



**CITY OF OWOSSO  
PLANNING COMMISSION**

**Regular Meeting**

Monday, November 26, 2018 at 6:30 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

**AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA – November 26, 2018

APPROVAL OF MINUTES – October 22, 2018

OLD BUSINESS

1. Review of Proposed Amendments to Chapter 26 – Sign Ordinance and provide edits and/or schedule a public hearing for January meeting
2. Review of Proposed Amendments to Chapter 38 – Zoning Ordinance buffer zone requirements for medical marihuana businesses Sec 38-197, Sec 38-217, Sec 38-242, Sec 38-267, Sec 38-292 and provide edits and/or schedule a public hearing for January meeting
3. Review of Proposed Amendments to Chapter 38 – Zoning Ordinance industrial outdoor storage screening Sec. 38-292, Sec. 38-312, Sec. 38-393 and 38-389 and provide edits and/or schedule a public hearing for January meeting

NEW BUSINESS

4. Review of Proposed Amendments to Chapter 38 – Zoning Ordinance amateur radio antenna regulations Sec. 97-379 and provide edits and/or schedule a public hearing for January meeting

## OTHER BOARD BUSINESS

5. Appointment of a Fourth Planning Commissioners to the Master Plan Subcommittee

## PUBLIC COMMENTS AND COMMUNICATIONS

## ADJOURNMENT

Next regular meeting will be on Monday, December 10, 2018, if any requests are received.

**Commissioners, please call Tanya at 989-725-0540 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](http://www.ci.owosso.mi.us)

**MINUTES  
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
MONDAY, OCTOBER 22, 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 Kirkland, Lafferty, and Taylor

**MEMBERS ABSENT:** Commissioners Adams, Jenkins and Law

**OTHERS PRESENT:** Assistant City Manager Amy Cyphert, Dale Frasier, 22 Corunna Ave, D & L Auto Sales

**APPROVAL OF AGENDA:**  
**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR OCTOBER 22, 2018.**

**YEAS ALL. MOTION CARRIED.**

**APPROVAL OF MINUTES:**  
**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE AUGUST 27, 2018 MEETING.**

**YEAS ALL. MOTION CARRIED.**

**OLD BUSINESS:**

- 1. Review of Proposed Amendments to Chapter 26 – Sign Ordinance and provide edits and/or schedule a public hearing for November meeting**

Ms. Cyphert presented the board with a “red-lined” version of the Sign Ordinance to show what would be potentially removed and added. Recent legal cases outcomes on content neutral wording and other revisions are being requested.

The draft amendments to the Sign Ordinance include, but are not limited to the following:

- Powers duties, decision period, grounds for variances and public hearing requirements for the Board of Appeals
- Updates to the definitions
- Requirements for pole signs
- Signage requirements for the OS-1, P1 and C-OS zoning districts that were omitted in the 2017 revisions
- Updated graphics
- Additional prohibited signs
- Additional permit exempt signs

- Revisions to address context based signage
- Spelling and clarifications revisions
- Private sign regulations within business, medical and educational campuses
- Addressing signage within the Historic District
- Revisions to make formatting of each article within the chapter match

Additional amendments were discussed and include the following:

- Community special event sign – look into further, possibly keep
- Outline tubing sign – LED keep or remove
- Portable sign – remove the proposed wording and either replace with a new definition or eliminate completely
- Prohibited signs – remove Feather or flutter signs
- Prohibited signs – remove Outline tubing signs – LED
- Public Off-Premise directional Signs was discussed and what would cover an organization like the Chamber of Commerce
- Temporary signs – need further clarification as to only allowed 1 time per year, 1 every 3 months
- Create a Westown district similar to the downtown district
- Non-conforming signs – should the original square footage numbers be added in the amendment or require a variance for upgraded signs that would not meet the new ordinance.

Ms. Cyphert will present the requested changes at the November meeting

**NEW BUSINESS:** none

**OTHER BOARD BUSINESS:**

2. Appointment of Four Planning Commissioners to the Mater Plan-Sub-committee

The Master Plan kick off meeting is October 24, 2018 at 3 pm. Janae Fear, Frank Livingston and Tom Taylor have volunteered to be on the committee.

3. Discussion of Sec 38-197 (11) (6), Sec 38-217 (4), Sec 38-242 (9) (6), Sec 38-267 (10) (6), Sec 38-292 (11) Review of buffer zone requirements for provisioning centers.

Buffer zones were discussed and the intent of the measuring from residentially zoned property. The current language in the ordinance and would define the 100' measurement from property lines. The Board's intent was to measure "front door to front door." An amendment would need to be made to the ordinance to measure from real property.

Additional discussion was held regarding the distance between provisioning centers as the board does not agree with the possibility that potentially all 4 provisioning center licenses could be in the same location. The Boards intent was for them to be spaced out throughout the city. It was suggested to add to the ordinance, a buffer zone of 100' between provisioning centers.

Amendments and possible public hearing will be set for the November meeting.

**MOTION BY COMMISSIONER KIRKLAND, SUPPORTED BY SECRETARY FEAR TO RECOMMEND TO COUNCIL TO DELAY THE 30 DAY APPLICATION WINDOW FOR PROVISIONING CENTERS UNTIL AMENDMENTS TO THE MEDICAL MARIHUANA ORDINANCE ARE COMPLETED.**

RCV

**YEAS: SECRETARY FEAR, COMMISSIONERS KIRKLAND AND LAFFERTY, VICE-CHAIR LIVINGSTON, COMMISSIONER TAYLOR AND CHAIRMAN WASCHER**

**NAYS: NONE**

**MOTION CARRIED.**

4. Discussion on Sec 393 and 38-292 (4) Outdoor storage height and screening requirements.

Staff is looking to amendment to the outdoor storage height and screening requirements. The amendments will be presented at the November meeting.

**PUBLIC COMMENTS AND COMMUNICATIONS:**

Dale Frasier, 211 Corunna Ave and owner of D & L Auto Sales expressed his concerns over his pennant type signs/flags over his parking lot. He was notified by Code Enforcement to remove them and they are not allowed in the current ordinance. Mr. Frasier stated he has had those types of signs up for over 15 years, so why now are they a problem.

The Board was in support of allowing festoons based on the above comments.

**ADJOURNMENT:**

**MOTION BY COMMISSION TAYLOR, SUPPORTED BY VICE-CHAIR LIVINGSTON TO ADJOURN AT 8:25 P.M. UNTIL THE NEXT MEETING ON November 26, 2018.**

**YEAS ALL, MOTION CARRIED.**

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Janae L. Fear, Secretary

## Chapter 26 - SIGNS

### 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.

~~Secs. 26-2. – Reserved.~~

~~Sec. 26-3. – Reserved.~~

~~Sec. 26-4. - Reserved.~~

### ARTICLE II. - IN GENERAL

#### Sec. 26-5. – Short title.

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

#### Sec. 26-6. - Purpose.

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

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:

- ~~a.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.
- ~~b.2.~~ Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- ~~c.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.
- ~~d.~~ ~~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.~~
- ~~e.4.~~ Enable the public to locate goods, services and facilities without excessive difficulty

and confusion by restricting the number and placement of signs.

- ~~f. Prevent placement of signs which will conceal or obscure signs of adjacent uses.~~
- ~~g. 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.~~
- ~~h. The regulations and standards of this article 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.~~
- 5. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
- ~~i.6. Prevent off-premises signs from conflicting with other allowed land uses.~~
- ~~j.7. 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.~~
- ~~k. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.~~
- 8. Preserve and enhance the image of the City city's Central Business District.
- 9. To prohibit all signs not expressly permitted by this chapter.
- 10. To provide for the permitting of signage and the enforcement of the provisions of this chapter.
- 11. Permit signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

**Sec. 26-7. - 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:~~

- ~~a. 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.~~
- ~~b. 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.~~
- ~~c. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.~~
- ~~d. To prohibit all signs not expressly permitted by this chapter.~~

~~e. To provide for the enforcement of the provisions of this chapter.~~

**Sec. 26-7. – Reserved.**

**Sec. 26-8. - Reserved.**

**ARTICLE III. - DEFINITIONS**

**Sec. 26-9. - Sign definitions.**

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

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

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

**Administrator.** The City Manager ~~building official~~ or his designated representative within the ~~building department~~ City of Owosso.

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

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

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

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

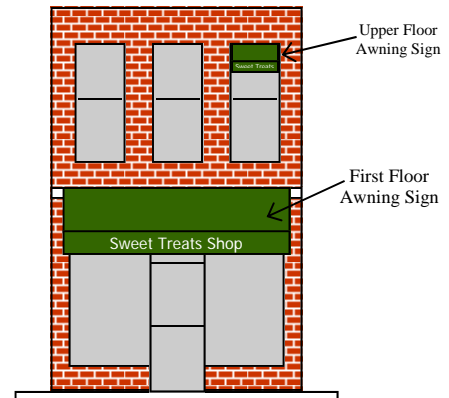
**Awning or canopy sign:** A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business-identification message, symbol and/or logo. See "wall sign." A permanent sign painted on, printed on, or attached flat against the surface of an awning.

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

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

~~**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 article.~~

**Building marker.** Any sign indicating the name of a building and date of construction





~~and incidental information about its construction, which sign is typically cut into a masonry surface and part of the building wall construction, or made of bronze or other permanent material.~~

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

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

~~**Business center:** A grouping of two or more business establishments on one 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 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 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. A sign on which the message is changed mechanically, electronically or manually. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage. Reference Electronic message sign (EMS) definition.~~

~~**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.~~

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

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

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

**Electronic message sign (EMS):** A



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

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

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

**Festoon:** A string of ribbons, tinsel, small flags, pinwheels, streamer, pennants, balloons 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. Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

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

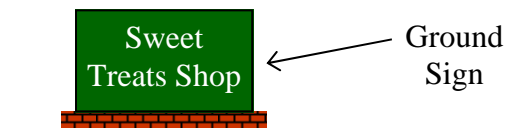
~~**Freestanding sign:** A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."~~

~~**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.~~

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

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

~~**Ground or monument sign:** A three-dimensional, self-supporting, base-mounted freestanding identification sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed. A sign extending upward from grade that is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure~~



~~**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 article and does not have legal nonconforming status.

**Illuminated sign.** Any sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign

illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

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

~~**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."~~

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

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

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

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

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

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

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

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

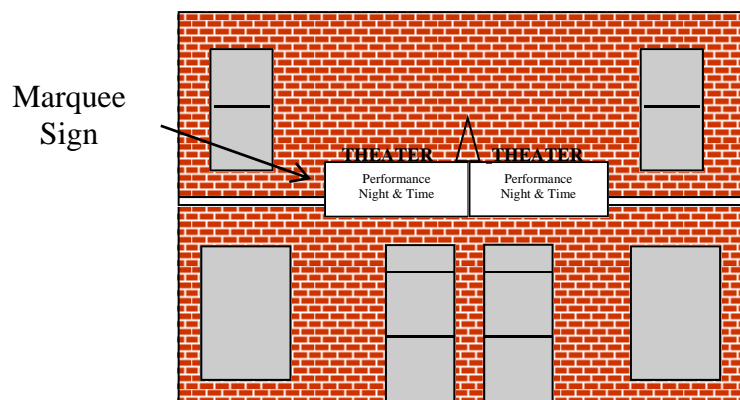
**Moving sign:** A sign in which the sign itself, or any portion of the sign, moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

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

~~**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 article, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

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

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

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

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

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

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

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

**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. A flag or banner that tapers to a point.~~

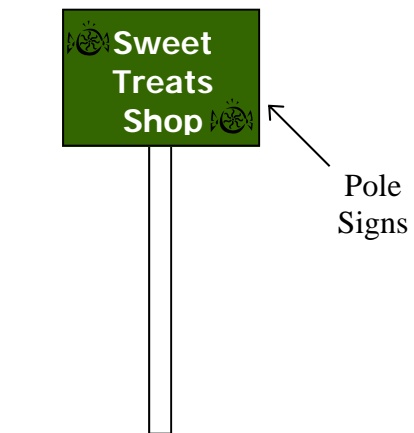
**Pole sign:** A sign supported on the ground by a pole, braces, and not attached to any building or other structure.

**Permanent sign:** A sign designed to be installed permanently in the ground or wall of a building that is constructed out of durable materials. ~~—a minimum of 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, nongovernment flags, and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.~~ A temporary sign designed to be moved from place to place by wheels, whether or not it is attached to the ground or a structure. Portable may include changeable signage area.

~~**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 LED's, 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 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.

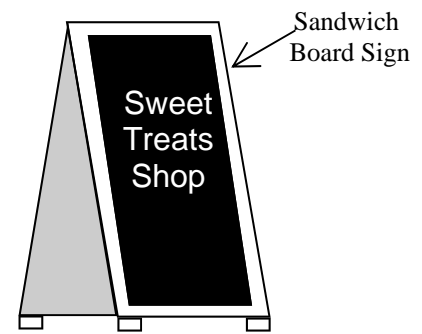
**Regulatory sign:** A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

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

~~**Rotating sign:** See "moving sign."~~



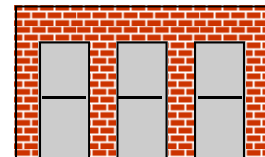
**Sandwich board sign:** A temporary sign containing two separate faces which are attached to one another at the top by one or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support.

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

**Temporary sign:** A sign 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.~~ Examples of temporary signs include but are not limited to banners, community special event signs, garage sale signs, political signs, non-commercial signs, holiday signs, real estate signs, construction signs, etc.

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

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



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

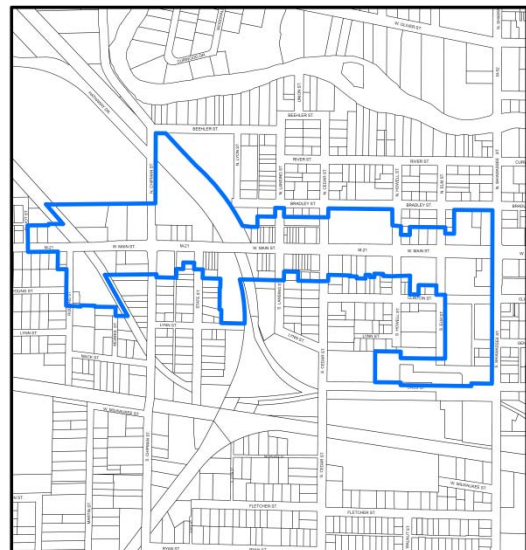
Westtown boundary: As shown in the map.

**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.~~

Westtown  
Boundary

Legend  
— Westtown  
□ City Parcels





~~Sec. 26-10. – Reserved.~~

#### ARTICLE IV. - GENERAL PROVISIONS

##### Sec. 26-10. Applicability; effect and scope.

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

##### ~~Sec. 26-11. – Permits required and fees.~~ Sign permits.

~~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.~~

All signs are subject to the general and specific regulations of this chapter whether they require a permit or not. Any sign permitted under the ordinance may contain either a commercial or noncommercial message.

1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a permit to the City of Owosso.
2. It shall be unlawful for any person to erect, re-erect, change panels, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.
3. 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.
4. Within ten (10) days of receiving an application for a sign permit, the administrator

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

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

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.

6. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall inspect the work completed in conformance with the approved permit and applicable codes. If the construction is not complete within six months of the permit issuance date, the permit shall expire.

~~Sec. 26-12. — 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) fee, a height of seven (7) fee above grade, has no illumination, and no remuneration, monetary or otherwise, is involved.~~

~~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.~~

~~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 (10) day period, send to the applicant a notice of the specific ways in which the application is~~



~~deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.~~

**~~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.~~

**~~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.~~

**~~Sec. 26-127. - Signs exempt from permit regulations.~~**

~~The following signs shall be exempt from regulation under this ordinance:~~

- ~~a. Any sign of a governmental unit required by a valid and applicable federal, state, or local law, regulation, or ordinance.~~
- ~~b. Holiday lights and decorations on residential zone lots with no commercial message.~~
- ~~c. Works of art of a noncommercial nature.~~
- ~~d. 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.~~

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

- ~~1. Address signs~~
- ~~2. Building marker~~
- ~~3. Directional signs~~
- ~~4. Flag signs~~
- ~~5. Incidental signs~~

Is this list too long??

- 6. Murals that are of noncommercial nature
- 7. Public signs
- 8. Regulatory signs
- 9. Temporary signs as detailed in this chapter
- 10. Time and temperature signs
- 11. Window signage

**Sec. 26-138. - Prohibited signs.**

The following signs are prohibited in all districts:

- ~~a. 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.~~
- ~~b. Moving signs and signs having moving members or parts, excluding barber poles, and electronic poles.~~
- ~~c. Signs using high intensity or flashing lights, festoons, spinners or other animated devices.~~
- ~~d. 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 or more streets.~~
- ~~e. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.~~
- ~~f. 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.~~
- ~~g. Roof signs unless specifically permitted elsewhere in this article.~~
- ~~h. Portable signs, as defined, not provided for in this article.~~
- ~~i. Pylon or pole signs not provided for in this article.~~
- ~~j. Any sign or sign structure which:
  - ~~1. Is structurally unsafe.~~
  - ~~2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.~~
  - ~~3. Is capable of causing electric shock to person who come in contact with it.~~
  - ~~4. Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.~~~~
- ~~k. 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.~~

1. Abandoned signs
2. Balloon signs
3. Festoons
4. Flashing signs
5. Illegal signs
6. Inflatable signs
7. Moving signs excluding barber shop poles
8. Obsolete signs
9. Off-premise signs, unless otherwise specified in this chapter
10. Outline tubing signs
11. Pennants
12. Portable signs
13. Roof signs
14. Vehicle signs
15. 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.
16. Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers of motorized vehicles.
17. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
18. Signs which obstruct the minimum 5 feet of clearance required for Barrier Free accessibility.
19. 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

I would like to discuss prohibited signage further at the meeting.

**Sec. 26-149. - 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 article; 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.~~

~~a.—Sign setbacks:~~

- ~~1. All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.~~
- ~~2. Side yard setbacks for signs shall be the same as that required for the main~~

~~structure or building, provided that all nonresidential signs shall be set back at least 100 feet from any residential district.~~

~~b. 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 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.~~

~~c. 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.~~

~~d. Illumination.~~

~~1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.~~

~~2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.~~

~~3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.~~

~~4. Underground wiring shall be required for all illuminated signs not attached to a building.~~

~~e. Maintenance and construction.~~

~~1. 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.~~

~~2. 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 20 pounds per square foot or 75 mph.~~

~~3. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.~~

~~f. Measurement. Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).~~

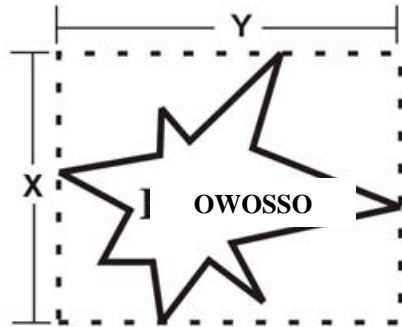
~~1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.~~

~~2. When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign except that where two 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~~

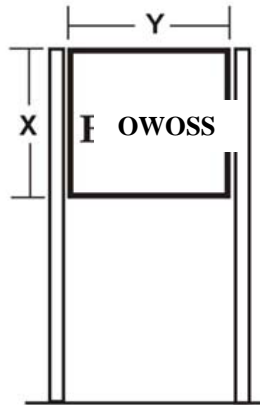
feet.

- ~~3. 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).~~
- ~~4. 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.~~

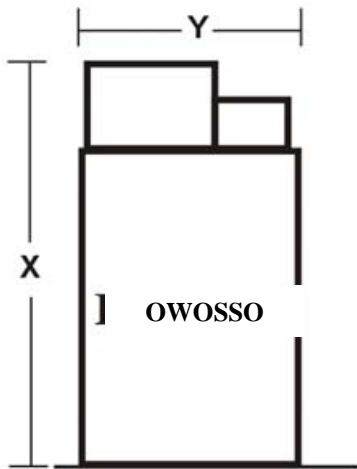
**Guidelines for Measuring Sign Face Square Footage  
Figure 26.1**



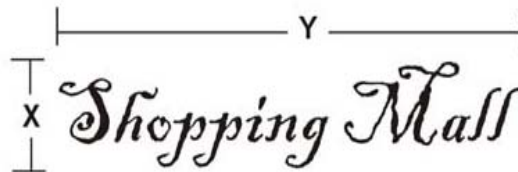
**ALL SIGNS**  
Measurements taken from the outermost points of the panel



**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

**Sec. 26-20.—Off-Premise Signs.**

**a.—Off-Premise Advertising.**

The regulation of off-premise 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-premise

sign regulations address the location, size, height and related characteristics of such signs.

- ~~1.—Area and Height Limitations: No off-premise 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-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.~~
- ~~2.—Location: Static and digital off-premise signs may be erected only in the Industrial District. No off-premise 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-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.~~
- ~~3.—Spacing: Off-premise signs shall be located no closer to one another than five hundred (500) feet.~~
- ~~4.—Illumination: An off-premise 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-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.~~
- ~~5.—Digital Off-Premise 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 62,000 candelas per meter squared at 40,000 lux illumination beginning ½ hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.~~
  - ~~c)—Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.~~~~
- ~~6.—An off-premise 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-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).~~
- ~~7.—An off-premise 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-Premise & On-Premise Electronic Message Boards.~~

~~Digital signs which are used to advertise both on-premise and off-premise establishments shall comply with the following regulations:~~

- ~~1. A permanent, static on-premise 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-Premise/On-Premise Sign.~~
- ~~2. The Combination Off-Premise/On-Premise Sign shall adhere to the regulations contained in:~~
- ~~3. Digital messages may advertise the on-premise establishment. The balance of the messages may advertise off-premise 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-Premise & On-Premise Digital Signs shall be spaced at least five hundred (500) feet apart in all Districts.~~
- ~~6. Combination Off-Premise & On-Premise Digital Signs shall be allowed in the B-2, B-3, B-4, I-1 and I-2 Districts.~~
- ~~7. Combination Off-Premise/On-Premise Signs shall count toward the total sign area allowed for the property.~~

~~c. Off-Premise Directional Signs.~~

- ~~1. Private Off-Premise Directional Signs: Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the city of Owosso.~~
  - ~~a) Off-premise directional signs shall be no greater than twelve (12) square feet.~~
  - ~~b) Sign lettering may display the off-premise business name, address, and an arrow indicating direction.~~
  - ~~c) Off-premise directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 Districts.~~
  - ~~d) One (1) off-premise direction sign is permitted per industrial zoning lot.~~
- ~~2. Public Off-Premise Directional Signs: Public off-premise 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-Premise 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 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".~~



- ~~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.~~

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

1. Sign setbacks.

A. All signs, unless otherwise provided for, shall be set back a minimum of five feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

B. Side yard setbacks for signs shall be the same as that required for the main structure or building.

2. Adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

3. Illumination.

A. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to the sign.

B. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.

C. External sources of illumination shall be shielded and directed to prevent glare onto neighboring properties or the public right of way.

D. Underground wiring shall be required for all illuminated signs not attached to a building.

4. Maintenance, construction and design.

A. Signs must meet any applicable requirements of the current Michigan Building Code.

B. All signs shall be maintained in good structural condition at all times

C. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.

D. All signs, including any cables, guide wires, or supports shall have a minimum clearance of four feet from any electric fixture, electric line, street light, or other public utility pole or standard.

E. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

5. Addresses. Addresses shall be in compliance with the International Fire Code

Requirements for number size and visibility from the public right of way.

6. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

7. Directional Signs.

A. Private On-premise directional signs.

- i. Not more than one directional sign shall be permitted for each approved driveway entrance from a right of way, with a maximum sign area of six square feet per sign, and a maximum height of six feet.
- ii. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage.
- iii. Directional signage located within a business center not adjacent to a public right of way shall be governed by the property owner.

B. Private Off-Premise Directional Signs. Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the city of Owosso.

- i. Off-premise directional signs shall be no greater than twelve (12) square feet.
- ii. Sign lettering may only display the off-premise business name, address, and an arrow indicating direction.
- iii. Off-premise directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 Districts.

C. Public Off-Premise Directional Signs: Public off-premise directional signs erected by the City, City affiliated organization or State of Michigan shall be permitted in the street right-of-way.

8. Temporary signs.

A. Temporary signs are allowed without a permit subject to the following:

- i. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise for sale, rent or lease.
- ii. For a single dwelling or building or vacant land: an off-site real estate sign for the purpose of providing direction to another premise that is offered for sale, rent, or lease.
- iii. An on-site sign advertising an on-going garage, estate or yard sale.
- iv. An off-site sign for the purpose of providing direction to another premise that is having a garage, estate or yard sale, as long as the dates of the sale are clearly indicated on the sign.
- v. Non-commercial signs, which contain non-commercial informational or directional messages.

What size of Temporary signage does the PC want to recommend??

- vi. Political signs.
- vii. Holiday or other seasonal signs.
- viii. Construction signs for buildings under construction.
- ix. Banners for the opening of a new business.
- x. Community special event signage.
- xi. Feather or flutter signs.

B. All temporary signs must comply with all of the following regulations:

i. Size of Temporary Signs:

- a. The total aggregate sign area of all temporary signs on any one site shall not exceed twenty-four (24) square feet.
- b. The maximum size of individual temporary signs shall not exceed twelve (12) square feet in area.
- c. Temporary signs shall not be higher than six (6) feet above average mean grade of the yard on which it is placed.

ii. Location of Temporary Signs:

- a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way
- b. Temporary signs shall be set back a minimum of five feet from any public or private street right-of-way line or access drive in all districts.
- c. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
- d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
- e. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
- f. Signs shall be located so as to comply with the corner clearance.
- g. Temporary signs shall not be illuminated.

iii. Time Limitations for Temporary Signs:

- a. Temporary signs shall be removed within 60 days of placement.
- b. Exceptions:
  - (1) Where there is a valid contract for work on the premises that exceeds sixty (60) days, then temporary signs shall be permitted on the premises for the length of the contract.
  - (2) Temporary signs that are located on real property that is actively sale or lease shall be removed upon sale or lease of the property.

9. Measuring sign area and height.

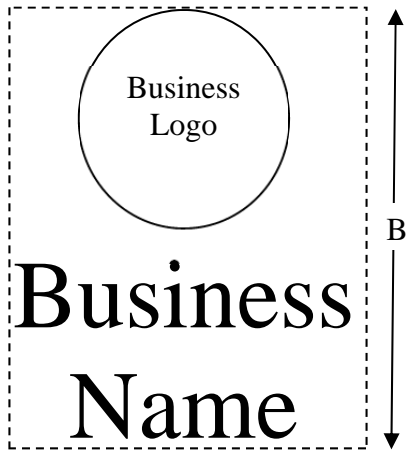
A. Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).

- i. The sign area shall include the surface area which encloses the extreme limits of the sign copy together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- ii. A double faced sign wherein both sides are identical shall be

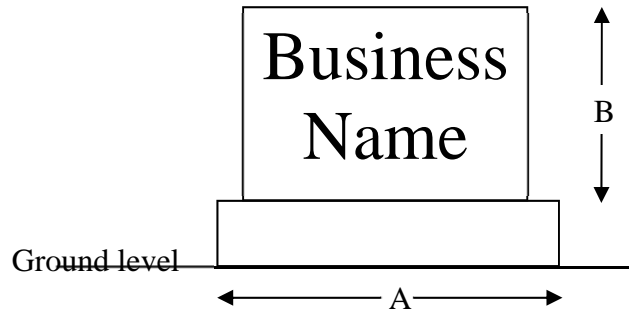
considered as having one face and the area of one face shall be included in computing the allowable sign area.

B. Measurement of sign height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

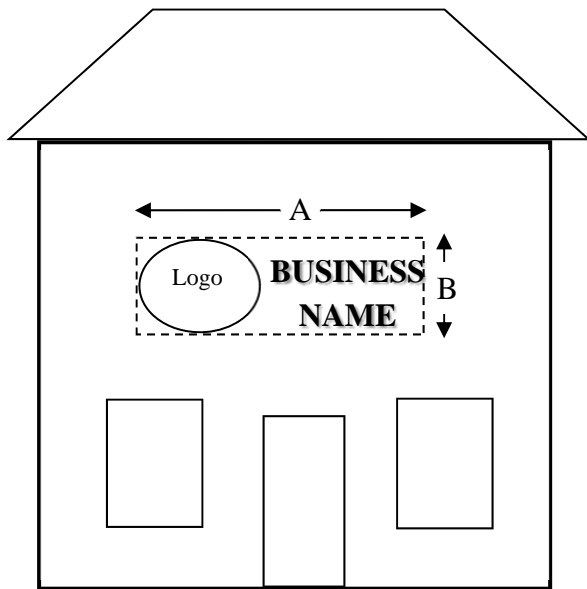
Figure 26.1 Guidelines for Measuring Sign Face Square Footage



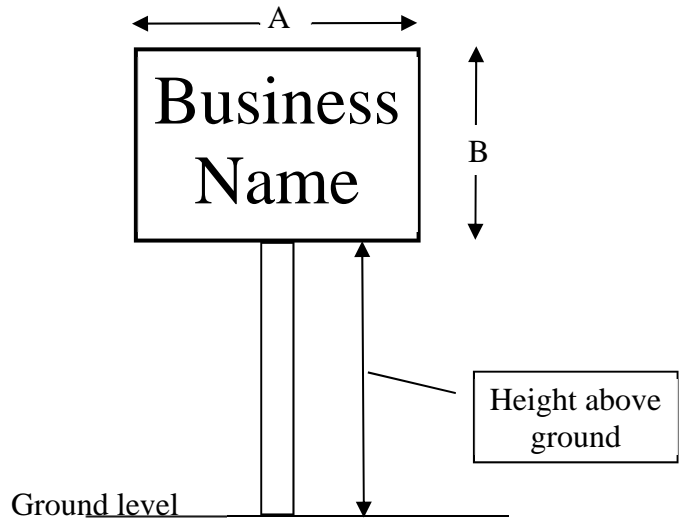
$A \times B = \text{Sign Area}$



$A \times B = \text{Sign Area}$



$A \times B = \text{Sign Area}$



$A \times B = \text{Sign Area}$

Measurements taken from the outer most points of the sign

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.

<b>SIGN DIMENSIONAL STANDARDS AND REGULATIONS</b>								
	<b>Wall, Canopy or Projecting Sign (c)</b>		<b>Ground Sign (c)</b>			<b>Temporary Signs (d)</b>		
<b>District</b>	<b>Number Allowed</b>	<b>Max. Size</b>	<b>Number (b)</b>	<b>Max. Size Per Sign Face</b>	<b>Max. Height</b>	<b>Max. Size Per Sign</b>	<b>Total Area Per Parcel</b>	<b>Max. Height</b>
R-1, R-2, RM-1, RM-2, R-T	-	10% of front façade 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 Sec. 38-394	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 façade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet
T-1 and T-2	1 per business (a)	20% of front façade 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 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 wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building (any façade which faces a public or approved private

~~street), per use or business establishment. However, for a commercial structure containing one 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:~~

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

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

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

~~(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 changeable message sign or one 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 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 100 feet from any residential district or use, except as modified in subsection 10 below.~~
- ~~(8) One gasoline price sign is permitted for an overhead gas pump canopy with an area not to exceed ten percent of the canopy façade and when this is the only changeable message sign on the property.~~
- ~~(9) One 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 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 on-going 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 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 that 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 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.~~

~~a. Directional signs. No more than one directional sign shall be permitted for each~~



~~approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four 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.~~

~~b. 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:~~

- ~~1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.~~
- ~~2. Projecting or canopy signs in the central business district shall be set back at least two feet from any street curb line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.~~
- ~~3. 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 feet, shall be set back at least six 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 feet from the building to which it is attached.~~
- ~~4. 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 foot.~~
- ~~5. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.~~
- ~~6. Projecting signs shall not exceed sixteen square feet in area.~~
- ~~7. Canopy signs shall not be internally illuminated.~~

~~c. 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.~~

~~d. Entranceway signs. One 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 15 feet from any property line or public right-of-way is permitted.~~

~~e. 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:~~

- ~~1. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.~~
- ~~2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.~~
- ~~3. Each sign shall not exceed an overall height of 42 inches and an overall width of 24 inches.~~
- ~~4. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.~~

5. ~~All signs must be constructed of weather-proof, durable material and kept in good repair.~~

## **ARTICLE V. – SPECIFIC SIGN STANDARDS**

### **Sec. 26-15. One-family Residential (R-1), Two-family Residential (R-2), Attached One-family Residential (R-T), Multiple-family Residential (RM-1) and Multiple-family Residential – High rise (RM-2) Districts Signage.**

The following signs are permitted in the R-1, R-2, R-T, RM-1 and RM-2 zoning districts subject to the following requirements:

1. One wall sign per business not to exceed 10% of front façade for all uses other than single family homes, duplexes, and attached condominiums
  - A. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
  - B. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
  - C. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
2. Awning signs may be used as an alternative or in addition to wall signs for all uses other than single family homes, duplexes, and attached condominiums, provided that they meet the following standards:
  - A. Awning signs and wall signs must not exceed 10% of front façade
  - B. Any sign area on an awning shall be included in calculations of maximum wall sign square footage.
  - C. Awning signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
  - D. No awning sign shall extend above the roof or parapet of the structure to which it is attached.
  - E. Awning signs shall not be internally illuminated.
3. Home Occupations as allowed and defined in Sec. 38-394 shall be permitted a sign not to exceed a size of 2' x 3' mounted flush to the building. The sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event, shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
4. Bed and breakfast signs as detailed in Chapter 7 of the Owosso City Code.
5. Ground Sign shall be permitted as follows for all uses other than single family homes, duplexes and attached condominiums:
  - A. Not more than one ground sign is permitted per parcel.
  - B. Business centers or campuses containing more than one building or use shall

be permitted additional ground signage adjacent to public right of ways according to the following:

- i. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
- ii. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.

C. The top of the ground sign shall be no more than six feet above ground level.

D. A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.

E. No ground sign shall have an area exceeding 24 square feet per side.

F. A ground sign shall be located on the same parcel as the use.

G. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

H. One electronic message sign, meeting the above requirements, may be permitted for institutional uses located in a residential district when meeting the following requirements:

i. The institutional use is located on a major or minor arterial or collector road.

ii. The size of the electronic message sign shall be no greater than 50% of the allowable ground sign square footage.

6. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:

A. Frontage along two or more right of ways allows 1 ground or pole sign on each right of way

B. Greater than 300 feet of frontage along one right of way allowed 2 ground or pole signs.

7. Ground Sign shall be permitted as follows at the entrance of a residential subdivision:

A. The top of the ground sign shall be no more than six feet above ground level.

B. A ground sign shall not extend closer than 5 feet to the adjacent public right of way and shall meet the adequate sight distance requirements of this chapter.

C. No ground sign shall have a single surface area exceeding 24 square feet per side.

D. A ground sign shall be located on the same parcel or at the vehicular entrance to identify a subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, or similar residential uses.

8. Temporary signs per Sec. 26-14 of this chapter.

**Sec. 26-16. Local Business (B1), Planned Shopping Center (B2), Central Business (B3) and General Business (B4) Districts Signage.**

The following signs are permitted in the B1, B-2, B-3 and B-4 zoning districts subject to the following requirements:

1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a sign permit, and prior to installation of new signage or modification of existing signage.
2. Wall signs may be used provided that they meet the following standards:

- A. One wall sign per business not to exceed 10% of front façade or 100 square feet, whichever is less is permitted.
- B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
- C. Businesses located on a second public right of way, public parking lot or public alley shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
- D. Additional wall sign square footage is permitted when the following is met:
  - i. 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet
  - ii. Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
- E. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
- F. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.

3. Projecting and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:

- A. Any sign area on an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
- B. Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
- C. No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
- D. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
- E. Awning signs shall not be internally illuminated.
- F. If any projecting sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

What does the PC think of downtown buildings owners leasing the sides of their buildings for off-premise signage??

G. If at any time the insurance policy obtained to subsection (9)(G) is canceled, the projecting sign shall be immediately removed. In the event the projecting sign is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.

4. Ground Sign may be used provided that they meet the following standards:

A. The top of the ground sign shall be no more than six feet above ground level.

B. A ground sign shall not extend closer than 5 feet to the public right of way.

C. No ground sign shall have an area exceeding 40 square feet per side.

D. A ground sign shall be located on the same parcel as the use.

E. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

F. Changeable or electronic message signs as part of a ground sign when the following requirements are met:

i. Changeable or electronic message signs are not permitted within the historic district boundary.

ii. One changeable or electronic message signs sign shall be permitted per premises, but not both.

iii. The area of a changeable or electronic message sign shall not exceed half the total area of the sign.

iv. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.

v. Electronic messages shall not flash, fade in or out, or scroll.

vi. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.

vii. One gasoline price sign is permitted for a gas station canopy with an area not to exceed ten percent of the canopy façade.

5. Pole signs may be used provided that they meet the following standards:

A. Pole signs are not permitted within the historic district boundary.

B. A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.

C. A pole sign shall not extend closer than 5 feet to the public right of way.

D. The lower edge of the pole sign shall be is eight feet or more above the ground level.

E. No pole sign shall have a single surface area exceeding 40 square feet per side.

F. A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.

G. Changeable or electronic message signs as part of a pole sign when the following requirements are met:

i. Changeable or electronic message signs are not permitted within the historic district boundary.

ii. One changeable or electronic message sign sign shall be permitted per premises, but not both.

iii. The area of a changeable or electronic message sign shall not exceed half the total area of the sign.

- iv. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
  - v. Electronic messages shall not flash, fade in or out, or scroll.
  - vi. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
  - vii. One gasoline price sign is permitted for an overhead gas pump awning with an area not to exceed ten percent of the awning façade.
6. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
- A. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
  - B. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
7. Menu board signs may be used provided that they meet the following standards:
- A. Menu display boxes shall be constructed of high quality materials, and their size, location, and design shall be appropriate to the character and architectural detail of the building and the character of the restaurant.
  - B. Menu display signs may include an electronic message sign; however, this would prohibit any additional electronic message signs on the pole or ground sign.
  - C. Menu signs, including display box, shall not exceed 25 square feet in area and 6 feet in height.
8. Sandwich board signs are permitted within the Historic District and Westtown subject to the following requirements:
- A. One sign per entrance shall be permitted regardless of the number of tenants on the premises.
  - B. The sandwich board sign shall be located on the sidewalk.
  - C. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
  - D. Each sign shall not exceed an overall height of 4 feet and a maximum square footage of 8.
  - E. No sign shall be located in such a manner as to interfere with vehicular traffic flow or visibility.
  - F. Sign placement shall permit for the minimum 5 feet of clearance required for Barrier Free accessibility, which includes but is not limited to placement on a sidewalk.
  - G. No sign shall be placed as to obstruct any door or opening used as a means of egress or as to prevent free passage.
  - H. All signs must be constructed of weather-proof, durable material and kept in good repair.
  - I. Sandwich board signs may not be illuminated by any means and may not have

moving parts.

J. The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

K. If at any time the insurance policy obtained pursuant to subsection (8)(J) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not removed, the City of Owosso shall have the right to remove the sign at the expense of the property owner.

9. Marquee signs shall be permitted within the Historic district and Westtown for theater uses as follows:

A. The bottom of the marquee sign shall be a minimum of eight feet above the ground.

B. A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.

C. A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.

D. One marquee shall be permitted per public entrance.

E. The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.

F. No marquee sign shall project into an alley or truck service driveway.

G. If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

H. If at any time the insurance policy obtained to subsection (9)(G) is canceled, the marquee shall be immediately removed. In the event the marquee is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.

10. Window signage shall not occupy more than 25% of window area.

11. Temporary signs per Sec. 26-14 of this chapter.

How does PC want to deal with TVs placed in windows with strolling messages???

### **Sec. 26-17. Office Service District (OS-1) Signage.**

The following signs are permitted in the OS-1 zoning district subject to the following requirements:

1. Wall signs may be used for all uses other than single family homes and duplexes provided that they meet the following standards:
  - A. One wall sign per business not to exceed 10% of the front façade.
  - B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
  - C. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
  - D. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
2. Awning signs may be used for all uses other than single family homes and duplexes as an alternative or in addition to wall signs, provided that they meet the following standards:
  - A. Any sign area on an awning shall be included in calculations of maximum wall sign square footage.
  - B. Awning signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
  - C. No awning sign shall extend above the roof or parapet of the structure to which it is attached.
  - D. Awning signs shall not be internally illuminated.
3. Ground signs may be used for all uses other than single family homes and duplexes provided that they meet the following standards:
  - A. The top of the ground sign shall be no more than six feet above ground level.
  - B. A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.
  - C. No ground sign shall have an area exceeding 40 square feet per side.
  - D. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
4. Number of ground signs. Not more than one ground sign may be erected accessory to any single building or structures regardless of the number of separate parties, tenants or uses.
5. Temporary signs per Sec. 26-14 of this chapter.

**Sec. 26-18. Light Industrial (I1) and General Industrial (I2) Districts Signage.**

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

1. Wall signs Wall signs may be used provided that they meet the following standards:



- A. One wall sign per business not to exceed 20% of front façade or 200 square feet, whichever is less is permitted.
- B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
- C. Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
- D. Additional wall sign square footage is permitted when the following is met:
  - i. 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet
  - ii. Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
- E. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
- F. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.

2. Projecting and awning signs. Projecting signs and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:

- A. Any sign area on an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
- B. Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
- C. No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
- D. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
- E. Projecting signs shall not exceed sixteen square feet in area.
- F. Awning signs shall not be internally illuminated.

3. Ground Sign may be used provided that they meet the following standards:

- A. The top of the ground sign shall be no more than six feet above ground level.
- B. A ground sign shall not extend closer than 5 feet to any part of the public right of way.
- C. No ground sign shall have an area exceeding 80 square feet per side.
- D. A ground sign shall be located on the same parcel
- E. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

Is 80 sq  
ft too  
large?

F. Changeable or electronic message signs as part of a ground sign when the following requirements are met:

- i. One changeable message sign shall be permitted per premises.
- ii. Message changes may occur electronically or manually.
- iii. The area of a changeable message sign shall not exceed half of the total area of the sign.
- iv. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
- v. Electronic messages shall not flash, fade in or out, or scroll.
- vi. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.

4. Pole signs may be used provided that they meet the following standards:

A. A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.

B. A pole sign shall not extend closer than 5 feet to any part of the public right of way.

C. The lower edge of the pole sign shall be eight feet or more above the ground level.

D. No pole sign shall have a single surface area exceeding 80 square feet for a single face sign.

E. A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.

F. Changeable or electronic changeable message signs as part of a pole sign when the following requirements are met:

- i. One changeable message sign shall be permitted per premises.
- ii. Message changes may occur electronically or manually.
- iii. The area of a changeable message sign shall not exceed half of the total area of the sign.
- iv. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
- v. Electronic messages shall not flash, fade in or out, or scroll.
- vi. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.

5. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building or structures regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:

A. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way

B. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.

6. Off-premise signs may be used provided that they meet the following standards:

A. No off-premise sign shall have a surface area greater than two hundred (200) square feet per side

B. 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.

C. An off-premise sign shall have a minimum setback from the front property line of sixty (60) feet.

D. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.

Is 80 sq  
ft too  
large?

Is 200  
sq ft  
too  
large?

Are we going to allow digital billboards?

- E. Off-premise signs shall be located no closer to one another than five hundred (500) feet.
- F. An off-premise 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-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
- G. An off-premise 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-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- H. Digital Off-Premise Signs:
  - i. 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.
  - ii. Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning ½ hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
  - iii. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
- I. An off-premise 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.

7. Temporary signs per Sec. 26-14 of this chapter.

**Sec. 26-19. Planned Unit Development District (PUD) Signage.**

The following signs are permitted in the PUD subject to the following requirements:

1. Signage in PUD zoning districts established prior to the adoption of this amendment shall utilize the sign regulations for the B1, B-2, B-3 and B-4 zoning districts.
2. PUD zoning districts established after the adoption of this amendment will state allowable signage in the approved development program for the PUD.

**Sec. 26-20. Vehicular Parking District (P1) Signage.**

The following signs are permitted in the P1 zoning district subject to the following requirements:

1. Signage per Sec. 38-333 - No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

**Sec. 26-21. Conservation/Open Space District (C-OS) Signage.**

The following signs are permitted in the C-OS zoning district subject to the following requirements:

1. Ground signs may be used provided that they meet the following standards:
  - A. The top of the ground sign shall be no more than six feet above ground level.
  - B. A ground sign shall not extend closer than 5 feet to any part of the public right of way.
  - C. No ground sign shall have an area exceeding 40 square feet per side.
  - D. A ground sign shall be located on the same parcel.
  - E. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
  
2. Number of ground signs. Not more than one ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two ground signs when the following is met:
  - A. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
  - B. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
  
3. Temporary signs per Sec. 26-14 of this chapter.

Sec. 26- 22. Reserved.

Sec. 26- 23. Reserved.

Sec. 26- 24. Reserved.

**Sec. 26-252. - Nonconforming signs.**

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this article to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of this article is to remove illegal nonconforming signs while

avoiding any unreasonable invasion of established private property rights. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this article, however, the following alterations are regulated:

- a.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.
- b.2. A nonconforming sign shall not be replaced by another nonconforming sign.
- c.3. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-263, dangerous, unsafe, abandoned, and illegally erected signs.
- d.4. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

**Sec. 26-263. - Dangerous, unsafe, abandoned, and illegally erected signs.**

- a.1. 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.2. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
- c.3. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
- d.4. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
- e.5. Process for enforcing violations of section 26-67, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-67 b. through d., the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

~~Sec. 26-23. – 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.~~

~~Sec. 26-24. - Administration and appeals of sign ordinance standards.~~

- ~~a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.~~

~~Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this article. Any such violation, including the failure to remove a sign when directed under the authority of this article, shall constitute a misdemeanor punishable in accordance with section 1-8 of the Owosso Code of Ordinances.~~

**Sec. 26-27. - Administration of sign ordinance standards.**

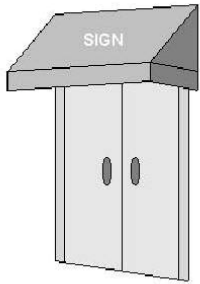
1. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
2. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done,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

**Sec. 26-28. – Board of Appeals**

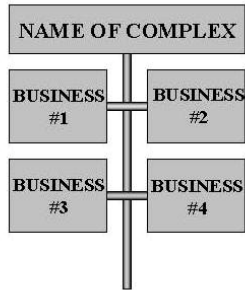
1. Organization. The sign board of appeals shall be the zoning board of appeals as organized in chapter 38.
2. Powers and duties.
  - A. Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
  - B. 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.
  - C. Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
  - D. Interpret the provisions of this chapter.
3. Grounds for variance. The board of appeals may grant a variance from the provisions or requirements of this chapter only where:

- A. 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.
  - B. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
  - C. The unusual conditions applying to the specific property do not apply generally to other properties in the city.
  - D. 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.
4. Support for hardship. Where there is insufficient evidence, in the opinion of the board of appeals, to support a finding of "undue and unnecessary hardship" under subsection (a) of this section, but some hardship does exist, the board may consider the requirement fulfilled if:
- A. The proposed sign is of particularly good design and in particularly good taste.
  - B. The entire site has been or will be of particularly good design and in granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.
5. Notice of hearing. Shall be done in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006 and any amendments to said Act.

**SIGN DIAGRAMS**  
**Figure 26.2**



Awning Sign



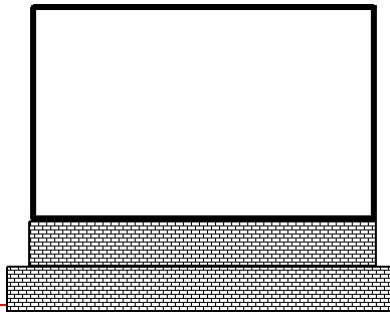
Business Center Sign



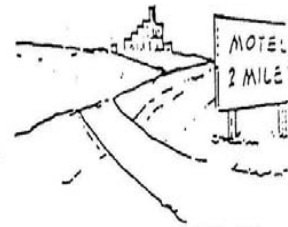
Free Standing Sign



Message Board

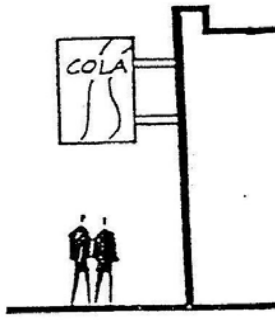


Monument Sign (Freestanding)

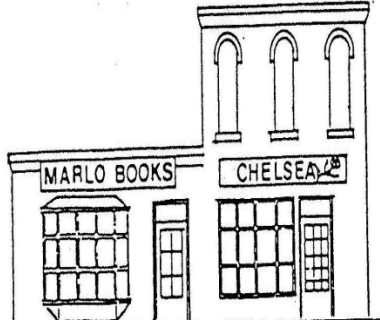


Off-Premise Sign



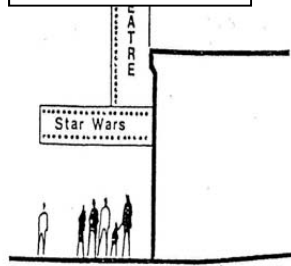


Projecting Sign



Wall Sign

Marquee Sign



SECTION 1. ADDITION – CHAPTER 16.5. That the Code of Ordinances of the City of Owosso, Michigan, is hereby amended by adding a chapter, to be numbered Chapter 16.5, Medical Marihuana Facilities Licensing - Police Power Ordinance, which shall read as follows:

**Sec. 16.5-7. - Penalties and Enforcement.**

- (a) Any person who violates any of the provisions of this ordinance shall be responsible for a 90-day misdemeanor. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- (b) A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available by law, the city of Owosso may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- (c) This Ordinance shall be enforced and administered by the city official as may be designated from time to time by resolution of the city council.
- (d) A license issued under this chapter may be suspended or revoked for any of the following violations:
  - (1) Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;
  - (2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the city with any other false or misleading information related to the facility;
  - (3) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;
  - (4) Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;
  - (5) The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the city or any other applicable state or local law, rule or regulation.
  - (6) The city, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.
  - (7) The facility is determined by the city to have become a public nuisance.
  - (8) The facility's state operating license has been suspended or revoked.
- (e) Possession, sale or consumption of any form of alcohol is strictly prohibited in any licensed medical marihuana facilities.

## AMENDMENT 38

**Sec. 38-197. - Principal uses permitted.** (B-1, Local Business District)

In a B-1 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:

(11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power Ordinance, Chapter 16.5.

a. Provisioning centers shall be subject to the following standards:

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act. ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~

i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned property structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

**Sec. 38-217. - Principal uses permitted.** (B-2, Planned Shopping Center District)

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:

(4) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act, ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~

i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property~~ structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

**Sec. 38-242. - Principal uses permitted.** (B-3, Central Business District)

In a B-3 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:

- (9) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
  - a. Provisioning centers shall be subject to the following standards:
    6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act, ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~
      - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
      - ii. A provisioning center may not be located within 100 feet of a residentially zoned property structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
      - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
      - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

**Sec. 38-267. - Principal uses permitted.** (B-4, General Business District)

In a B-4 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:

(10)A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act, ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~

i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property structure~~. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from

the nearest part of each provisioning centers to the other provisioning center.

**Sec. 38-292. - Principal uses permitted. (I-1, Light Industrial District)**

In an I-1 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 and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

~~(11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.~~

- ~~a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city of Owosso. In the event that a court with jurisdiction declares some or this entire article invalid, then the city of Owosso may suspend the acceptance of applications for Medical Marihuana Facilities Licenses pending the resolution of the legal issue in question.~~
- ~~b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city of Owosso and State of Michigan.~~
- ~~c. The city of Owosso may suspend or revoke a Medical Marihuana Facilities License based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city of Owosso's police power authorizing ordinance, or the approved site plan are not met.~~
- ~~d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.~~
- ~~e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in Chapter 26 - Signs of the Owosso Code of Ordinances.~~

(11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

- a. Provisioning centers shall be subject to the following standards:
  - 1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
  - 2. Indoor Activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
  - 3. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
  - 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
  - 5. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as

to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
  - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
  - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
  - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
  - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.
7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
  - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.



- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(12) Marihuana growers-, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance ~~and marihuana processors~~ shall be subject to the following standards:

- a. Minimum Yard Depth/Distance from Lot Lines. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.
- b. Indoor Growing and Processing. In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
- c. Maximum Building Floor Space. The following maximum building floor space shall apply in the I-1 light industrial district:
  - 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
- d. Lighting. Lighting shall be regulated as follows:
  - 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
  - 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
- e. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
  - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

4. Negative air pressure shall be maintained inside the building.
  5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. Security Cameras. Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.
- g. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
  2. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
  3. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
  - f.4. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

## ARTICLE XIII. - I-1 LIGHT INDUSTRIAL DISTRICTS

### Sec. 38-292. - Principal uses permitted.

In an I-1 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 and subject further to the review and approval of the site plan by the planning commission in accordance with [section 38-390](#):

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building;
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment ~~used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential, office or business districts, and on any front yard abutting a public thoroughfare except as otherwise provided in shall meet the requirements of section 38-389section 38-289 or section 38-393. In I-1 districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four (4) feet six (6) inches in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of article XVII, general provisions. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.~~
  - a. Warehousing and wholesale establishments, and trucking facilities;
  - b. The manufacture, compounding, processing, packaging or treatment of such products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
  - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre [fiber], fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
  - g. Laboratories—Experimental, film or testing;

- h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
  - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail;
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; freight terminals;
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an ~~obscuring solid~~ wall or fence that meets the requirements of section 38-389 or section 38-393 on those sides abutting all residential, office, or business districts, and on any yard abutting a public thoroughfare. In any "I-1" district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain-link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence;
- (5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- (6) Commercial kennels;
- (7) Greenhouses;
- (8) Other uses of a similar and no more objectionable character to the above uses;
- (9) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (10) Residential structures existing as of January 1, 2012.
- (11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
  - a. Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city. In the event that a court with jurisdiction declares some or this entire article invalid, then the city may suspend the acceptance of applications for medical marihuana facilities licenses pending the resolution of the legal issue in question.
  - b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city and state.
  - c. The city may suspend or revoke a medical marihuana facilities license based on the finding that the provisions of the Medical Marihuana Facilities

Licensing Act, all other applicable provisions of this zoning ordinance, the city's police power authorizing ordinance, or the approved site plan are not met.

- d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this chapter.
  - e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in [chapter 26](#) — signs.
- (12) Marihuana growers and marihuana processors shall be subject to the following standards:
- a. *Minimum yard depth/distance from lot lines.* Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in article XVI — schedule of regulations for each zoning designation as listed.
  - b. *Indoor growing and processing.* In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one (1) or more completely enclosed buildings.
  - c. *Maximum building floor space.* The following maximum building floor space shall apply in the I-1 light industrial district:
    - 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
  - d. *Lighting.* Lighting shall be regulated as follows:
    - 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
    - 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
  - e. *Odor.* As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
    - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - 2. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.

3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
  4. Negative air pressure shall be maintained inside the building.
  5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. *Security cameras.* Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for ninety (90) days.

(Code 1977, § 5.58; Ord. No. 499, 2-16-93; Ord. No. 721, § 5, 4-18-11; Ord. No. 729, § 1, 2-6-12; Ord. No. 793, § 7, 7-2-18)

## ARTICLE XIV. - I-2 GENERAL INDUSTRIAL DISTRICTS

### Sec. 38-312. - Principal uses permitted.

In an I-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 principal use first permitted in an I-1 district;
- (2) Onsite heating and electric power generating plants using conventional fuels or renewable resources;
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;
- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
  - a. Junkyards, provided such are entirely enclosed within a building or ~~within an eight (8) foot obscuring wall the site meets Sec. 38-389 wall requirements~~ and provided further that one property line abuts a railroad right-of-way.
- (6) Foundry operations within a closed building;
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to ensure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

Additional uses allowed by special use permit:

- (1) Grain elevators;
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
  - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;
  - b. Blast furnace, steel furnace, blooming or rolling mill;
  - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;
  - d. Petroleum or other inflammable liquids, production or refining;
  - e. Smelting of copper, iron or zinc ore.

(Code 1977, § 5.63; Ord. No. 768, § 1, 6-15-15)

## Sec. 38-389. - Walls.

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):

### Use Requirements

- (1) P-1 Vehicular parking district—Four (4) foot six (6) inch high wall. Off-street parking area (other than P-1 districts) four (4) foot six (6) inch high wall.
- (2) B-1, B-2, B-3, B-4, and OS-1 districts—Four (4) foot, six (6) inch high wall.
- (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall ~~or fence.~~ Wall Hheight shall be one (1) foot above the height of the open storage items, piles, etc. provide the most complete obscuring possible. See subsection (d) of this section.
- (4) Auto wash. Drive-in restaurants—Six (6) foot high wall.
- (5) Utility buildings, stations and/or substations—Six (6) foot high wall.

- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the board of appeals or planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the police chief and the building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained. ~~Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the building inspector.~~
- ~~(d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district, or single family detached residential use, shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.~~
- ~~(e)~~(d) The ~~board of appeals or~~ planning commission may waive or modify the foregoing requirements where cause can be shown that no good purpose



would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet six (6) inches in height, except where [section 38-388](#) applies. In certain consideration of request to waive wall requirements between nonresidential and residential districts, or single-family detached residential use, the planning commission shall determine ~~or the board shall refer the request to the planning commission to determine~~ whether or not the residential district or single-family detached residential use, is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines the residential district or single-family detached residential use, to be a future nonresidential area, ~~the board or~~ commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

(Code 1977, § 5.89; Ord. No. 440, § 1, 1-6-86)

**Sec. 38-393. - Fences and hedges.**

- (a) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (b) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (c) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
  - (1) A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
  - (2) Front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height;
  - (3) Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
  - (4) No fence or hedge shall extend across property lines;
  - (5) The finished side of any fence shall face away from the property on which the fence is located;
  - (6) No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
  - (7) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance;
  - (8) Fences shall not be constructed, in whole or in part, with any of the following materials:
    - a. Junk or other debris.
    - b. Scrap building materials or metals.
    - c. Organic materials known to be poisonous or hazardous to human or animal life.
    - d. Other materials which may be deemed unsafe to person or property by the zoning administrator or building official.
  - (9) No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
  - (10) Screening walls are required as prescribed in [section 38-389](#).
- (d) Regulations applicable to industrial districts.
  - (1) ~~Fences, walls and screens~~ are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

(2) Industrial district uses with open storage areas, loading or unloading areas, service areas shall provide and maintain on those sides abutting or adjacent to a residential district, or a single-family detached residential use, a solid fence not to exceed eight (8) foot high. The fence height shall be one (1) foot above the height of the open storage items, piles, etc. A solid gate shall also be provided to screen the open storage from the right of way.

~~(1)~~(3) Except as provided below, barbed wire strands and noncoated or decorative chain link are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.

~~(2)~~(4) On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.

~~(3)~~(5) Screening walls are required as prescribed in [section 38-389](#).

(e) The zoning administrator or building official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.

(f) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

(Ord. No. 745, §§ 1, 3, 8-19-13)

**Editor's note**— Ord. No. 745, §§ 1, 3, adopted Aug. 19, 2013, repealed [§ 38-393](#), and enacted a new [§ 38-393](#) as herein set out. Former [§ 38-393](#) pertained to fences, walls, or screens, and derived from the 1977 Code, §§ 8.202—8.207; Ord. No. 436, [§ 1](#)(5.92(a)), adopted Sept. 16, 1985; Ord. No. 524, [§ 1](#), adopted March 20, 1995; and Ord. No. 626, [§ 1](#), adopted March 17, 2003.

**Cross reference**— Corner clearance, [§ 38-388](#).

## Sec. 38-379. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

### (11) Amateur Radio Services regulations are as follows:

#### a. This section is intended to:

1. Provide for the reasonable accommodation of Amateur Radio Support Structures in the City per the Michigan Zoning Enabling Act.
2. Constitute minimum practicable regulation to accomplish the City's legitimate purposes consistent with state and federal laws including Federal Communication Commission regulations pertaining to Amateur Radio Services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include, but are not limited to, preserving the public health, safety, and general welfare of the City and its residents.

#### b. As used in this section, the following terms shall have the indicated meanings:

*Amateur Radio Service:* A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97).

*Amateur Radio Antenna:* Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.

*Amateur Radio Antenna Support Structure:* Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).

*Ground Mounted Amateur Radio Antenna Support Structure:* Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.

*Roof Mounted Amateur Radio Antenna Support Structure:* Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.

*Overall Height:* The total height of the Amateur Radio Antenna Support Structure as measured from mean grade to the highest point of the Antenna Support Structure. For Roof Mounted Antenna Support Structures, the mean grade is measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. For Ground Mounted Antenna Support Structures, the mean grade is measured at the established grade adjoining such antenna and/or support structure.

#### c. Amateur Radio Antenna and Amateur Radio Antenna Support Structures are permitted by right, with a zoning permit, in all zoning districts subject to the following regulations:

1. No Amateur Radio Antenna Support Structure shall be taller than 60 feet in height.

2. No Roof Mounted Amateur Radio Antenna Support Structure shall be fixed to the side of a structure that faces a public street(s).
  3. Ground Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall not be allowed in the front yard or a side yard facing a street.
  4. Ground Mounted Radio Antenna and Amateur Radio Support Structures shall have a minimum setback equal to one-third (1/3) its height to any property line.
  5. No more than one (1) Amateur Radio Antenna Support Structures shall be permitted on a single lot or parcel of land.
  6. No Amateur Radio Antenna and Amateur Radio Support Structure shall be used for co-location of commercial antennas.
  7. Climbable Ground Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be completely enclosed by a fence at least 5 feet tall and no taller than 6 feet tall or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
  8. Submittal of manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject. In the event of unavailable manufacturing specifications, certification by a licensed professional engineer must be filed with the City confirming the structural stability and soundness of the antenna and/or support structure.
- d. If any of the standards contained in section c. above cannot be met or maintained, a site plan approval shall be required by the Planning Commission. In considering whether or not a site plan shall be approved, the Planning Commission shall consider the following standards:
1. Structural Ability and Soundness: The applicant shall demonstrate structural stability and soundness of the proposed Amateur Radio Support Structure. This can be achieved through either of the following:
    - i. Providing a copy of the manufacturer's specification on assembly, construction and erection, and a certification that such a specification has been followed.
    - ii. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed Amateur Radio Support Structures.
  2. Location: The proposed Amateur Radio Support Structures shall be so located and installed as to be safe and to create minimum impact to the surrounding properties.
  3. Height: The applicant shall demonstrate the need for the proposed Amateur Radio Support Structure to exceed 60 feet in height. This can be accomplished by providing information regarding the topography of the subject property or other information that would affect the operation of the Amateur Radio Service.
- e. All Amateur Radio Antenna and Amateur Radio Antenna Support Structure shall meet all applicable State Building Code requirements.
- f. In the event, the any part of the Amateur Radio Antenna and Amateur Radio Antenna Support Structure fall into disrepair, doesn't meet the requirements of this section, doesn't meet any other State or Federal Law or is no longer in use, the property owner shall be responsible for the removal, maintenance or replacement of the Amateur Radio Antenna and Amateur Radio Antenna Support Structure.