

*OWOSSO*  
*Planning Commission*



Regular Meeting  
7:00pm, Monday, March 25, 2013  
Owosso City Council Chambers

## AGENDA

### *Owosso Planning Commission*

Monday, March 25, 2013 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: March 25, 2013

APPROVAL OF MINUTES: January 28, 2013

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from January 28, 2013
3. City council minutes from March 4, 2013
4. Design guidelines text
5. Outdoor sales and storage; temporary use text

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS: None

SITE PLAN REVIEW: None

BUSINESS ITEMS:

- Design guidelines ordinance
- Outdoor sales and storage; temporary uses

ITEMS OF DISCUSSION: None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next meeting will tentatively on Monday, April 22, 2013!

**Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Monday, March 25, 2013**

[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](http://www.ci.owosso.mi.us)

*Affirmative Resolutions*  
*Owosso Planning Commission*

Monday, March 25, 2013 at 7:00 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

**Resolution 130325-01**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the agenda of March 25, 2013 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130325-02**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the minutes of January 28, 2013 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130325-03**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby recommends approval of the design guidelines ordinance to the city council, as attached, with the following changes:

- 1.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130325-04**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby recommends approval of the temporary structures and uses ordinance to the city council, as attached, with the following changes:

1.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_

Denied: \_\_\_\_

**Resolution 130325-05**

Motion: \_\_\_\_\_

Support: \_\_\_\_\_

The Owosso Planning Commission hereby adjourns the March 25, 2013 meeting,  
effective at \_\_\_\_\_pm.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_

Denied: \_\_\_\_



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# *MEMORANDUM*

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DATE: March 19, 2013

TO: Chairman Wascher and the Owosso Planning Commission

FROM: Adam Zettel, AICP

RE: Planning Commission Meeting: March 25, 2013

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**The planning commission shall convene at 7:00pm on Monday, March 25, 2013 in the city council chambers of city hall.** We will be holding an additional public workshop for the changes to the zoning ordinance design standards as well as the temporary uses and structures section.

Concerning the design standards, the big issue is generally one related to the amount of control exerted by the ordinances. There are a number of people that feel the city should not be engaged in controlling building designs for commercial or residential purposes at all. Of course, there are those that see a public benefit to do so, as well as all those folks in between. This leaves us in a tough spot.

I have attached the minutes from the council meeting so you can read the comments received. In general, I think we should take a step back on a number of issues in order to meet the reasonable expectations of the public. Some areas appeared to be sticking points that are not as crucial to the intent of the ordinance as other areas are, such as the chain link fence exclusion for front yards.

The temporary uses, structures, and display ordinance was not received badly, but it was felt that some of the language could be tightened up at the same time in which the design standards are reviewed.

I have attached altered versions of the ordinance in an attempt to address the issues. The design guidelines ordinance shows all changes and also has some areas highlighted that need to undergo a high level of scrutiny (the residential guidelines need a hard look). I did not track changes in the temporary use ordinance, but that one is simple enough that we

can view it as it stands without any additional difficulty.

As far as Monday goes, this will not be a public hearing per se, but I believe the intent is to get as much additional input as possible. There is not a need to approve these ordinances on Monday either, though we can send this back to the city council if the commission is comfortable with the changes.

So, please carefully read the council minutes and the draft ordinances as attached. If you want to speak with me, call my cell phone at 989.890.1394. Please **RSVP for the meeting**. I look forward to seeing you all on the 25th!

**MINUTES**  
**REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION**  
**Council Chambers, City Hall**  
**January 28, 2013 – 7:00 pm**

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

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

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

**MEMBERS PRESENT:** Chairman William Wascher; Vice-Chairman Frank Livingston; Secretary Melvin Renfrow ; Commissioners David Bandkau, Tom Kurtz, Cindy Popovitch, Ron Schlaack, Brent Smith, and Thomas Taylor.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development.

**AGENDA APPROVAL:**

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER KURTZ TO APPROVE THE AGENDA FOR JANUARY 28, 2013.**

**YEAS ALL. MOTION CARRIED.**

**MINUTES APPROVAL:**

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 14, 2013**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. PC minutes from January 14, 2013
3. Design guidelines text
4. Outdoor sales and storage; temporary use text

**COMMISSIONER / PUBLIC COMMENTS:** None

**PUBLIC HEARING # 1 - Design Guidelines Ordinance**

Chairman Wascher opened the public hearing at 7:02 p.m.

Citizen Comments: Brian Wise, 1419 W King Street, stated the perimeter of his home has a hedge of 14 feet high. It gives him privacy and continuity. It is no problem for his neighbors. He would prefer not to have to remove it, especially with Oliver Woods behind him.

Adam Zettel, Assistant City Manager and Director of Community Development, stated that the article in the paper was misleading. The ordinance was better at defining *fence*. The proposed ordinance is an attempt to fine tune the definition to avoid materials such as pallets. Future plans are to maintain fences and hedges at six feet. There is no intent to enforce unless we have complaints. There will be no attempt to enforce changes on existing conditions until complaints are received.

Mike Bruff, 707 W. King Street, appreciates the intent as explained. When reading portions of the ordinance, it doesn't say what was just explained. It needs to state "grandfathered in". He thinks that 75% of Owosso is in violation at this time. The sentence about a permit isn't clear. Permit to remove plants? To plant shrubs?

Mr. Zettel replied that the benefit of having fences and hedges defined differently is so they can be handled differently. We can't cite anyone who has pre-existing conditions. Permits are for only new construction. The existing fences are legal non-conforming use.

Mark, Prindle Street, asked if certain species were defined. Mr. Zettel responded that there is a separate section in the ordinance that lists nuisance trees. Mark asked if there was a setback. Mr. Zettel said that they can't extend onto a neighbor's property. There is a reasonable expectation that property owners know their own property lines.

Neil White, 1214 Devonshire, asked if a permit would be required for planting. Mr. Zettel said no. Permits are for fences only.

Mr. Bruff asked who determines obscuring trees. Mr. Zettel said that is why it is written objectively.

Mr. White stated that is why he planted his hedges - to help block the view of another building.

June Coon, 615 Ridgeview Drive, Corunna. She thinks the ordinance is ambiguous. Why does this need to be re-written? Why change? Change of the code is not necessary. She and her husband are property owners in Owosso. First it was the registration only; then complaint only; then the inspections became mandatory. She thinks this is unreasonable.

Roger Snyder, 211 N. Washington. We don't have a city council that's responsible. They go around putting permits on everything. It's wrong.

Mr. White stated no new ordinances.

7:37 p.m. The public hearing was closed.

Commissioner Schlaak asked if we could mention the word "grandfathered". Mr. Zettel stated it is implied. Commissioner Schlaak said we need to keep clear vision at the corners.

Commissioner Popovitch suggested clarification of R-1 and R-2 at C, page 1.

**MOTION BY COMMISSIONER LIVINGSTON, AND SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE:**

**THE OWOSSO PLANNING COMMISSION HEREBY RECOMMENDS APPROVAL OF THE DESIGN GUIDELINES ORDINANCE TO THE CITY COUNCIL, AS ATTACHED, WITH THE FOLLOWING CHANGES:**

- 1. CHANGES TO THE RESIDENTIAL DISTRICT.**
- 2. REMOVAL OF HEDGE HEIGHT REQUIREMENT**
- 3. CLARIFICATION OF PERMIT REQUIREMENTS.**

SECTION 1. REPEAL. That Section 38-393 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~Sec. 38-393. Fences, walls, or screens.~~

~~(a) *Definition.* "Required yard" means that portion of any lot on which the erection of a main building is prohibited.~~

~~(b) Where permitted; height.~~

~~(1) In the residential districts; also the OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1 districts: Fences, walls or screens are permitted on all lots of record within required side or rear yards, provided they do not exceed six (6) feet in height, measured from the surface of the ground, and are permitted in front required yards provided they do not exceed three (3) feet if of such~~

~~a nature to obstruct, vision; where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four (4) feet, measured from the ground surface except as otherwise provided in this chapter.~~

~~(2) In the I-1 and I-2 districts:~~

~~a. 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 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.~~

~~b. Except as provided below, barbed wire strands 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 on major streets.~~

~~(c) Visibility at street intersections. 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.~~

~~(d) Visibility at intersections of driveways or alleys with streets. No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty (20) feet in any direction of the intersection of the edge of a driveway with the right-of-way line. The area of non-obstructed vision shall be between the heights of three (3) feet and ten (10) feet measured from the centerline of the street pavement.~~

~~(e) Prohibited fences. Except for the provisions of (b)(2)b. above and (f) below, fences, walls or structural screens may not contain barbed wire, electric current, charges of electricity or any wire fence other than a chain link fence.~~

~~(f) Essential services and school off-campus facilities and bus garages. For essential services and off-campus school facilities and bus garages, the use of barbed wire atop fences six (6) feet in height is permitted in all zoning districts with the barbed wire tilted in toward the fenced parcel.~~

~~(g) Installation. Any fence with an unfinished side, e.g. stockade fence, shall be installed along or about a lot line so that the finished side of the fence faces the exterior of the lot.~~

~~(h) Permit fee. A permit shall be required with a fee to be prescribed by resolution of the council and paid to the city treasurer.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited under the existing section of "General Provisions."

SECTION 3. ADDITION. That the new Section 38-393 and 38-396, 38-397, and 38-398 which read as follows, shall be adopted:

**Section 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.
- (B) A hedge is defined as any bush, shrub or any living green fence 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 (exterior side yard) fences or hedges must be of a decorative nature (chain-link is not considered to be of such quality), be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height;
  - 3. No fence or hedge shall extend across property lines;
  - 4. The finished side of any fence shall face away from the property on which the fence is located;
  - 5. 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;
  - 6. 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.
  - 7. Fences shall not be constructed, in whole or in part, with any of the following materials:
    - (a) used materials, 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.
  - 8. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
  - 9. 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. Except as provided below, barbed wire strands 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.
  3. 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.
  4. 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.

**Sec. 38-396. MECHANICAL EQUIPMENT AND UTILITIES.**

The following requirements shall apply to all site plans and new installations, not including replacement equipment and wind energy systems, for uses in the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts.

- (A) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.
- (B) Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the B-3 zoning district.
- (C) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters or related devices, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air condition equipment (HVAC), and other similar equipment, shall comply with the following standards.
1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.
  2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level.

**Section 38-397. COMMERCIAL DESIGN REQUIREMENTS.**

The following design requirements for commercial buildings shall be applied during site plan review to development within the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts. These standards shall also apply to those elevations and parking areas that face a state highway and are within 200 feet of the right-of-way.

*A. Exterior building design.*

1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
2. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.
3. Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).
4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.
5. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required by the ordinance.
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

*B. Building materials.*

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. The predominant building materials (50% or more of the face) should be quality materials such as earth-toned brick, native stone, and tinted/textured concrete masonry units and/or glass products.
3. Other materials such as smooth-faced concrete block, EIFS panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

*C. Building colors.*

1. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission for building trim.
2. The use of trademark colors not meeting this requirement must be approved by the Planning Commission.
3. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

*D. Roof design.*

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.

2. Roofs shall have no less than two (2) of the following features:

- a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
- b. Overhanging eaves, extending no less than one (1) foot past the support walls;
- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
- d. Three (3) or more roof slope planes.
- e. A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

E. *Customer entrances.*

1. Each large retail establishment (15,000 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five (5) of the following:

- a. canopies or porticos;
- b. overhangs;
- c. recesses/projections;
- d. arcades;
- e. raised corniced parapets over the door;
- f. peaked roof forms;
- g. arches;
- h. outdoor patios;
- i. display windows;
- j. architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. a specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

2. Where additional units will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.

3. A bike rack or other acceptable form of bike parking or storage shall be provided near the primary entrance of all commercial structures in a ratio of no less than one bike slot or space for each ten parking spaces provided onsite, with a minimum of two such slots or spaces. This shall not apply to structures in the B-3 zoning district.

F. *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

G. *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

H. *Natural features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

I. *Building location and orientation.* New buildings shall have at least one principal building entrance oriented toward the front lot line.

J. *Sidewalks.* All development shall include a provision for sidewalks within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, primary structures, and any other on-site amenities.

**Section 38-398 – RESIDENTIAL DWELLING DESIGN STANDARDS:**

A. Intent

This Section is intended to establish regulations for the construction of new residential dwellings zoned R-1 and R-2, including reconstructed and in-fill housing. The standards herein are intended to:

1. Prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area.
2. Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
3. Ensure the stability of the environment.
4. Promote the most appropriate use of real estate.
5. Increase the opportunity to realize the development pattern envisioned in the Owosso Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life,

contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**B. Applicability**

The regulations of this Section shall apply to all new single family home construction zoned R-1 and R-2. Major home expansions where the homeowner is expanding the footprint of the home by forty percent (40%) or more shall comply with subsections TBD.D.9, TBD.D.10, and TBD.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the one and two family zoning districts.

**C. Approval**

Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection D below.

**D. Standards**

1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.
3. Each such dwelling unit shall comply with the minimum standards listed throughout the zoning code for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code.
5. The dwelling shall have an attached or detached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and

aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12 below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the Michigan Building Code relative to grade separation and fire restrictive requirements.

6. Each such dwelling unit shall contain a storage area equal to or greater than ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
7. The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall be composed of metal or wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
9. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City Building Code.
10. In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.
11. In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet, up to the boundary of the existing

neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.

12. Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one (1) or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the Building and Zoning Administrator and in considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

- a. Exterior building material used on the proposed dwelling
- b. Roof style
- c. The design and position of windows
- d. Front entry design (presence of porches, front door location, etc.)
- e. Garage style and design

If the Building and Zoning Administrator cannot reach a determination on architectural compatibility, the application shall be forwarded to the Planning Commission for review and final action.

## 6. Appeal

An applicant may appeal the decision of either the Building and Zoning Administrator or the Planning Commission to the Zoning Board of Appeals. The City shall provide written notification of denial at the last address of record. A written application for an appeal hearing before the Zoning Board of Appeals shall be filed with the office of the Building and Zoning Administrator within 15 calendar days of the receipt of the notice of denial.

7. Exceptions

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks.

**YEAS ALL. MOTION CARRIED.**

**PUBLIC HEARING #2 Outdoor Sales and Storage; Temporary Uses Ordinance.**

Chairman Wascher opened the public hearing at 7:52 p.m. There were no public comments. Hearing was closed at 7:52 p.m.

Commission Comments:

Mr. Zettel stated that outdoor sales and storage are not permitted now, but this will loose the guidelines. Part 5C is to changed to 200 square feet.

Commission discussed Part F – exceptions for storing; sidewalk sales; windshield repairs.

**MOTION BY COMMISSIONER LIVINGSTON, AND SUPPORTED BY COMMISSIONER KURTZ TO APPROVE:**

**THE OWOSSO PLANNING COMMISSIONER HEREBY RECOMMENDS APPROVAL OF THE TEMPORARY STRUCTURES AND USES ORDINANCE TO THE CITY COUNCIL, AS ATTACHED, WITH THE FOLLOWING CHANGES;**

- 1. OUTDOOR CHANGE TO 200 SQUARE FEET.**

That Section 38-504.4.a of the *Code of Ordinances*, which read as follows, shall be repealed:

~~**Temporary permits. For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:**~~

- ~~**1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board on a special form used exclusively for that purpose.**~~
- ~~**2. The board shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.**~~
- ~~**3. A temporary permit shall not be granted unless the board finds adequate evidence that the proposed location or use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department or the city director of public services.**~~
- ~~**4. The board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.**~~
- ~~**5. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed six (6) months. No permit shall be transferable to any other owner or occupant.**~~

**SECTION 2. NAME.** The amended Ordinance shall be known and cited as the “City of Owosso Temporary Structures and Uses.”

**SECTION 3. ADDITION.** That the new Section 38-399 which read as follows, shall be adopted:

**Section 38-399. Temporary structures and uses.**

- A. *Temporary structures used for residential purposes:*** A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the building official.

Also, a manufactured dwelling unit or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

1. An occupancy permit is issued by the building official for the temporary residence.
  2. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
  3. Temporary structures shall comply with the setback standards for the district in which they are located.
  4. The building official shall approve electrical and utility connections to any temporary structure.
  5. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.
- B. *Performance guarantee:*** The applicant shall furnish the city with a performance guarantee to assure removal of the temporary structure.
- C. *Temporary structures used for nonresidential purposes:*** Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
- D. *Permits:*** Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure, and the zoning administrator may require posting of a bond to insure removal. A certificate of occupancy shall be required for such structures.
- E. *Use as an accessory structure:*** A temporary building or structure may only be used as an accessory building or structure if it meets all accessory structure requirements of this code.
- F. *Special events and other temporary uses:*** The zoning administrator or building official may grant temporary use of land and structures for special events and other temporary uses, subject to the following general conditions:
1. The use must be one permitted as-of-right within the applicable zoning district.

2. Adequate off-street parking, site ingress/egress, and adequate clear vision areas shall be provided.
  3. The applicant shall specify the exact duration of the temporary use.
  4. Electrical and utility connections shall be approved by the building official.
  5. A performance bond may be required to assure proper clean-up.
  6. Review by and approval by the police and fire departments.
  7. Approval of other applicable government agencies to ensure compliance with applicable health and safety regulations and standards.
  8. The use must be carried out so as to meet all other zoning and general ordinance provisions and performance standards, including but not limited to signs, lighting, noise, etc.
  9. The approval of the building official is required and all performance standards of this ordinance must be met.
- G. *Specific temporary use conditions:* The following conditions apply to specific temporary uses:
1. *Carnival, circus, festival, seasonal markets:*
    - a) *Operator, sponsor or beneficiary:* Government or not for profit entities only.
    - b) City council approval required.
  2. *Sidewalk uses including display, sales, and other features:*
    - a) *Time:* Operating hours only. The business must be open and staffed.
    - b) *Location:* In the B-3 zoning district only.
    - c) *Sidewalk coverage:* An area no less than four feet wide shall be maintained for passage of pedestrians at all times.
    - d) *Uses:* For portable signs, display, sale, and/or service of onsite products and activities only, including retail goods and food service. No off-premise advertising, sales, or services are permitted (i.e. vendors are not permitted).
    - e) *Exceptions:* Planters, bike racks, and decorative features may remain outside provided they adhere to all performance standards of the ordinance.
    - f) *Additional requirements:* The approval of the building official and street administrator is required; owner must provide liability insurance for activities in the right-of-way.
  3. *Christmas tree sales:*
    - a) *Maximum duration:* 45 days.
    - b) *Clean-up:* Stumps, branches, and other debris shall be completely removed from site.
    - c) Building official approval required.
  4. *Roadside produce or farm stands:* Because roadside stands are seasonal in character and utilized on a temporary basis, roadside stands shall be allowed in Business Districts by the city for periods not to exceed six months provided a temporary permit is obtained from the city and provided the following provisions are met:
    - a) The sale of farm products in a roadside stand shall not take place within the dedicated right-of-way of any thoroughfare within the city, and assurances shall be made to the city that ample off-street parking has been provided, and adequate ingress and egress provided to the stand.
    - b) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

**5. Outdoor sales and display:**

- a) **Time:** Operating hours only. The business must be open and staffed.
- b) **Location:** In the B-1, B-2, & B-4 zoning districts only; front or side yards only; use cannot occur in areas dedicated to parking, storm water detention/collection, or areas required for emergency use or clear vision.
- c) **Lot coverage:** An area no more than two hundred (200) square feet shall be used as outdoor sales and display area.
- d) **Setbacks:** Setbacks from the right of way and all lot lines must be a minimum of 10 feet or that setback require by Article XVI, whichever is less.
- e) **Uses:** For display, sale, and/or service of onsite products and activities only. No off-premise advertising, sales, or services are permitted (i.e. vendors and/or leased space are not permitted).
- f) **Exceptions:** Gas stations may store product in the vicinity of the fueling islands/pumps provided the product does not inhibit parking, traffic circulation, fueling, or vehicle occupant ingress/egress.
- g) **Additional requirements:** The approval of the building official is required and all performance standards of this ordinance must be met. Any loose debris, damaged products, unsecured materials, or products determined to be junk, waste, or scrap in nature shall be deemed a nuisance per se.

YEAS ALL. MOTION CARRIED.

**SITE PLAN REVIEW:** None

**BUSINESS ITEMS:** None

**ITEMS OF DISCUSSION:** None

**COMMISSIONER / PUBLIC COMMENTS:**

Mike Bruff thanked the Commission for listening and taking the comments tonight into consideration.

Mr. Zettel presented a report regarding the 2012 activities of the Planning Commission and the Zoning Board of Appeals that he will be sending on to the City Council. There was general acceptance of the report.

**ADJOURNMENT:**

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER RENFROW, TO ADJOURN AT 8:02 P.M. UNTIL FEBRUARY 25, 2013.**

YEAS ALL. MOTION CARRIED.

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Melvin Renfrow, Secretary

mms

**OWOSSO CITY COUNCIL**

**MARCH 4, 2013**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** FATHER LES HARDING  
CHRIST EPISCOPAL CHURCH

**PLEDGE OF ALLEGIANCE:** MAYOR BENJAMIN R. FREDERICK

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

**ABSENT:** Councilperson Thomas B. Cook.

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda as presented.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 19, 2013**

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of February 19, 2013 as presented.

Motion supported by Councilperson Fox and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**FOSTER FAMILIES CERTIFICATE OF APPRECIATION**

Mayor Frederick read aloud the following Certificate of Appreciation of the Mayor's Office honoring foster families and foster advocates, presenting the certificate to Tonya Allard and other representatives of the Department of Human Services.

**A CERTIFICATE OF APPRECIATION FROM  
THE MAYOR'S OFFICE OF THE CITY OF OWOSSO  
RECOGNIZING THE EFFORTS OF FOSTER FAMILIES AND FOSTER ADVOCATES**

WHEREAS, families serve as the primary source of love, identity, self-esteem and support, and are the very foundation of our communities and our State, and

WHEREAS, we are all too often confronted with families that are broken and unable to be that essential source of love, identity, self-esteem and support, and

WHEREAS, foster families step up to provide for the needs of those children that cannot remain with their natural families, and

WHEREAS, in the State of Michigan there are approximately 14,000 children and youth in foster care being provided with safe, secure and stable homes through a foster family, and

WHEREAS, foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect, and have a direct role in the development of healthy, happy, well-adjusted members of society, and

WHEREAS, in addition to the enduring and invaluable contribution of foster families there are numerous individuals and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care that also deserve recognition for their efforts.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of City Council and all local residents, do hereby acknowledge and thank foster families and foster advocates everywhere, past and present, for their invaluable contributions to the foster system and the greater community and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

Issued this 3<sup>rd</sup> day of March, 2013.

**PUBLIC HEARINGS**

**ORDINANCE AMENDMENT – CHAPTER 38, ZONING – TEMPORARY STRUCTURES & OUTDOOR DISPLAYS**

The proposed amendment would further define and provide clear regulation regarding temporary uses, temporary structures, and outdoor displays. Staff explained the intent of the ordinance was to establish parameters for businesses to conduct business outside of their primary structure as the current code was lacking such parameters.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Sections 38-399, Temporary structures and uses, and 38-504(4)(a), Temporary permits, of the Code of the City of Owosso.

The following person commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, expressed his feeling the new rules were unnecessary. He asked if the DDA or the Chamber of Commerce had been consulted during the formation of the rules. He said he felt the Council was driving the suggested changes and they were out of touch with the concerns of downtown business owners.

Mr. Manke's comments concluded the citizen comment portion of the hearing.

The City Manager noted some concern with the structure of the proposed ordinance as well as the clarity of some definitions. Planning Commission member Mayor Pro-Tem Popovitch explained this was the Commission's first attempt at amending the zoning ordinance to reflect the newly adopted Master Plan and as such it was a learning process and all the changes proposed were made in good faith. She also noted that while the Planning Commission had discussed the proposed changes and held a public hearing to vet the changes very little comment was received

Council held a lengthy discussion regarding the input they had received from citizens in the last two weeks as well as their own questions and reservations about the proposed ordinance.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilperson Eveleth to remand the proposed ordinance back to the Planning Commission for review and restructuring.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Cook.

**ORDINANCE AMENDMENT – CHAPTER 38, ZONING – FENCES & DESIGN STANDARDS**

The proposed amendment would further define regulations pertaining to fences and hedges and to modernize the code through the incorporation of new design standards for commercial properties and new residential properties.

Assistant City Manager Adam H. Zettel introduced the proposed amendment by giving a brief summary of the intent of the ordinance in regard fences, residential design requirements, and commercial design standards. He indicated he had received a number of comments on the proposed ordinance in the past two weeks and in light of those comments he was recommending the ordinance be remanded to the Planning Commission for further review.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Sections 38-393 and 38-396 through 38-398 of the Code of the City of Owosso.

The following people commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, said he felt the proposed ordinance was far too restrictive and that many people would not be able to afford the things required by the proposed design standards. He went on to say that he felt 85% of the population of the City would be negatively affected by the ordinance should it pass.

Greg Weinert, 530 Martin Street, said he was concerned with the proposed regulations on hedges saying he appreciates the privacy afforded by hedges and doesn't think the City should be able to tell property owners what to do on their private property.

Kathy Knerr, 1423 West King Street, said she was in favor of regulations governing the height of hedges as she has two neighbors with large hedges that caused problems for her when heavy snows caused the hedges to split and fall on her property. She felt that the likelihood of them splitting would be reduced if they were shorter. She also inquired whether the new ordinance would apply to existing hedges or only new hedges.

Kori Shook, 1409 North Gould Street, indicated she had a number of concerns with the proposed ordinance specifically the prohibition on tall grasses. She also had concerns with the design standards saying they were cost prohibitive and could discourage residents, commercial property owners, and potential investors. She said she felt that such standards have a place in restricted developments like Osburn Lakes but not in the City at large.

Mike Espich, 1124 Ada Street, said he was concerned with the proposed regulations for hedges. He felt that should the ordinance pass the standards set would require the removal of shrubs he has surrounding his entire property. He said he appreciated the intent of the proposed standards but they were a bit too heavy handed.

Eddie Urban, 601 Glenwood Avenue, suggested requiring a setback for large shrubs and hedges to avoid blocking the view of vehicles.

Kathy Michalec, 1435 West King Street, said her neighbor's hedges block her view when backing out of her driveway creating a dangerous scenario for pedestrians. She agreed that large shrubs and hedges should have a setback requirement.

This concluded the citizen comment portion of the hearing.

Various Council members shared their concerns with the proposed ordinance, with the Mayor presenting a long list of changes and concerns.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Eveleth that the proposed ordinance be remanded to the Planning Commission for further review and revision.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Eveleth, Mayor Pro-Tem Popovitch, Councilperson Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Cook.

Mayor Frederick noted that all meetings of the Planning Commission are open to the public and he encouraged continued participation.

**IFT EXEMPTION AMENDMENT – RUESS WINCHESTER, INC.**

A public hearing was conducted to gather citizen comment on the application from Ruess Winchester, Inc., 705 McMillan Avenue, to amend the Industrial Facilities Tax Exemption Certificate originally approved in October 2011 to add an additional \$113,512.98 in new eligible personal property.

The following person addressed the Council regarding the proposed amendment:

Justin Horvath, SEDP president/CEO, expressed his support for the request saying RWI is a valuable member of the business community.

Motion by Councilperson Eveleth to approve amendment to Industrial Facilities Tax Exemption Certificate No. 2011-493 to include an additional \$113,512.98 in new personal property as follows:

**RESOLUTION NO. 20-2013**

**APPROVING AN IFE APPLICATION  
TO AMEND CERTIFICATE NO. 2011-493  
TO ADD ADDITIONAL PERSONAL PROPERTY TO THE EXISTING ABATEMENT FOR  
RUESS WINCHESTER, INCORPORATED  
705 MCMILLAN AVENUE**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, the Owosso City Council, by resolution established an Industrial Development District that includes the property located at 705 McMillan Avenue; and

WHEREAS, utilizing the above district Ruess Winchester, Incorporated was approved for an Industrial Facilities Exemption Certificates with respect to real valued property valued at \$1,000,000 and personal property valued at \$388,800 on October 17, 2011; and

WHEREAS, since that time the acquisition of additional personal property, valued at \$113,512.98, was needed due to growth beyond original business projections; and

WHEREAS, acquisition of the additional personal property has created jobs and prevented loss of employment since the issuance of Certificate No. 2011-493; and

WHEREAS, Ruess Winchester, Incorporated wishes to amend their application for tax abatement to include the additional new personal property; and

WHEREAS, the law allows an application for tax abatement to be amended for a period of two years after the Certificate is granted; and

WHEREAS, before acting on said application to amend certificate number 2011-493, the City of Owosso held a hearing on March 4, 2013, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the amended total value of personal property for Certificate No. 2011-493 would be \$502,312.98, and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this amendment to certificate number 2011-493, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that the granting of the amendment to Industrial Facilities Exemption Certificate No. 2011-493, considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Ruess Winchester, Incorporated for the Industrial Facilities Exemption Certificate amendment, with respect to Real and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

PART OF BLKS 8 & 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.

District

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate Amendment, when issued, shall be and remain in force for the remainder of years approved under Certificate No. 2011-493.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Eveleth, Bailey, Erfourth, Fox, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Cook.

**CITIZEN COMMENTS AND QUESTIONS**

Justin Horvath, SEDP president/CEO, distributed copies of the SEDP's Annual Report and gave a brief detail of its contents, including the new strategic plan. He indicated the SEDP has done very well in its efforts to help maintain and attract jobs to the area, so much so that they have plans to move the organization to the next level by adding new services and initiatives. He went on to thank the City for its generous financial support.

Kathy Knerr, 1423 West King Street, expressed her hope that some thought would be given to creating setbacks for large hedges and bushes to prevent them creeping over property lines and/or sidewalks.

Kathy Michalec, 1435 West King Street, inquired whether goats were allowed in the City. She indicated a neighbor had a potbellied pig and she was wondering how this was possible given the City's ordinance regarding animals. She also expressed her support for establishing setbacks for large hedges and shrubs.

Tom Manke, business owner at 118 South Washington Street, thanked the Council for remanding both of the proposed ordinances back to the Planning Commission. He also inquired whether chickens were allowed in town.

Eddie Urban, 601 Glenwood Avenue, said he had attended the Home & Garden show the previous weekend and recorded the event for playback on channel 95. He also spoke about emergency preparedness efforts and said he would leave some information on emergency preparedness for anyone interested.

Greg Weinert, 530 Martin Street, commended the Council for the job they do saying he felt they had the public's best interest at heart.

Mayor Pro-Tem Popovitch relayed a conversation she had with a local tree trimmer saying that as a commercial tree trimmer the man was prohibited from placing brush and trimmings out for pick-up at his rental properties and she felt this was unfair. She also noted that the same man had been turned away from the drop off site when he tried to take the said brush to the dump in his company truck. It was noted he should have no problem requesting brush pick up for his rental properties, the only prohibition applies to commercial companies hired to trim on private property. Councilperson Fox suggested a form be developed that verifies that trimmings came from a property within the City and as such should be able to be dumped at the drop off site. Councilperson Crawford noted that the DEQ regulates commercial vehicle traffic at the drop off site.

Councilperson Bailey asked that the evergreens be taken out of the baskets on the bridge as they were looking bad.

Mayor Pro-Tem Popovitch complemented the Schools on their sponsorship of the Alma College Percussion Ensemble saying it was a great performance.

**CITY MANAGER REPORT**

City Manager Crawford briefly detailed the project status report.

There was a brief discussion regarding park funding and whether any progress had been made on DEQ approval of the splash pad. (It was noted a meeting with the DEQ was scheduled for the following week.)

**CONSENT AGENDA**

Motion by Councilperson Eveleth to approve the Consent Agenda as follows:

Mid-Michigan Custom Car Show Permission. Consider application of Andy Genovese on behalf of the Mid-Michigan Custom Car Show for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Park Street from 8:00am to 6:00pm on Sunday, May 19, 2013 for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1283 formalizing the request.

Warrant No. 459. Accept Warrant No. 459 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network Engineering Support-January 2013	General	\$8,568.00

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Bailey, Erfourth, Eveleth, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Cook.

## **ITEMS OF BUSINESS**

### **DDA TAX ANTICIPATION LOAN**

City Manager Donald D. Crawford noted that the DDA would be experiencing a cash crunch just before taxes are due to be collected. They had considered issuing a tax anticipation note to cover the gap but the cost was prohibitive and there were timing issues as well. It was felt the risk was low in that the funds would be paid back by the upcoming tax collection.

Motion by Councilperson Eveleth to authorize lending \$10,000 to the Downtown Development Authority/Owosso Main Street to fund operations in anticipation of taxes to be received with the 2013 tax collection as follows:

### **RESOLUTION NO. 21-2013**

#### **LENDING THE OWOSSO DOWNTOWN DEVELOPMENT AUTHORITY \$10,000**

WHEREAS, the city of Owosso Downtown Development Authority is a quasi-independent entity of the city of Owosso; and

WHEREAS, Owosso Downtown Development Authority according to PA 197 of 1975 levies an ad valorem tax on the real property not exempt by law and as finally equalized in the downtown district. The city of Owosso collects the tax at the same time and in the same manner as it collects its other ad valorem taxes and is credited to the general fund of the Authority for purposes of financing only the operations of the Authority; and

WHEREAS, the City may at the request of the Authority borrow money and issue its notes therefore pursuant to Act 34 of the Public Acts of 2001, as amended, being sections 141.2409 of the *Michigan Compiled Law*, in anticipation of collection of the ad valorem tax; and

WHEREAS, the Owosso Downtown Development Authority has determined that a need exists for \$10,000 in anticipation of collection and payment of the ad valorem tax and that for the Authority borrow money and issue its notes therefore pursuant to Act 34 of the Public Acts of 2001 would be costly and time consuming; and

WHEREAS, a financially prudent measure is for the city of Owosso to lend the Owosso Downtown Development Authority \$10,000 with an annualized interest rate of three percent (3%) until the ad valorem taxes are credited to the general fund of the Authority.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OWOSSO DIRECTS that the city of Owosso lend the Owosso Downtown Development Authority \$10,000 with an annualized interest rate of three percent (3%) until the ad valorem tax next due is credited to the general fund of the Authority.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Eveleth, Bailey, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: Councilpersons Erfourth and Fox.

ABSENT: Councilperson Cook.

## **COMMUNICATIONS**

Heather Rivard, DDA/OMS Director. Communication detailing new street closure policy for entities wishing to partner with the DDA/OMS for events downtown.

Historical Commission. Minutes of February 11, 2013.

Downtown Historic District Commission. Minutes of February 20, 2013.

Parks & Recreation Commission. Minutes of February 25, 2013.

## **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilperson Fox said he had spoken with the Homebuilders Association recently to inquire about progress on the house at 1409 West Main Street. While the cost to repair the home have

proceeded higher than expected they anticipated work being completed by the end of April. Mr. Fox also went on to commend the DPW for their efforts in keeping the streets clear of snow and ice.

**NEXT MEETING**

Monday, March 18, 2013

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals, term expires 06-30-2015 (candidate must possess construction knowledge)

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 9:25 p.m.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk

RESOLUTION NO. \_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO PROVIDE FOR DESIGN STANDARDS**

WHEREAS, the City of Owosso completed a master plan in 2012; and

WHEREAS, the master plan indicates that zoning changes should be pursued to modernize the city code, specifically included new design standards; and

WHEREAS, the planning commission has held a public hearing on this proposed amendment and finds the changes to meet the guidelines of the master plan.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 38, Zoning, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That Section 38-393 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~Sec. 38-393. Fences, walls, or screens.~~

~~(a) Definition. "Required yard" means that portion of any lot on which the erection of a main building is prohibited.~~

~~(b) Where permitted; height.~~

~~(1) In the residential districts; also the OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1 districts: Fences, walls or screens are permitted on all lots of record within required side or rear yards, provided they do not exceed six (6) feet in height, measured from the surface of the ground, and are permitted in front required yards provided they do not exceed three (3) feet if of such a nature to obstruct vision; where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four (4) feet, measured from the ground surface except as otherwise provided in this chapter.~~

~~(2) In the I-1 and I-2 districts:~~

~~a. 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 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.~~

~~b. Except as provided below, barbed wire strands 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 on major streets.~~

~~(c) *Visibility at street intersections.* 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.~~

~~(d) *Visibility at intersections of driveways or alleys with streets.* No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty (20) feet in any direction of the intersection of the edge of a driveway with the right of way line. The area of non-obstructed vision shall be between the heights of three (3) feet and ten (10) feet measured from the centerline of the street pavement.~~

~~(e) *Prohibited fences.* Except for the provisions of (b)(2)b. above and (f) below, fences, walls or structural screens may not contain barbed wire, electric current, charges of electricity or any wire fence other than a chain link fence.~~

~~(f) *Essential services and school off-campus facilities and bus garages.* For essential services and off-campus school facilities and bus garages, the use of barbed wire atop fences six (6) feet in height is permitted in all zoning districts with the barbed wire tilted in toward the fenced parcel.~~

~~(g) *Installation.* Any fence with an unfinished side, e.g. stockade fence, shall be installed along or about a lot line so that the finished side of the fence faces the exterior of the lot.~~

~~(h) *Permit fee.* A permit shall be required with a fee to be prescribed by resolution of the council and paid to the city treasurer.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited under the existing section of "General Provisions."

SECTION 3. ADDITION. That the new Section 38-393 and 38-396, 38-397, and 38-398 which read as follows, shall be adopted:

**Section 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.

(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.

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(C) Regulations applicable to R-1, R-2, RM-1, MR-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;

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2. Front yard fences or hedges must be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a

Deleted: be of a decorative nature (chain-link is not considered to be of such quality),

height of 30" 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 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;

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~~5.~~ The finished side of any fence shall face away from the property on which the fence is located;

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~~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;

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~~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.

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~~8.~~ Fences shall not be constructed, in whole or in part, with any of the following materials:

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- (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.

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~~9.~~ No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.

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~~10.~~ Screening walls are required as prescribed in section 38-389.

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(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. Except as provided below, barbed wire strands 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.
  3. 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.
  4. 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.

**Sec. 38-396. MECHANICAL EQUIPMENT AND UTILITIES.**

The following requirements shall apply to all site plans and new installations, not including replacement equipment and wind energy systems, for uses in the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts.

- (A) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.
- (B) Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the B-3 zoning district.
- (C) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters or related devices, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air condition equipment (HVAC), and other similar equipment, shall comply with the following standards.

1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.

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2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level.

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**Section 38-397. COMMERCIAL DESIGN REQUIREMENTS.**

The following design requirements for commercial buildings shall be applied during site plan review to development within the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts. These standards shall also apply to those elevations and parking areas that face a state highway and are within 200 feet of the right-of-way.

*A. Exterior building design.*

1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.

2. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.

3. Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).

4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.

5. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required by the ordinance.

6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

*B. Building materials.*

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. The predominant building materials (50% or more of the face) should be quality materials such as earth-toned brick, native stone, and tinted/textured concrete masonry units and/or glass products.
3. Other materials such as smooth-faced concrete block, EIFS panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

C. *Building colors.*

1. ~~High intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission.~~
2. ~~Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.~~

**Deleted:** Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of h

**Deleted:** for building trim

**Deleted:** 2. The use of trademark colors not meeting this requirement must be approved by the Planning Commission.¶  
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D. *Roof design.*

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
2. Roofs shall have no less than two (2) of the following features:
  - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
  - b. Overhanging eaves, extending no less than one (1) foot past the support walls;
  - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
  - d. Three (3) or more roof slope planes.
  - e. A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

E. *Customer entrances.*

1. Each large retail establishment (15,000 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five (5) of the following:

- a. canopies or porticos;
- b. overhangs;
- c. recesses/projections;
- d. arcades;
- e. raised corniced parapets over the door;
- f. peaked roof forms;
- g. arches;
- h. outdoor patios;
- i. display windows;
- j. architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. a specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

2. Where additional units will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.

3. A bike rack or other acceptable form of bike parking or storage shall be provided near the primary entrance of all commercial structures. This shall not apply to structures in the B-3 zoning district.

**Deleted:** in a ratio of no less than one bike slot or space for each ten parking spaces provided onsite, with a minimum of two such slots or spaces

F. *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

G. *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

H. *Natural features.* When feasible and not in direct conflict with site needs, buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

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I. *Building location and orientation.* New buildings shall have at least one principal building entrance oriented toward the front lot line.

J. *Sidewalks.* All development shall include a provision for sidewalks within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, primary structures, and any other on-site amenities.

### **Section 38-398 – RESIDENTIAL DWELLING DESIGN STANDARDS:**

#### **A. Intent**

This Section is intended to establish regulations for the construction of new residential dwellings zoned R-1 and R-2, including reconstructed and in-fill housing. The standards herein are intended to:

1. Prevent grossly dissimilar dwellings which would adversely affect the value and character of dwellings in the surrounding area.
2. Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
3. Ensure the stability of the environment.
4. Promote the most appropriate use of real estate.
5. Increase the opportunity to realize the development pattern envisioned in the Owosso Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

#### **B. Applicability**

The regulations of this Section shall apply to all new single family home construction zoned R-1 and R-2. Major home expansions where the homeowner is expanding the footprint of the home by forty percent (40%) or more shall comply with subsections 38.398.D.9, 38.398.D.10, and 38.398.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the one and two family zoning districts.

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C. Approval

Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection D below.

D. Standards

1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable building codes.
3. Each such dwelling unit shall comply with the minimum standards listed throughout the zoning code for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the city's adopted building code.
5. The dwelling shall have an attached or detached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12 below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the city's building code relative to grade separation and fire restrictive requirements.
6. Each such dwelling unit shall contain a storage area equal to or greater than ten percent (10%) of the square footage

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of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

7. The roof shall have a minimum 4:12 pitch with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall be composed of metal or wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
9. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the city's building code.

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10. In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.

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11. In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.

12. Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one (1) or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the Building Official. In considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

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- a. Exterior building material used on the proposed dwelling
- b. Roof style
- c. The design and position of windows
- d. Front entry design (presence of porches, front door location, etc.)
- e. Garage style and design

If the Building Official cannot reach a determination on architectural compatibility or the petitioner disputes the findings, the application shall be forwarded to the Planning Commission for review and final action.

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¶ An applicant may appeal the decision of either the Building and Zoning Administrator or the Planning Commission to the Zoning Board of Appeals. The City shall provide written notification of denial at the last address of record. A written application for an appeal hearing before the Zoning Board of Appeals shall be filed with the office of the Building and Zoning Administrator within 15 calendar days of the receipt of the notice of denial.¶  
¶

E. Exceptions

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or

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federal law or otherwise specifically required in this ordinance and pertaining to such parks.

SECTION 3. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 4. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 6. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

RESOLUTION NO. \_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO PROVIDE FOR TEMPORARY USES, TEMPORARY STRUCTURES, AND OUTDOOR DISPLAYS**

WHEREAS, the City of Owosso completed a master plan in 2012; and

WHEREAS, the master plan indicates that zoning changes should be pursued to modernize the city code; and

WHEREAS, the planning commission has held a public hearing on this proposed amendment and finds the changes to meet the guidelines of the master plan.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 38, Zoning, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That a specific definition within Section 38-5 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~*Temporary use or building.* A use or building permitted by the board of appeals to exist during periods of construction of the main building or use, or for special events.~~

SECTION 2. REPEAL. That Section 38-504.4.a of the *Code of Ordinances*, which read as follows, shall be repealed:

~~*Temporary permits.* For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:~~

- ~~1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board on a special form used exclusively for that purpose.~~
- ~~2. The board shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.~~
- ~~3. A temporary permit shall not be granted unless the board finds adequate evidence that the proposed location or use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department or the city director of public services.~~
- ~~4. The board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.~~
- ~~5. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be~~

~~vacated upon expiration of a specific time limit not to exceed six (6) months. No permit shall be transferable to any other owner or occupant.~~

SECTION 3. NAME. The amended Ordinance shall be known and cited as the “City of Owosso Temporary Structures and Uses.”

SECTION 4. ADDITION. That new definitions within Section 38-5 shall be added to read as follows, shall be adopted:

*Temporary Structure.* Any structure erected for the purpose of temporarily housing displaced persons or permitting occupancy for construction related functions related to an ongoing construction or building project.

*Temporary Use.* Any use, event, or display of a temporary, seasonal, or portable nature that is customary and incidental to the primary permitted use, providing that such use is not otherwise regulated or permitted by this ordinance or a valid site plan.

SECTION 5. ADDITION. That the new Section 38-399 which read as follows, shall be adopted:

**Section 38-399. Temporary structures and uses.**

- A. *Conditions applicable to all temporary structures, uses, and displays:* Unless otherwise noted, the following conditions shall apply to all temporary structures, uses, and displays.
1. All such uses and structures must first be reviewed and approved by the building official.
  2. The use of any space or structure must be one permitted as-of-right within the applicable zoning district.
  3. Adequate off-street parking, site ingress/egress, and adequate clear vision areas shall be provided.
  4. The applicant shall specify the exact duration of the temporary use, and no permit for any temporary use, structure, or display shall be valid for more than one calendar year.
  5. Approval of other applicable government agencies is required to ensure compliance with applicable health and safety regulations and standards.
  6. The use must be carried out so as to meet all zoning and general ordinance provisions and shall not create or result in any Nuisance Factors.
  7. Temporary structures shall comply with the setback standards for the district in which they are located.

8. The building official or his/her designee shall approve any and all plumbing, electrical, and mechanical connections to any temporary structure.
9. The building official or zoning administrator may require the applicant to furnish the city with a performance bond in accordance with Section 29-48 of the city ordinance to ensure removal of the temporary structure, use or display.

B. *Temporary structures used for residential purposes:* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the building official.

Also, a manufactured dwelling unit or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

1. An occupancy permit is issued by the building official for the temporary residence.
2. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
3. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.

C. *Temporary structures used for nonresidential purposes:* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project.

1. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
2. Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure. A certificate of occupancy shall be required for such structures.

D. *Temporary uses in accessory structures:* A temporary building or structure may be used as an accessory building or structure if it meets all accessory structure requirements of this code.

- E. *Special purpose temporary uses:* The following conditions apply to specific temporary uses:
1. *Carnival, circus, festival, seasonal markets (public and/or private lands):*
    - a) *Operator, sponsor or beneficiary:* Government or not for profit entities only.
    - b) City council approval required.
  2. *Sidewalk uses including display, sales, and other features:*
    - a) *Time:* Operating hours only. The business must be open and staffed.
    - b) *Location:* In the B-3 zoning district only.
    - c) *Sidewalk coverage:* An area no less than four feet wide shall be maintained for passage of pedestrians at all times.
    - d) *Uses:* For portable signs, display, sale, and/or service of onsite products and activities only, including retail goods and food service. No off-premise advertising, sales, or services are permitted (i.e. vendors are not permitted).
    - e) *Exceptions:* Planters, bike racks, and decorative features may remain outside provided they adhere to all performance standards of the ordinance.
    - f) *Additional requirements:* The approval of the building official and street administrator is required; owner must provide liability insurance for activities in the right-of-way.
  3. *Christmas tree sales:*
    - a) *Maximum duration:* 45 days.
    - b) *Clean-up:* Stumps, branches, and other debris shall be completely removed from site.
    - c) Building official approval required.
  4. *Roadside produce or farm stands:* Because roadside stands are seasonal in character and utilized on a temporary basis, roadside stands shall be allowed in Business Districts by the city for periods not to exceed six months provided a temporary permit is obtained from the city and provided the following provisions are met:
    - a) The sale of farm products in a roadside stand shall not take place within the dedicated right-of-way of any thoroughfare within the city, and assurances shall be made to the city that ample off-street parking has been provided, and adequate ingress and egress provided to the stand.
    - b) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
- F. *Outdoor sales and display in conjunction with an existing business (private lands only):*
1. *Location:* In the B-1, B-2, & B-4 zoning districts only; front or side yards only; use cannot occur in areas dedicated to parking, storm water detention/collection, or areas required for emergency use or clear vision.

2. *Lot coverage:* An area no more than two hundred (200) square feet shall be used as outdoor sales and display area.
3. *Setbacks:* Setbacks from the right of way and all lot lines must be a minimum of 10 feet or that setback require by Article XVI, whichever is less.
4. *Uses:* For display, sale, and/or service of onsite products and activities only. No off-premise advertising, sales, or services are permitted (i.e. vendors and/or leased space are not permitted).
5. *Additional requirements:* Any loose debris, damaged products, unsecured materials, or products determined to be junk, waste, or scrap in nature shall be deemed a nuisance per se.

SECTION 6. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 7. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 8. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 9. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.