

Owosso Planning Commission



*Regular Meeting
7:00pm, Monday, October 24, 2016
Owosso City Council Chambers*



MEMORANDUM

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

DATE: October 21, 2016
TO: Chairman Wascher and the Owosso Planning Commission
FROM: Susan Montenegro, asst. city manager/director of community development
RE: Regular Planning Commission Meeting: October 24, 2016

The planning commission shall convene at 7:00pm on Monday, October 24, 2016 in the city council chambers of city hall.

On the schedule are a rezoning request and a site plan review for 828 E. Main Street, which is part of the Qdoba site and has recently been purchased. The house will be torn down and the parking lot will be extended as the site plan depicts.

The sign ordinance will be reviewed again during the meeting. Local sign contractors have been invited to come to the meeting and have received a copy of the updated sign ordinance to review. Council has asked that planning commission review the accessory building ordinance and give an opinion if changes are necessary. Planning commission will also elect its slate of officers for the remainder of the fiscal year.

Please **RSVP for the meeting.** Feel free to contact me at 989.725.0544 if you have questions.

Sue

AGENDA
Owosso Planning Commission
Regular Meeting
Monday, October 24, 2016 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: October 24, 2016

APPROVAL OF MINUTES: September 26, 2016

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from September 26, 2016.
3. Rezoning request application for 828 E. Main
4. Site plan application packet – 828 E. Main.
5. Owosso sign ordinance – as revised.
6. Accessory buildings ordinance.

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Rezoning request for 828 E. Main.

SITE PLAN REVIEW:

1. 828 E. Main, revised Qdoba site plan.

BUSINESS ITEMS:

1. Election of Officers.

ITEMS OF DISCUSSION:

1. Sign ordinance updating.
2. Accessory buildings ordinance.

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: **Next meeting will be Monday, November 28, 2016**

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Monday, October 24, 2016.

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

Affirmative Resolutions
Owosso Planning Commission
Regular Meeting
Monday, September 26, 2016 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 161024-01

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the agenda of October 24, 2016 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-02

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the minutes of September 26, 2016 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-03

Motion: _____
Support: _____

The Owosso Planning Commission, finding the request of the rezoning petition for parcel 050-580-000-070-00, also known as 828 East Main Street from RM-1 to B-4 to be in conformance with the criteria for a zoning change, hereby recommends approval to the city council.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-04

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the application for site plan review for 828 E. Main Street as applied and attached hereto in plans dated October 6, 2016 based on the following criteria:

OR

The Owosso Planning Commission hereby denies the application for site plan review for 828 E. Main Street as applied and attached hereto in plans dated October 6, 2016 based on the following criteria:

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-05

Motion: _____
Support: _____

The Owosso Planning Commission hereby selects _____ to serve as chair, effective immediately, with a term that will expire upon the next office election to be held at or soon after the beginning of the fiscal year 2017.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-06

Motion: _____
Support: _____

The Owosso Planning Commission hereby selects _____ to serve as vice-chair, effective immediately, with a term that will expire upon the next office election to be held at or soon after the beginning of the fiscal year 2017.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 161024-07

Motion: _____
Support: _____

The Owosso Planning Commission hereby selects _____ to serve as secretary, effective immediately, with a term that will expire upon the next office election to be held at or soon after the beginning of the fiscal year 2017.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 161024-08

Motion: _____

Support: _____

The Owosso Planning Commission hereby adjourns the October 24, 2016 meeting, effective at _____pm.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY, SEPTEMBER 26 2016 – 7:00 P.M.**

CALL TO ORDER: Chairperson Bill Wascher called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Was recited.

ROLL CALL: Roll call was taken by Deputy City Clerk Roxane Cramer.

MEMBERS PRESENT: Chairman Bill Wascher, Commissioners Michelle Collison, Tom Cook (left at 7:54 p.m.), Janae Fear (arrived at 7:04 p.m.), Frank Livingston, Brent Smith and Tom Taylor.

MEMBERS ABSENT: Vice-Chair Craig Weaver and Commissioner Mike O’Leary.

OTHERS PRESENT: Terry Dumond, Maintenance Director for St. Joe/St. Paul Parish, Susan Montenegro, Assistant City Manager and Director of Community Development.

APPROVAL OF AGENDA:

MOTION BY COMMISSIONER COOK, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE AGENDA FOR SEPTEMBER 26, 2016 WITH THE FOLLOWING CHANGES: SWITCH THE ITEMS OF DISCUSSION AS FOLLOWS:

1. RECREATIONAL VEHICLE STORAGE
2. SIGN ORDINANCE UPDATING.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER COLLISON TO APPROVE THE MINUTES FOR THE SPECIAL MEETING AUGUST 8, 2016.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY COMMISSIONER COOK, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES FOR AUGUST 22, 2016.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes for August 8, 2016.
3. PC minutes for August 22, 2016.
4. Site plan application – 915 E. Oliver.
5. Owosso sign ordinance – revise.
6. 2012 Michigan Building Code – Appendix H – signs.
7. Owosso recreational vehicle ordinance – revised.

COMMISSIONER/PUBLIC COMMENTS

Commissioner Smith excused himself from the discussion of the site plan review for St. Joseph Church stating that his wife is an employee of the consolidated St. Joseph/ St. Paul Parish.

PUBLIC HEARINGS:

1. None.

SITE PLAN REVIEW:

915 E. Oliver Street – St. Joseph Catholic Church

Terry Dumond, Maintenance Director from St. Joseph/St. Paul Parish, explained the site plan review prepared by Boss Engineering. Mr. Dumond stated that the city had approached them about the water running across the sidewalks and into the streets. The current parking area will increase the parking spots and all water will be retained on the property and run into the storm sewer system.

Ms. Montenegro stated that the city engineer had worked with Boss Engineering to determine that the drainage go into the catch basins and not across sidewalks and into the street. The city engineer was happy with the plan.

Commissioner Cook suggested the city look into more green type infrastructure. Commissioners also discussed a 10 year study as opposed to a 25 year study.

MOTION BY COMMISSIONER LIVINGSTON TO APPROVE THE SITE PLAN REVIEW FOR 915 EAST OLIVER STREET WITH A SUGGESTION OF SOME SORT OF GREEN SCREENING TO THE NORTH EDGE OF THE PARKING LOT SUPPORTED BY COMMISSIONER TAYLOR.

Ayes: Commissioners Fear, Livingston, Cook, Taylor, Collison and Chairman Wascher.

Nays: None.

Absent: Vice Chair Weaver, Commissioners O'Leary and Smith.

BUSINESS ITEMS:

None.

ITEMS OF DISCUSSION:

1. Recreational Vehicle storage

Commissioners had a lengthy discussion about the current ordinance regarding the storage of recreational vehicles. Commissioners felt if they changed the ordinance to accommodate boats then people that owned pop up campers, trailers etc. would want to park in their driveways. Commissioners decided that if they changed the ordinance it would cause more work and would be hard to enforce.

2. Sign Ordinance Updating.

Commissioner Cook recused himself from discussion and voting because he is part owner of a sign company in Owosso. Commissioner Cook left the meeting.

Ms. Montenegro went through the sign ordinance as revised to date and wanted the commission to discuss the highlighted areas. She wanted to make certain that the changes were the ones the commission wanted at the last meeting.

Commissioner Collison asked what would be next. Ms. Montenegro explained there would be a public hearing and she would ask sign companies to come to the public hearing.

Ms. Montenegro asked the commission how they would like her to proceed. They would like her to contact sign companies and invite them to the October meeting. The public hearing will be in November after the sign companies have had a chance to discuss the revisions and make comments or suggestions.

Commissioner Fear requested that the building official also attend the meeting that the sign companies attend.

COMMISSIONER/PUBLIC COMMENT:

Commissioner Taylor asked if the owners of the Old Dollar General Store went to ZBA. Ms. Montenegro explained that they aren't sure if they are going to put in the ground floor apartments. So she is waiting for the owners to decide. He also questioned the landscaping at the New Dollar General and also the pine tree located at Ruthy's Cleaners. Ms. Montenegro she will contact them regarding that.

ADJOURNMENT:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER COLLISON TO
ADJOURN AT 8:27 P.M. UNTIL THE NEXT MEETING ON OCTOBER 24, 2016.
YEAS ALL, MOTION CARRIED.**

Janae Fear, Secretary

rc

APPLICATION FOR REZONING
CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, TX 989-725-0540, FX 989-723-8854

Note to Applicants:

1. In order that this application may be processed, the applicant must completely fill in the application and make a non-refundable payment of Three Hundred Dollars (\$300) to the Treasurer's Office, to cover costs associated with the processing.
2. The applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request.

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the Zoning Map as hereinafter requested,

1. PROPERTY TO BE REZONED: Street Address 828 E. MAIN
Description: (lot, block or metes and bounds) _____

Frontage in Feet 44' Depth in Feet 122'

2. PROPERTY OWNERSHIP: (Name, Address, and Phone Number)
SOUTH WIND RESTAURANT LLC

3. ZONING REQUEST Current Zoning RM1 Requested Zoning B4
Proposed Use of the Property PARKING

Indicate why, in your opinion, the requested change is consistent with the Ordinance in promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Owosso:

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

James Roman
(Signature of Applicant)

(Signature of Co-Applicant)

(Address) 616-292-6113

(Phone)

- Legal Representative
 Owner
 Option to Purchase

FOR OFFICIAL USE ONLY

Case # _____
Receipt # _____
Date Filed _____
Description Checked _____

Planning Commission Hearing Date _____
Action Taken _____
City Council Hearing Date _____
Action Taken _____

Security features are included. Details on back.

015638

Kenowa Community FCU
74-8617/2724
Wyoming, MI 49519

James S. Riemersma,
Construction Services, Inc.
83 54th St SW Ste 14
Grand Rapids, MI 49548-5609

9/26/2016

PAY TO THE
ORDER OF City of Owosso

J.S.R

\$ ~~450.00~~ 450⁰⁰

~~SEVEN HUNDRED~~ FOUR HUNDRED FIFTY AND 00/100 ***** DOLLARS

City of Owosso
301 W. Main
Owosso, MI 48867

FOR

James S. Riemersma ^{MP}

⑈015638⑈ ⑆272486177⑆0000433130013⑈

CITY OF OWOSSO, MICHIGAN

SITE PLAN REVIEW APPLICATION AND CHECKLIST

Approval of the site plan is hereby requested for the following parcel(s) of land in the City of Owosso. This application is submitted with three (3) copies of the complete site plan and payment of the appropriate review fees. Applicant shall also submit a digital version of the site plan to the community development director. Application must be filed least 25 days prior to a scheduled planning commission meeting for staff review and proper notices.

Accompanying any site plan required hereunder, the applicant shall provide from a licensed engineer soil borings at the proposed construction site to ascertain bearing capacity of foundations soils at the time of footing excavation to certify such soil conditions meet or exceed design capacity of the foundation to support the proposed structure. These requirements shall comply with policies of the City of Owosso, copies of which can be obtained from the Building Department.

The attached checklist has been completed to certify the data contained on the site plan. If the required data has not been provided, the appropriate box has been checked with a statement of explanation on why the data has not been provided. I understand that if my site plan is deemed to be incomplete, it may be returned by the City for revisions without being forwarded to the Planning Commission for consideration, until such time as the requirements have been adequately met. By signing this application, the applicant hereby grants full authority to the City of Owosso, its agents, employees, representatives and/or appointees to enter upon the undersigned lands/parcel(s) for the purposes of inspection and examination.

Application Filed On: 10/7/16

Application Transmitted by City On: _____

Property Details:

1. Name of Proposed Development: Qdoba/Bank/Retail
2. Property Street Address: 828 E. MAIN ST. OWOSSO, MI
3. Location of Property: On the (north, south, east, west side) of South side of E. Main (M-21)
Street, between S. Gould and Oakwood
Streets.
4. Legal Description of Property: See Site Plan
5. Site Area (in acres and square feet): 0.8 acres
6. Zoning Designation of Property: B-4 and R1

Ownership:

1. Name of Title/Deed Holder: SOUTHWIND RESTAURANTS, LLC
2. Address: 109 E. BROADWAY MT. PLEASANT, MI
3. Telephone No: 989-772-2600
4. Fax No: 989-773-5088
5. Email address: tray@northwindinv.com

Applicant:

1. Applicant (If different from owner above): SAME
2. Address: _____
3. Telephone No: _____
4. Fax No: _____

TOP OF SL FLANGE BOLT ON
HYDRANT, S. SIDE MAINT ST., 104'±
WEST OF R/W GOULD STREET

EX. 10" SANITARY

E. MAIN STREET (M-21)
(PUBLIC R.O.W.)

REMOVE 167'± CONC.
CURB AND GUTTER

CONSTRUCT CONC. DRIVE
APPROACH PER M.D.O.T.
DETAIL "M" CONCRETE TO
BE MIN. 8" THICK

38' R.O.W.

43' R.O.W.

EX. SAN. LATERAL

229.00'

CONCRETE

EX. 8" WATERMAIN

40' F. TO F.

PROP. STORM SEWER (TYP.)

PROP. CATCH
BASIN (TYP.)

PROP. SAN.
CLEANOUT
(TYP.)

PROP. SAN.
GREASE TRAP

PROP. BLACKTOP

PROP. WATER SERVICE

PROP. SAN. LAT.

POSSIBLE ATM
MACHINE

BANK
2,000 S.F.±

SB# B3
RETAIL
1,480 S.F.±
FINISH FLOOR ELEV. 733.00

PROP. QDOBA
2808 S.F.

ENCLOSED
DUMPSTER

(4) STEPS

1 ON: 20
RAMP

P=M= 244.0'
LOADING ZONE
(12'x132')

BIT. CONC. PER
CITY SPECIFICATIONS

ORIGINAL SITE PLAN LIMIT

CHAIN LINK
FENCE

CHAIN LINK

ADDITIONAL PROPERTY
TO BE ADDED TO
PROJECT (9/2016)

PROPOSED CONCRETE RETAINING WALL
WITH RAILING ON TOP.

EXISTING R-1

EXISTING R-4

RED LIGHT
(TYP.)

ME
IG TO

NATE
TO

M=122.13

D=122'

23'

33.5'

SB# B2

SB# B1

SB# B6

SB# B5

SB# B4

9.0'
TYP.

20'

24'

20'

7'

8.0'

16'

5.0'

15' R

15

24'

5

(1) STEP

R.O.W.

GENERAL NOTES:

1. Legal Description: Lot 82, except the N. 5', Also, Lots 83-87, Stafford Gardner & Trankles Central Add. except the N. 10' of said lots and also except a part of Lot 87 beginning at a point on the E. line Lot 87, 25' S. of the NE corner; thence N. on the E. line 15'; thence SE'ly to POB.
2. This property contains approximately 0.8 acres.
3. Existing Zoning - B-4 General Business District
Building Setback Requirements:
Front yard: 15 feet
Side yard:
-Corner lot which borders on a residential district to the rear: 20 feet
-Exterior side yard abutting a residential district: 10 feet
Rear yard: Adjacent to R-1, R-2 or RT-1 district:
10 percent of the depth of the lot
13 feet provided to center of alley
4. Parking Requirements:
Restaurant:
1 per 75 s.f. of useable floor area:
2808 s.f.-80% useable=2246 s.f. / 75 = 30 spaces
Retail:
1 per each 200 s.f. of useable floor area:
3483 s.f.-80% useable = 2786 s.f. / 200 = 14 spaces
TOTAL required: 44 spaces
Parking Provided:
Standard spaces 53
Barrier free spaces 2
TOTAL 55
5. Underground utilities:
Sanitary sewer - connect to existing sanitary sewer leads under M-21 (provide grease trap as necessary)
Watermain - connect to existing 8" watermain along south ROW of M-21
Storm sewer - provide catch basins in parking lot with outlet pipe tapped into 60 inch storm sewer along Gould Ave., as shown.
6. Site is in Shiawassee River 100 year floodplain. Floodplain earth fill and compensating floodplain earth cut at 930 Jerome Ave. shall be performed in compliance with the terms and specifications of MDEQ Permit No. 14-78-0006-P issued January 23, 2015.
7. Work Inside M-21 ROW to be coordinated with MDOT.
8. Due diligence must be exercised regarding on site environmental conditions as outlined in the global.environmental engineering inc. reports dated Aug. 10, 2012 titled: Baseline Environmental Assessment Report and Section 7a Compliance Analysis for the 910 East Main Street Site.
9. All curb radius are 5' to face unless otherwise noted.
10. For existing soils and engineered fill specifications recommendations and light duty asphalt, medium duty asphalt, and concrete section requirements,
Refer to: Geotechnical Engineering Investigation
Report dated March 19, 2015
W.E.S.I. Project No. 15-0014
By: Wolverine Engineering & Surveyors, Inc.
312 North Street
Mason, MI 48854
Attn: Dan Wisinski
Phone: (517) 676-9200
11. For Brownfield Re-Development on the site, all construction activities must follow the MDEQ and PM ENVIRONMENTAL INC. requirements and recommendations.
J. ADAM PATTON, CHMM
Phone: (517) 325-9867
Cell: (517) 202-4288
PM ENVIRONMENTAL, INC.
3340 Ranger Road
Lansing, MI 48906

City of Owosso Planning Commission Staff Report

MEETING DATE: October 24, 2016

TO: Planning commission

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

SUBJECT: Site plan approval request for 828 E. Main (parking lot extension of previous site plan review for 910 E. Main, Qdoba project)

Location 828 E. Main Street

Parcel No: 050-580-000-070-00

Surrounding land uses and zoning

	LAND USE	ZONING
North	Business	B4
East	Business – outside of city limits	Caledonia Township
South	Residential	RM1
West	Residential	RM1

Comparison chart

	EXISTING	PROPOSED
Zoning	RM1	B4
Gross lot area	5,368 square feet	Will eventually combine with 910 E. Main as part of Qdoba site.
Setbacks- Front yard Side yard Rear yard	15' (k) (l) 10' (m, n)	No change No change No change
Parking	Still has a house on lot	55 total – 53 standard – 2 barrier free

(l) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code. On a corner lot which borders on a residential district to the rear, there shall be provided a setback of twenty (20) feet on the side or residential street. On an exterior side yard abutting a residential district or abutting a street, there shall be provided a setback of ten (10) feet in width.

(m) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of O-1 districts, loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where an alley exists or is provided at the rear of buildings, the rear setback and loading requirements may be computed from the center of said alley.

(n) when adjacent to a R-1, R-2 or RT-1 district, the minimum rear yard setback shall be ten (10 feet or 10 (10) percent of the depth of the lot, whichever is greater, provided that the maximum setback so required shall be sixty (60) feet.

Planning background

The original site plan for the Qdoba project was approved by the planning commission on September 22, 2014 for 910 E. Main Street.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER O'LEARY THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE SITE PLAN FOR THE SOUTHWEST CORNER OF MAIN AND GOULD, LOTS 83 – 87, CONTINGENT UPON THE STORM DRAINAGE CONCEPTUAL PLAN IS SATISFACTORY. IT LACKS GRADES. THE DEVELOPER IS ADVISED THAT THE PAVED SURFACES SHOULD BE GRADED SUCH THAT ALL STORM WATER DRAINAGE IS CAPTURED ON SITE, AND THEN ROUTED TO THE 60" STORM SEWER ALONG GOULD STREET, AS SHOWN. THE STORM SEWER NEEDS TO BE PROPERLY SIZED; MDOT APPROVAL; AND THE ZONING BOARD OF APPEALS APPROVAL OF A VARIANCE REGARDING THE ALLEY SEMI PARKING. RANDY WOODWORTH ABSTAINED FROM VOTING.

YEAS ALL. MOTION CARRIED.

The revised plan includes an additional lot to the immediate west of the 910 E. Main property. The new plan will tear down the existing house and the parking lot will be extended, adding additional parking and a pull-up ATM on the West side of the building. Another change from the approved site plan is the location of the dumpster, which has been relocated to the southwest corner of the lot. The dumpster shall be enclosed.

Site plan shows the additional parking area as a one-way only approach, exiting out into the alley. Fencing or shrubbery will be used as a buffer to the adjacent residential lot. Staff has no issue with the revised plan.

Utilities/Engineering

Revised plan meets city requirements for layout and storm drainage.

Building

Setbacks as approved with Arborvitae plantings and privacy screens as ordinance allows. Parking spaces as drawn are in compliance with City Ordinance with one minor exception. The plan will need to add one (1) additional Barrier Free Space. Michigan Building 2012 Edition Code Section 1106 Table 1106.1 requires 1 space per each 25 parking spots or portions over, total spaces 53 with 3 Barrier Free Spaces required. The additional Barrier Free space will not be permitted in the new parking area, but will need to be placed in front of the building, preferably in the middle.

Chapter 26 – SIGNS

ARTICLE 1. – MICHIGAN BUILDING CODE

Sec. 26-1. – Use of Michigan Building Code

The currently adopted Michigan Building Code, and all appendices as applies, shall be used and followed regarding sign construction and installation and in conjunction with the zoning regulations as outlined in this chapter.

Sec. 26-1. – Changes in code. – Reserved.

Secs. 26-3, 26-5. – 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. 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. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- c. 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. 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.

- i. Prevent off-premises signs from conflicting with other allowed land uses.
- j. 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.
- l. Preserve and enhance the image of the city's Central Business District.

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

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

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

- (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter.
- (2) To allow certain signs that are small unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits.
- (3) To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.
- (4) To prohibit all signs not expressly permitted by this chapter.
- (5) To provide for the enforcement of the provisions of this chapter.
- (6) This chapter shall not relate to building design. Nor shall this chapter regulate: official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point-of-purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Sec. 26-8. - 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.

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

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

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

Banner: A fabric, plastic or other sign made of non-rigid material without enclosing structural framework.

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nameplate: A nonelectric, on-premises identification sign giving only the name, address, and/or

occupation of an occupant or group of occupants.

Neon sign: See "outline tubing sign."

Nonconforming sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this 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".

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.

Permanent sign: A sign designed to be installed permanently in the ground 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.

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.

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.

Rotating sign: See "moving sign."

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

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

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

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

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

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

Sec. 26-9. – Permits required and fees.

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

Sec. 26-10. – Sign erector qualifications.

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

Sec. 26-11. - 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. Off-premises signs erected for the purpose of advertising a product, event, person, or subject, unless otherwise provided for in this article or covered under the State Highway Act.
- h. Roof signs unless specifically permitted elsewhere in this article.
- i. Portable signs, as defined, not provided for in this article.
- j. Pylon or pole signs not provided for in this article.
- k. 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.
- l. 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.

Sec. 26-12. - General standards for permitted signs.

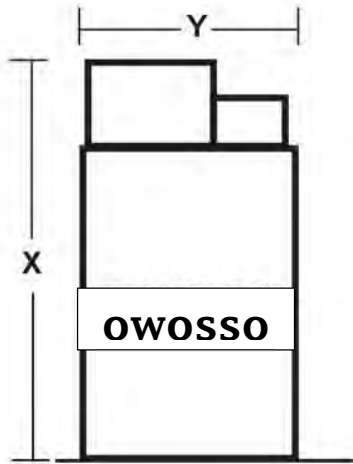
Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this article; provided, that no such sign shall be erected or altered until approved by the building official/zoning administrator and until a sign permit has been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

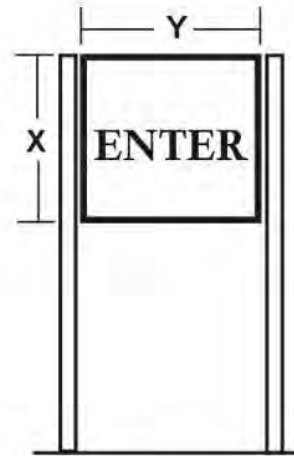
- d. Illumination.
 - 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - 2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
 - 3. Lighting shall be shielded and/or pointed downward so as not to project 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 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 22.2 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.

Figure 22.2

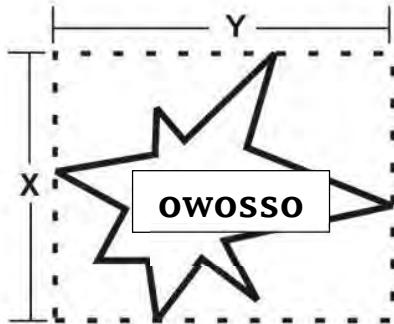
Guidelines for Measuring Sign Face Square Footage



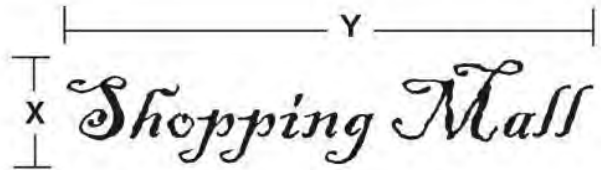
GROUND SIGNS
Measurements taken from the outermost points of the sign face



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



ALL SIGNS
Measurements taken from the outermost points of the panel



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

Sec. 26-13. - Specific sign standards.

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

Sign Dimensional Standards and Regulations								
District	Wall, Canopy, or Projecting Sign (c)		Ground Sign (c)			Temporary Signs (d)		
	Number #	Max. Size	Number # (b)	Max. Size Per Sign Face	Max. Height	Max Size Per Sign	Total Area Per Parcel	Max. Height
R-1, 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
R-2, RM-1								
Home Occupations	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 feet
B-4 and PUD commercial uses								
OS-1								
B-1, B-2, and B-3								
I-1 and 1-2								

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:

201 - 400 linear feet of building frontage facing a public street and having a public entrance	150 square feet
Greater than 400 linear feet of building frontage facing a public street and having a public entrance	200 square feet

- (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:

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

- (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 or office use within an OS-1 District 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) Electronic messages or gasoline prices shall take less than one second to change.
 - (7) Any voids or burned out bulb in an electronic display shall be replaced.
 - (8) 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.
 - (9) 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.
 - (10) 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.

- 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, I-2, and OS-1 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. 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.
- d. Signs for temporary uses.
 1. Temporary signs include, but are not limited to the following:
 - a. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.
 - b. An on-site sign advertising an on-going garage, estate or yard sale.
 - c. Noncommercial signs which contain noncommercial information or directional messages.
 - d. Political signs.
 - e. Holiday or other seasonal signs.
 - f. Construction signs for buildings under construction.
 2. All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.
 3. Location of temporary signs shall comply with the following:

- a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 - b. 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.
 - c. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - e. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - f. Signs shall not be located within any clear vision triangle, as described in section 38-388 Corner Clearance.
4. 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.
- 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 or weather-proof, durable material and kept in good repair.

Sec. 26-14. - Nonconforming signs.

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

- a. A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- b. A nonconforming sign shall not be replaced by another nonconforming sign.
- c. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-8.c., dangerous, unsafe, abandoned, and illegally erected signs.
- d. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

Sec. 26-15. - Dangerous, unsafe, abandoned, and illegally erected signs.

- a. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
- b. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
- c. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
- d. Illegally erected signs: The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
- e. Process for enforcing violations of section 26-7, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-7 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. 26-16. - 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. 26-17. - Administration and appeals of sign ordinance standards.

- a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
- b. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this 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.
- c. Only licensed sign contractors shall pull permits or file applications. Contractors shall provide to the city a copy of their current contractor's license and liability insurance. Application for a sign permit and details of requirements are contained in the City Code of Ordinances, chapter 26 and are available from the building official/zoning administrator.
- d. All plans and applications shall be in compliance with the currently adopted Michigan Building Code and all codes and appendixes contained therein.

Agnew Graphics
642 N. Shiawassee St.
Owosso, MI 48867
mark@agnewgraphics.com

Edwards Signs
1585 S. M-52
Owosso, MI 48867
Kathy@edwardssign.com

Signarama
Attn: Gordon Wallace
4297 Miller Rd.
Flint, MI 48507
Gordon@signarama-flint.com

The Sign Gallery
Attn: Alex Klinkoski
903 Fletcher St.
Owosso, MI 48867

City Of Owosso

Sec. 38-379. - Accessory buildings.

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

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.
- (2) Accessory buildings shall not be located in any required yard, except a rear yard.
- (3) An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.
- (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (5) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to board of appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

- (6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than nineteen (19) feet to a street right-of-way line.
- (7) On residential lots of less than seventeen thousand five hundred (17,500) square feet, only two (2) accessory buildings shall be permitted. On residential lots seventeen thousand five hundred (17,500) square feet or greater, only three (3) accessory buildings shall be permitted. These limits shall not apply to wind energy systems, satellite dishes, or dog pens.
- (8) All recreational vehicles, boats, snowmobiles, jet skis and comparable devices along with the trailers for these items stored on individual lots shall respect the requirements of this section applicable to accessory buildings, except that side yard storage is permitted against the wall of a principal structure when these items are beneath a legal conforming carport structure or are setback at least three (3) feet from the property line and eleven (11) feet from a principal building of an adjoining parcel. Storage in a driveway is permitted when the stored item can be placed entirely behind the front wall of the principal structure.
- (9) Regulations for dish-type satellite receiving antennae and similar structures (hereinafter referred to as satellite dishes):

a. *Ground mounted:*

1. In residential districts a satellite dish must be located in the rear yard. If a usable satellite signal cannot be obtained in a rear yard then a side yard location may be selected if all other provisions of this section are able to be enforced.
2. In all commercial and industrial districts, a satellite dish may be located on a rear or side lot if all other conditions of the ordinance can be followed, and if the side yard of the commercial or industrial lot is not adjacent to a residential district or detached single family use.

3. No satellite dish including its concrete base, slab, a similar substructure or projected portion shall be constructed less than eight (8) feet from any property line or easement of the rear or side yard, or be within twenty-five (25) feet from a right-of-way line of a public street.
 4. In residential districts no satellite dish shall be constructed without appropriate evergreen landscaping to reasonably conceal said satellite dish from view. The planting shall be completed prior to final approval by the building inspector. Vegetative screening shall not be required where reception of a usable satellite signal would be adversely affected.
 5. In residential districts a satellite dish shall not exceed a grade height of fourteen (14) feet. In all other districts the grade height limit is twenty (20) feet.
 6. All structural support shall be of corrosion resistant metal.
 7. A satellite dish shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
 8. The color of the satellite dish cannot be contrasting with its surroundings or setting. A contrasting color is one that does not blend with the background as defined by the normal senses.
 9. In residential districts a satellite dish cannot be used as a sign.
 10. The number of satellite dishes over four (4) feet in diameter is limited to one (1) on residential lots under one (1) acre in size.
 11. No satellite dish (ground or roof mounted) shall be linked physically or electronically to a receiver which is not located on the same lot, premises, or parcel of land as is the satellite dish.
 12. Wiring beneath a satellite dish and receiver shall be installed according to the specifications of the National Electrical Code.
 13. A satellite dish must be bonded to a grounding rod.
 14. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.
- b. *Roof-mounted:*
1. In the event that a usable satellite signal cannot be obtained by locating the antennae in the rear or side yard, such antennae may be placed on the roof of a primary or accessory structure.
 2. Satellite dishes shall be mounted directly upon the roof of a primary or accessory structure or on a ground anchored pole projecting through an eave of the structure. Satellite dishes shall not be mounted upon appurtenances such as chimneys, trees, or spires.
 3. For residential uses, a satellite dish shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
 4. In residential uses, a satellite dish shall not exceed eight (8) feet in diameter.
 5. A satellite dish shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
 6. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.
 7. A satellite dish must be bonded to a grounding rod.

- (10) A small wind energy system shall be an accessory building in all zoning districts subject to the following requirements:
- a. Setbacks and location, as measured from the furthest outward extension of all moving parts.
 1. A STWES shall be set back a distance equal to its total height plus an additional five (5) feet from any occupied building, street or highway right-of-way; any overhead utility lines; all property lines; and any existing guy wire, anchor or small wind energy tower on the property.
 2. A SSWES shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure.
 3. A SSWES shall not be affixed to the roof or wall of a structure facing a street.
 4. A STWES shall not be located in any front yard except for properties zoned and used for industrial purposes.
 5. The lowest extension of any blade or other exposed moving component of a WES shall be a least fifteen (15) feet above the ground as well as any outdoor surface intended for human use.
 6. Setbacks may be reduced to not less than twenty (20) feet if the applicant provides a registered engineer's certification that the WES is designed to collapse within a zone smaller than the height of the tower, yet still remain within the owner's property or the applicant acquires an easement to meet the required setback distance.
 - b. Access.
 1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
 - c. Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
 - d. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
 - e. Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
 - f. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
 - g. Code compliance. A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.
 - h. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the public service commission regulations.
 - i. Small wind energy systems may be attached to any building, including guy wires, provided the city approves the submittal of documentation sealed by an engineer licensed by the

State of Michigan showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The city may not be found liable for damage caused by noise or vibration created by the system.

- j. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- k. Each property is eligible for two (2) small wind energy systems only, except properties of at least one (1) contiguous acre may be allowed one (1) additional system for each additional one-half (½) acre or portion thereof.
- l. A small wind energy system that is out-of-service for a continuous six-month period will be deemed to have been abandoned. The zoning administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within thirty (30) days from the date of the notice. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
- m. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the owner's sole expense within ninety (90) days of the date of the notice of abandonment. If the owner fails to remove the wind generator from the wind tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense.
- o. Noise emanating from a small wind energy system shall not exceed fifty (50) dB(A) as measured from any offsite habitable structure or fifty-five (55) dB(A) to any lot line.
- p. Wind energy systems shall not interfere with communication systems such as radio, telephone, television, satellite, emergency communications, or Wi-Fi.
- q. Shadow flicker created by a STWES shall not exceed thirty (30) hours per year as observed on the windows or outdoor spaces (such as porches, patios, and decks) of any offsite building intended for human habitation or occupation. The zoning administrator may request a study to demonstrate the impact of a WES proposal.
- r. Public inquires and complaints by an aggrieved property owner that alleges that a STWES or SSWES does not meet noise or shadow flicker requirements shall be processed as follows:
 - 1. The property owner shall notify the city in writing regarding the concerns related to noise and/or shadow flicker.
 - 2. If the city zoning administrator or engineer deem the complaint sufficient to warrant an investigation, the city will request the aggrieved party to deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician and/or a shadow flicker study as performed by a professional.
 - 3. If the tests(s) show that the WES does not exceed the noise or shadow flicker requirements of this chapter, the city will use the deposit to pay for the test.
 - 4. If the WES is violating this chapter's noise requirements, the owner(s) shall reimburse the city for the testing and take immediate action to bring the WES into compliance, include ceasing operation of the WES till the violations are corrected. The city will refund the deposit to the aggrieved property owner.

(Code 1977, § 5.79; Ord. No. 435, 9-16-85; Ord. No. 439, § 1, 1-6-86; Ord. No. 503, § 1, 3-15-93; Ord. No. 572, § 1, 9-6-98; Ord. No. 728, §§ 2—4, 2-6-12)