner may request. If the construction is not substantially complete at the time of a six-month inspection, the permit shall lapse and become void. If the construction is complete, the administrator shall issue a certificate of completion to the owner and the erector.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-17. - Signs exempt from regulation.

The following signs shall be exempt from regulation under this chapter:

- (1) Any sign of a governmental unit required by a valid and applicable federal, state, or local law, regulation, or ordinance
 - (2) Holiday lights and decorations on residential zone lots with no commercial message.
- (3) Works of art of a noncommercial nature.
- (4) Flags of any country, state, or unit of local government not causing a vision obstruction at intersections or flown at the top of a pole over thirty-five (35) feet in height. Any flag not meeting these conditions shall be subject to regulation as such.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-18. - Prohibited signs.

The following signs are prohibited in all districts:

- (1) Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
- (2) Moving signs and signs having moving members or parts, excluding barber poles, and electronic poles.
- (3) Signs using high intensity or flashing lights, festoons, spinners or other animated devices.
- (4) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets.
- (5) Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- (6) Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
- (7) Roof signs unless specifically permitted elsewhere in this article.
- (8) ~~Portable signs, as defined, not provided for in this chapter.~~
- (9) Pylon or pole signs not provided for in this chapter.
- (10) ~~Any sign or sign structure which:

 - a. Is structurally unsafe.
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - c. Is capable of causing electric shock to person who come in contact with it.
 - d. Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.~~
- (11) Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-19. - General standards for permitted signs.

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this chapter; provided, that no such sign shall be erected or altered until approved by the building official/zoning administrator and until a sign permit has been issued pursuant to chapter 26 of the City of Owosso Code of Ordinances.

- (1) *Sign setbacks.*
 - a. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public or

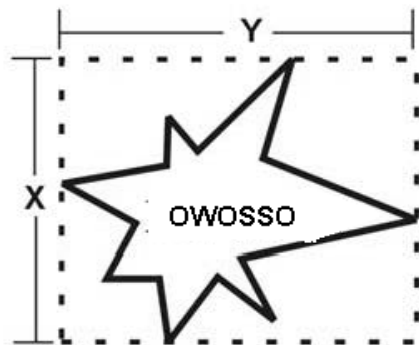
private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

- b. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any residential district.
- (2) *Location.* Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four (24) inches and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
 - (3) *Design and construction.* Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. New box sign panels with a white or tan background must be blackened internally so only the letters show when illuminated.
 - (4) *Illumination.*
 - a. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - b. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
 - c. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
 - d. Underground wiring shall be required for all illuminated signs not attached to a building.
 - (5) *Maintenance and construction.*
 - a. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
 - b. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) miles per hour.
 - c. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.
 - (6) *Measurement.* Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).
 - a. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
 - b. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.
 - c. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are shown on the attached figures).
 - d. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a

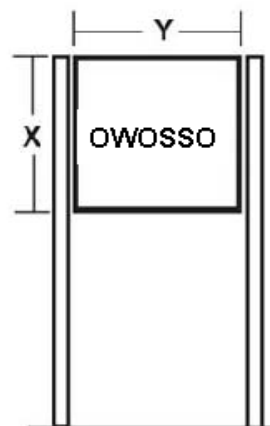
building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

Guidelines for Measuring Sign Face Square Footage

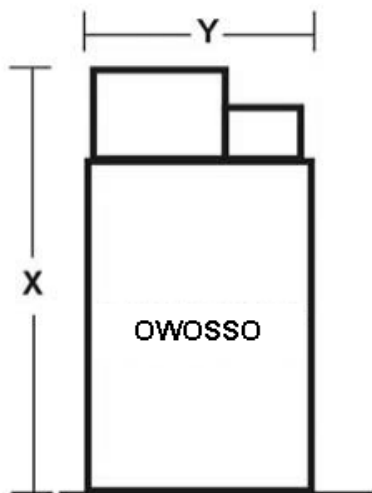
Figure 26.1



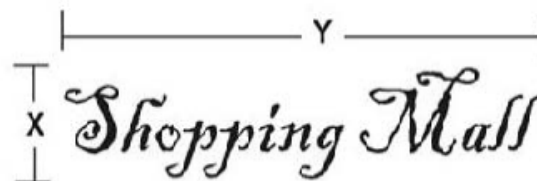
ALL SIGNS
Measurements taken from the outermost points of the panel



DIRECTIONAL SIGNS
Post are not included in the measurement of a sign face



GROUND SIGNS
Measurements taken from the outermost points of the sign face



WALL, CANOPY, or PROJECTING SIGNS
Measurements taken from the outermost points of the copy

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-20. - Off-premises signs.

(a) *Off-premises advertising.* The regulation of off-premises signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premises sign regulations address the location, size, height and related characteristics of such signs.

(1) *Area and height limitations.* No off-premises sign may be erected or maintained of a greater surface area than

- three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than twenty-five (25) feet above the ground and the bottom of the sign shall be at least ten (10) feet above the ground. Double-faced off-premises sign structures (i.e., structures having back-to-back faces) and V-type structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) off-premises sign.
- (2) *Location.* Static and digital off-premises signs may be erected only in the industrial district. No off-premises sign may be erected or maintained within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premises sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
 - (3) *Spacing.* Off-premises signs shall be located no closer to one another than five hundred (500) feet.
 - (4) *Illumination.* An off-premises sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any off-premises sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - (5) *Digital off-premises signs.*
 - a. *Rate of change.* The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b. *Luminance.* The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning one-half (½) hour after sunrise and continuing until one-half (½) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.
 - c. *[Digital off-premises signs.]* Digital off-premises signs shall be configured to default to a static display in the event of mechanical failure.
 - (6) *[Construction.]* An off-premises sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premises sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
 - (7) *[Industrial areas.]* An off-premises sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended), bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.
- (b) *Combination off-premises and on-premises electronic message boards.* Digital signs which are used to advertise both on-premises and off-premises establishments shall comply with the following regulations:
- (1) A permanent, static on-premises primary sign must be in existence totaling at least twenty-five (25) percent of the allowable sign size in the district. The balance of the total allowable sign area may consist of the combination off-premises/on-premises sign.
 - (2) The combination off-premises/on-premises sign shall adhere to the regulations contained in.
 - (3) Digital messages may advertise the on-premises establishment. The balance of the messages may advertise off-premises establishments under the same ownership and/or public service announcements.
 - (4) Each message shall remain readable for at least six (6) seconds.
 - (5) Combination off-premises and on-premises digital signs shall be spaced at least five hundred (500) feet apart in all districts.
 - (6) Combination off-premises and on-premises digital signs shall be allowed in the B-2, B-3, B-4, I-1 and I-2 districts.
 - (7) Combination off-premises/on-premises signs shall count toward the total sign area allowed for the property.

(c) *Off-premises directional signs.*

- (1) *Private off-premise directional signs.* Private off-premises directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the City of Owosso.
 - a. Off-premises directional signs shall be no greater than twelve (12) square feet.
 - b. Sign lettering may display the off-premises business name, address, and an arrow indicating direction.
 - c. Off-premises directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 districts.
 - d. One (1) off-premises direction sign is permitted per industrial zoning lot.
- (2) *Public off-premises directional signs.* Public off-premises directional signs erected by the city, State of Michigan, or the downtown development authority shall be permitted in the street right-of-way.

(d) *Off-premises private signs in the public right-of-way.* Private A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:

- (1) Signs shall be approved by the city council.
- (2) Signs shall be removed each night.
- (3) Maximum size two (2) feet wide by four (4) feet in total height for each panel with a maximum of two (2) panels per sign. Maximum spread between the two (2) panels at the base shall be two (2) feet six (6) inches.
- (4) The owner of the property abutting the right-of-way on which the sign is placed shall be notified, prior to city council approval, that the sign is being requested.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-21. - Specific sign standards.

The number, display area, and height of signs within the various zoning districts are provided in the sign dimensional standards and regulations table and its accompanying footnotes. Additional standards for specific types of signs are given below:

SIGN DIMENSIONAL STANDARDS AND REGULATIONS								
	Wall, Canopy or Projecting Sign (c)		Ground Sign (c)			Temporary Signs (d)		
District	Number Allowed	Max. Size	Number (b)	Max. Size Per Sign Face	Max. Height	Max. Size Per Sign	Total Area Per Parcel	Max. Height
R-1, R-2, RM-1, RM-2, R-T	-	10% of front facade for all uses other than single family homes, duplexes, and attached condominiums	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet

Home Occupations as allowed and defined in <u>Sec. 38-394</u>	1	Not to exceed a size of 2' x 3' mounted flush to the building*	-	-	-	-	-	-
B1, B-2, B-3, B-4 PUD	1 per business (a)	10% of front facade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet
I-1 and I-2	1 per business (a)	20% of front facade or 200 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet

* Illumination: home occupation sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two (2) wall signs, one (1) for each front facade. The maximum wall sign area shall not exceed ten (10) percent of the front facade of the building (any facade which faces a public or approved private street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the planning commission, the size of the wall sign may be increased up to the maximum square footage as follows:

<i>201—400 linear feet of building frontage facing a public street and having a public entrance</i>	<i>150 square feet</i>
<i>Greater than 400 linear feet of building frontage facing a public street and having a public entrance</i>	<i>200 square feet</i>

(b) Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs permitted according to the following table, however, no site shall have more than two (2) ground signs, regardless of the number of

street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

<i>Frontage along 2 or more rights-of-way</i>	<i>1 sign up to the maximum sign face area shall be allowed along 2 frontages</i>
<i>300 feet of frontage along 1 right-of-way</i>	<i>1 ground sign along that frontage</i>
<i>Greater than 300 feet of frontage along 1 right-of-way</i>	<i>2 ground signs</i>

- (c) *Changeable message signs and gasoline price signs may be permitted as part of a monument sign in the business districts and industrial districts, and when associated with a commercial in accordance with the following:*
- (1) *One (1) changeable message sign or one (1) gasoline price sign shall be permitted per premises, but not both.*
 - (2) *Message or gasoline price changes may occur electronically or manually.*
 - (3) *The area of a changeable message sign or gasoline price sign shall not exceed one-third (1/3) the total area of the sign.*
 - (4) *Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.*
 - (5) *Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.*
 - (6) *Any voids or burned out bulb in an electronic display shall be replaced.*
 - (7) *Electronic changeable message signs and gasoline price signs shall be at least one hundred (100) feet from any residential district or use, except as modified in subsection (10) below.*
 - (8) *One (1) gasoline price sign is permitted for an overhead gas pump canopy with an area not to exceed ten (10) percent of the canopy facade and when this is the only changeable message sign on the property.*
 - (9) *One (1) electronic message sign, meeting the above requirements, may be approved by the planning commission for institutional uses, meaning a use by public or quasi-public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital, located in a residential district when meeting the following requirements:*
 - i. *The institutional use is located on a minor arterial or collector road, as designated in the City of Owosso Master Plan;*
 - ii. *That the sign will not create a nuisance for residential properties in the immediate vicinity of the sign, as determined by the planning commission and subject to any conditions;*
 - iii. *The appropriate size of the sign shall be determined by the planning commission but shall be no greater than fifty (50) square feet in area.*
- (d) *Signs for temporary uses.*
- (1) *Temporary signs include, but are not limited to the following:*
 - i. *For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.*
 - ii. *An on-site sign advertising an ongoing garage, estate or yard sale.*
 - iii. *Noncommercial signs which contain noncommercial information or directional messages.*

- iv. *Political signs.*
 - v. *Holiday or other seasonal signs.*
 - vi. *Construction signs for buildings under construction.*
 - vii. *All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.*
- (2) *Location of temporary signs shall comply with the following:*
- i. *Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.*
 - ii. *Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.*
 - iii. *Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.*
 - iv. *Temporary signs cannot be placed or constructed so as to create a hazard of any kind.*
 - v. *Temporary signs may not be posted on private property without first obtaining the permission of the property owner.*
 - vi. *Signs shall not be located within any clear vision triangle, as described in section 38-388, corner clearance.*
- (3) *Time limitations for temporary signs. Each temporary sign shall be removed within sixty (60) days of placement. Furthermore, no sign may be erected on a single parcel for more than sixty (60) calendar days out of every one hundred twenty (120) calendar days.*
- (1) *Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table.
- (2) *Projecting and canopy signs.* Projecting signs and canopy signs may be used as an alternative to wall signs listed in the sign dimensional standards and regulations table, provided that they meet the following standards:
- a. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
 - b. Projecting or canopy signs in the central business district shall be set back at least two (2) feet from any street curbline, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground.
 - c. Projecting or canopy signs in the B-1, B-2, B-4, I-1 and I-2 districts shall have a minimum ground clearance of ten (10) feet, shall be set back at least six (6) feet from any adjacent public right-of-way, and shall not project over an alley or private access lane. A projecting sign shall not extend for more than two (2) feet from the building to which it is attached.
 - d. No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.
 - e. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
 - f. Projecting signs shall not exceed sixteen (16) square feet in area.
 - g. Canopy signs shall not be internally illuminated.
- (3) *Downtown historic district.* Any signs within the downtown historic district shall meet all requirements of the Owosso Historic District Commission prior to installation of new signage or modification of existing signage.
- (4) *Entranceway signs.* One (1) permanent sign per vehicular entrance identifying developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured

housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.

- (5) *Portable A-frame signs.* Portable A-frame or sandwich board signs are permitted in the B-1, B-2, B-3, and B-4 districts at the public building entrances to businesses subject to the following requirements:
- a. One (1) sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 - b. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 - c. Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches.
 - d. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - e. All signs must be constructed or weatherproof, durable material and kept in good repair.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-22. - Nonconforming signs.

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

- (1) A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- (2) A nonconforming sign shall not be replaced by another nonconforming sign.
- (3) A nonconforming sign shall not be reestablished after abandonment as defined in section 26-23, dangerous, unsafe, abandoned, and illegally erected signs.
- (4) A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the building official/zoning administrator or if fifty (50) percent or more of the face of the sign is damaged or destroyed.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-23. - Dangerous, unsafe, abandoned, and illegally erected signs.

- (a) *Dangerous signs.* Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
- (b) *Unsafe signs.* Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in subsection (e) below.
- (c) *Abandoned signs.* Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs

applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in subsection (e) below.

- (d) *Illegally erected signs.* The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this chapter, according to the process outlined in subsection (e) below.
- (e) *Process for enforcing violations of section 26-7, dangerous, unsafe, abandoned, and illegally signs.* For violations of sections 26-7(2) through (4), the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first-class mail shall be sufficient notice. Where a sign erected in violation of this chapter is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

(Ord. No. 783, § 2, 6-19-17)

Sec. 26-24. - Changes to permitted signs.

No physical, structural or electrical changes can be made to existing permitted signs without first obtaining a new sign permit. Individual sign panels can be replaced on existing box signs, but a permit must still be obtained.

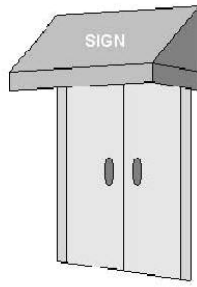
(Ord. No. 783, § 2, 6-19-17)

Sec. 26-25. - Administration and appeals of sign ordinance standards.

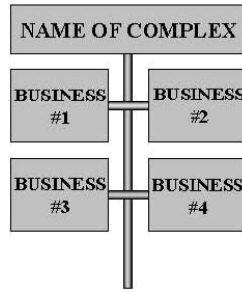
- (a) *Generally.* The regulations of this chapter shall be administered and enforced by building official/zoning administrator.
- (b) *Violations.* It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this chapter. Any such violation, including the failure to remove a sign when directed under the authority of this chapter, shall constitute a misdemeanor punishable in accordance with section 1-8 of the Owosso Code of Ordinances.

SIGN DIAGRAMS

Figure 26.2



Awning Sign



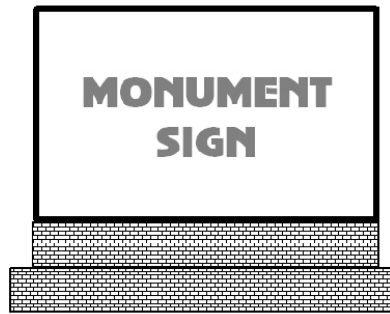
Business Center Sign



Free Standing Sign



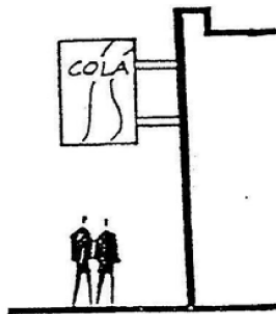
Message Board Sign



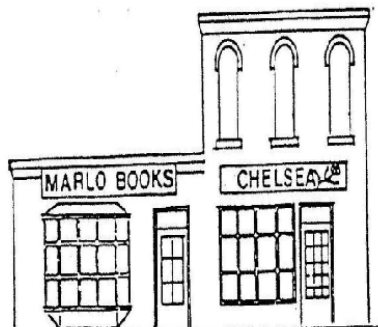
Monument Sign (Freestanding)



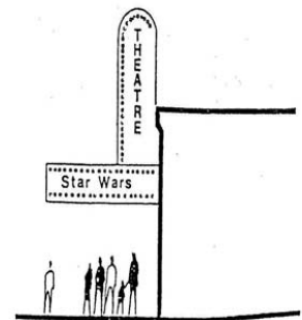
Off-Premise Sign



Projecting Sign



Wall Sign



Marquee Sign

(Ord. No. 783, § 2, 6-19-17)

- conducted on the premises within ten (10) days after written notice from the city manager or his or her designee.
- (2) A sign that is in conformity with the other provisions of these regulations may remain in place if such sign is obscured by the use of a blank panel attached within the frame of the sign and shall be permitted to remain for a period not to exceed one hundred and twenty (120) days.
 - (3) Where a successor to an inactive business agrees, within thirty (30) days of the date of written notice by the building official or his or her designee, to maintain the sign as provided for by these regulations, this removal requirement shall not apply, but only if and to the extent that the existing sign and structure conforms to all current sign requirements.
- (d) Any illegal nonconforming signs that exist on the effective date of this amendment shall be removed immediately upon the effective date of this amendment shall be replaced by signs that conform to these regulations.

Sec. 28-15. - Appeals.

- (a) Appeal from the ruling of any officer, department, board or bureau of the city concerning the enforcement of the provisions of this chapter may be made by any aggrieved party within thirty (30) days of the ruling to the zoning board of appeals, sitting as an administrative appeal board under this chapter.
- (b) The zoning board of appeals shall have the authority to:
 - (1) Correct errors in the application of this chapter by the Planning Commission or administrative officials;
 - (2) Interpret the provisions of this chapter; and
 - (3) Grant variance relief from the provisions of this chapter. Variance relief may be granted by the zoning board of appeals upon an affirmative finding of practical difficulty. The board may find a practical difficulty on the basis of any of the following:
 - a. That the request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or that are self-created;
 - b. That the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return;
 - c. That the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will result in an improvement of the property or the project;
 - d. That construction of a conforming sign would require the removal or significant alteration of natural features on the property.

Before granting variance relief, the board shall also find that the grant of relief will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter.

- (c) The zoning board of appeals may revoke any grant of a variance for violation of such grant upon the giving of thirty-days' notice of such violation to the owner of the premises and a hearing held thereon.
- (d) Upon receipt of an application for an appeal, interpretation, or variance, one (1) notice that a request has been received shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Such notice shall be given not less than fifteen (15) days before the date of the hearing. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post a notice at the primary entrance to the structure. The notice shall:
 - (1) Describe the nature of the variance or appeal;
 - (2) Indicate the property which is the subject of the request;
 - (3) State when and where the request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request.

Sec. 28-16. - Violations; signs in violation declared public nuisance.

- (a) It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the city, or cause or permit the same to be done on his property contrary to or in violation of any of the provisions of this chapter.
- (b) Any sign which is erected, constructed, maintained, enlarged, altered, moved, or converted in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (c) In addition to the remedies otherwise provided, the city may remove and dispose of an unlawful sign on public property.
- (d) Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of section 1-11 of this Code.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Brighton Municipal Code

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[Chapter 66 SIGNS](#)

ARTICLE III. BOARD OF APPEALS

Sec. 66-61. Organization.

The sign board of appeals shall be organized as provided in chapter 2.

(Code 1981, § 102.25)

Sec. 66-62. Powers and duties.

The sign board of appeals shall have the power and duty to:

- (1) Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
- (2) Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit.
- (3) Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
- (4) Make recommendations to the council for changes to this chapter.
- (5) Give advice to the sign code administrator when asked.

(Code 1981, § 102.25)

Sec. 66-63. Criteria for decision.

(a) *Appeals without petition for variance.* In appeals to the sign board of appeals from the administrator denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the administrator's decision is in accordance with the requirements of this chapter and accordingly, affirm or reverse his decision. No variance from the requirements of this chapter shall be granted or allowed. If the administrator's decision is reversed, the board shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so for five days from receipt of the direction from the board, the board may issue the permit.

(b) *Appeals from failure to issue permit.* In appeals from failure of the administrator to grant a permit within 30 days of application, the sign board of appeals shall determine whether the sign and the application meet the requirements of this chapter. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of this chapter shall be granted or allowed.

(c) *Appeals with petition for variance.* In appeals from decision of the administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the sign board of appeals shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of this chapter.

(d) *Grounds for variance.* The sign board of appeals may grant a variance from the provisions or requirements of this chapter only where:

- (1) The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question.

(2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

(3) The unusual conditions applying to the specific property do not apply generally to other properties in the city.

(4) The granting of the variance will not be contrary to the general objective of this chapter of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

(e) *Support for hardship.* Where there is insufficient evidence, in the opinion of the sign board of appeals, to support a finding of “undue and unnecessary hardship” under subsection (a) of this section, but some hardship does exist, the board may consider the requirement fulfilled if:

(1) The proposed sign is of particularly good design and in particularly good taste.

(2) The entire site has been or will be of particularly good design and in granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.

(Code 1981, § 102.26)

Sec. 66-64. Perfection of appeal and stay of proceedings.

(a) An appeal with or without petition for variance may be considered by the sign board of appeals only if:

(1) Written notice of appeal, with or without petition for variance, is filed with the board.

a. Within ten days of the decision of the administrator denying a sign permit.

b. Within 40 days of the submission of a sign permit application which the administrator has neither granted nor denied within 30 days.

(2) The notice of appeal is accompanied by a fee as specified by the city council.

(3) The appellant serves upon the board a written statement of the reasons in support of his position 30 days before the hearing on the appeal.

(b) The sign board of appeals shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this subsection or for failure of the appellant to otherwise diligently prosecute the appeal, or if the board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal.

(Code 1981, § 102.27)

Sec. 66-65. Procedure.

(a) *Delivery of sign application to board.* Upon the filing of a notice of appeal with the sign board of appeals as provided in section 66-64, the administrator shall promptly transmit to the board, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the administrator to grant a permit within 30 days, the administrator shall, in addition to the foregoing, furnish the board with a brief written statement of the reasons for the failure.

(b) *Statement in support of administrator's position.* Upon any appeal, the administrator may, in his discretion, furnish the sign board of appeals with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the board at least ten days in advance of the hearing on the appeal.

(c) *Administrator's appearance at the hearing.* The administrator may attend and state his position at any appeal or variance hearing.

(Code 1981, § 102.28)

Sec. 66-66. Advice from board.

The administrator may seek the advice of the sign board of appeals on novel or difficult situations, signs, or questions that arise under this chapter. However, such advice shall not bind the administrator.

(Code 1981, § 102.29)

Sec. 66-67. Notice of hearing.

(a) The sign board of appeals shall hear and decide appeals at their next regular meeting following receipt of the appeal provided provisions of section 66-64 are complied with. Notice of the hearing on an appeal shall be given by the board not less than ten days prior to the hearing to:

- (1) The appellant, in writing, at the address given on the notice of appeal.
- (2) The administrator, in writing.
- (3) To any person filing a written statement in opposition to the appellant's position taken in the appeal.
- (4) Any person filing a written request with the city for special notice of board hearings in the six months following giving of the request.
- (5) To the public by posting a copy of the notice of hearing in a conspicuous place within the city hall.
- (6) To the property owners within 300 feet of the property which is concerned in the appeal by mail.

(b) Such notices shall be in a form prescribed by the sign board of appeals and shall set forth the time, place and purpose of the hearing.

(Code 1981, § 102.30)

Sec. 66-68. Hearing.

All hearings of the sign board of appeals shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the board, to address the board on issues to be determined. The appellant and the administrator shall be afforded an opportunity to address the board on any matter at issue. Any party or interested person may be represented by another at the hearing.

(Code 1981, § 102.31)

Sec. 66-69. Hearing minutes and decision.

The sign board of appeals shall keep minutes of its proceedings, together with its findings of fact in support of that decision, all of which shall be open to public inspection. Copies of the board's decision on appeals and petitions for variances shall be mailed or delivered to the applicant, to the administrator, and to persons filing requests for special notice of hearings pursuant to section 66-67.

(Code 1981, § 102.32)

Secs. 66-70—66-90. Reserved.

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