



**CITY OF OWOSSO  
PLANNING COMMISSION  
Regular Meeting**

Monday, July 22, 2019 at 6:30 p.m.  
Council Chambers – Owosso City Hall  
301 W. Main Street, Owosso, MI 48867

**AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA – July 22, 2019

APPROVAL OF MINUTES – May 28, 2019

PUBLIC HEARING: None

OLD BUSINESS: None

NEW BUSINESS:

1. Administrative Site Plan Ordinance Review
2. Sign Ordinance Review
3. Recreational Marijuana Emergency Rules Discussion

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Monday, August 26, 2019, if any requests are received.

**Commissioners, please call Tanya at 989-725-0540 if you will be unable to attend this meeting**

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

**MINUTES  
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
MONDAY, MAY 28, 2019 – 6:30 P.M.**

**CALL TO ORDER:** Chairman Wascher called the meeting to order at 6:35 p.m.

**PLEDGE OF ALLEGIANCE:** Recited

**ROLL CALL:** Roxane Cramer, Deputy City Clerk

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jordan London from Edmund London & Associates; Justin Sprague and Kelly McIntyre both with Community Image Builders; and City Manager, Nathan Henne

**APPROVAL OF AGENDA:**  
**MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY SECRETARY FEAR TO APPROVE THE AGENDA FOR MAY 28, 2019.**

**YEAS ALL. MOTION CARRIED.**

**APPROVAL OF MINUTES:**  
**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER LAW TO APPROVE THE MINUTES FOR THE APRIL 22, 2019 MEETING.**

**YEAS ALL. MOTION CARRIED.**

**PUBLIC HEARINGS: NONE**

**OLD BUSINESS: NONE**

**NEW BUSINESS: Site Plan Memorial Healthcare**

Mr. London presented a slide presentation of the building being proposed as the Memorial Healthcare/Neuro/Ortho Wellness Center. He detailed the design of the building.

Commissioners then reviewed the site plan and there was discussion about the building, the lighting, drainage, and the buffer zone with the residential area. Mr. London addressed commissioners concerns along with Doug Pratt from Rowe Engineering.

At this point City Manager Henne introduced Justin Sprague from CIB Planners to explain their review of the site plan.

Mr. Justin Sprague explained that CIB Planners are the City of Owosso's planning consultants. He then went on to explain that the Healthcare wanted to seek a PUD for the entire campus but for expediency they decided to go with a regular site plan with 2 variances. Mr. Sprague then introduced Kelly McIntyre from CIB Planners.

Ms. McIntyre, with CIB detailed the letter she had sent that was included in commissioner's packet. She explained that it will be located in two zoning districts. The proposed Wellness Center will be located in the office service district and the parking expansion will be in the residential district. The setbacks are in compliance for the Wellness Center. Ms. McIntyre did explain that they will have to seek a variance for the height of the building 39' 10' because in the office service district it is a height limit of 35'. This is one of the 2 variances they will need to seek. The parking lot setback against Ada Street will not meet the 50' setback it is proposed setback of 25', which will require a variance. A continuous wall is requested to buffer between the parking lot and the residential area. It could be a built wall or a landscape buffer. They have proposed parking lot landscaping and landscaping to enhance the entrance. Ms. McIntyre further explained they had provided a lighting plan and it looks good. All existing curb cuts not in use must be removed and filled in, that is a requirement of the engineers. Ms. McIntyre stated that CIB Planners recommend approval of the Memorial Healthcare Neuro/Ortho Wellness Center Site Plan, conditioned upon the following:

1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval;
2. The applicant obtaining a variance for the height of the building;
3. Details for the screening of roof- and ground-mounted mechanical units;
4. Details on construction and materials of the dumpster enclosure;
5. The applicant obtaining a variance for the parking lot setback to the east (Ada Street)
6. Planning Commission approval of a landscaped buffer instead of a wall along the north property line;
7. Material samples submitted to and accepted by the Planning Commission;
8. Replace the proposed pole-mounted metal halide fixtures with LED fixtures, and
9. Review and approval by the appropriate city departments, consultants, and agencies.

Commissioner Taylor asked about the landscape barrier. There was discussion about the landscape barrier. Secretary Fear asked about the drainage calculations. There was a discussion regarding the drainage.

**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER LAW TO APPROVE A REVISED SITE PLAN ADDRESSING DRAINAGE, LANDSCAPE BUFFER AND CONSTRUCTION MATERIALS.**

**ROLL CALL VOTE:**

**YEAS: COMMISSIONERS ADAMS, SECRETARY FEAR, COMMISSIONERS JENKINS, KIRKLAND, LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER TAYLOR AND CHAIRMAN WASCHER.**

**NAYS: NONE**

**YEAS ALL. MOTION CARRIED.**

**NEW BUSINESS: Site Plan – Consumers**

Mr. Sprague explained that this is a small site plan. Consumers Energy has a small gas regulator facility under 1,000 square feet and are replacing it with a new building. Most communities for a site plan this small, 1000 square feet or less, do it administratively but the City of Owosso ordinance doesn't allow that. Mr. Sprague stated his interpretation of the ordinance is if you are replacing something it should be replaced with what is at least existing or better. The current building is all brick and the building they are replacing it with will be 1/3 brick and the rest some sort of siding.

Doug Pratt from Rowe Engineering, the engineer on the project, addressed questions from commissioners, regarding drainage, the materials for rebuilding. He explained that this is part of Consumer's ongoing maintenance program to refurbish the building and piping.

**MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER LAW TO APPROVE THE SITE PLAN CONTINGENT UPON APPROVAL BY THE CITY ENGINEER AND IT BE REPLACED WITH AN ALL BRICK STRUCTURE.**

**ROLL CALL VOTE:**

**YEAS: SECRETARY FEAR, COMMISSIONERS JENKINS, KIRKLAND, LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER TAYLOR, ADAMS AND CHAIRMAN WASCHER.**

**NAYS: NONE**

**YEAS ALL. MOTION CARRIED.**

**OTHER BOARD BUSINESS**

None

**PUBLIC COMMENTS AND COMMUNICATIONS**

Commissioner Fear asked Mr. Sprague if the commission would receive report like they did tonight for the Health and Wellness Building.

Mr. Sprague explained they would receive reports for anything that comes before the planning commission. He also explained that typically CIB would recommend one way or the other or it could be recommend denial upon waiting for more information to be provided. He further explained they would work out the details before the applicant would come to the planning commission.

City Manager Henne explained that staff will go over and review site plan as well as CIB Planners.

CIB Planners are currently working on the Master Plan to make Owosso a redevelopment ready community.

**ADJOURNMENT**

**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO ADJOURN AT 7:24 P.M.**

**YEAS ALL, MOTION CARRIED.**

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Janae L. Fear, Secretary



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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ (989) 725-0599 ▪  
FAX (989) 723-8854

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DATE: 7.22.19  
TO: PLANNING COMMISSION  
FROM: CITY MANAGER  
SUBJECT: Administrative Site Plan Review Ordinance

**BACKGROUND:**

The City does not have any means to approve minor site plans at the staff level like other communities. Having this ability would streamline the process for small projects by precluding the need to have a full Planning Commission site plan review. This new ordinance would streamline the process and satisfy a small portion of our Redevelopment Ready Community certification efforts.

**SUMMARY:**

This new ordinance would allow city staff to approve:

1. New construction of any permitted non-residential or multi-family development that is less than 2000 sq ft
2. Construction of an addition less than 2000 sq ft in a non-residential district
3. Construction of expansion of an impervious surface less than 5000 sq ft
4. Changes in use from a non-conforming use to a more conforming use
5. A vacant existing building or site to be re-occupied by a use permitted and will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks
6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer
7. Relocation of a waste receptacle or screening around the waste receptacle
8. Accessory structures in non-residential districts
9. Temporary uses, sales, and seasonal events
10. Erection of a tower, antenna, or other community facility, essential public service building.
11. Minor revisions to an approved site plan limited to:
  - a. Changes to façade or architectural features
  - b. Alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance

Site plan application and submittal requirements are required for administrative site plan approval.

**RECOMMENDATION:**

Recommend to City Council that they adopt this administrative site plan review ordinance.

Sec. 38-390. - Site plan review.

When provisions of this chapter require submission of a site plan ~~to the planning commission~~, it shall be submitted in accordance with the provisions of this section. Site Plans may be approved Administratively or by the Planning Commission, depending on the proposal.

- (1) Submission for approval. A site plan shall be required for the following:
  - a. Any use or development for which the submission of a site plan is required by any provision of this chapter;
  - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 38-380, off-street parking requirements;
  - c. Any use in an RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, I-1, I-2, P-1 or PUD district;
  - d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;
  - e. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, colleges, institutions, and public facilities;
  - f. Accessory buildings or building additions which require additional off-street parking.

(2) All site plans must be reviewed and approved by the Planning Commission, with the exception of the following, that may qualify for an Administrative Site Plan Review.

- a. The Zoning Official, at his discretion, may send a development otherwise eligible for Administrative Site Plan Review to the Planning Commission for review and approval.
- b. The following development/construction/activity within the City is eligible for Administrative Site Plan Approval:
  1. New construction of any Principally Permitted non-residential or multiple family development that is less than 2,000 square feet in floor area;
  2. Construction of an additional less than 2,000 square feet in floor area in a non-residential district;
  3. Construction of expansion of an impervious surface less than 5,000 square feet in area;
  4. Changes in use from a non-conforming use to a more conforming use;
  5. A vacant existing building or site to be re-occupied by a use permitted and will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks;
  6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer;
  7. Relocation of a waste receptacle or screening around the waste receptacle;
  8. Accessory structures in non-residential districts;
  9. Temporary uses, sales, and seasonal events;
  10. Erection of a tower, antenna, or other community facility, essential public service building
  11. Minor revisions to an approved site plan, limited to:
    - a) changes to façade or architectural features
    - b) alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance;
- c. Site Plan Application and Submittal Requirements are required for Administrative Site Plan Approval, consistent with Section 38-390 (3).

(23) —Any person seeking site plan approval hereunder shall submit a site plan, application, and the applicable filing fee to the building department. Application should be made a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting. The building department shall provide application forms and graphic standards for the site plan. Said site plan shall be prepared by a professional architect, engineer, landscape architect or land planner and must contain the following information:

- a. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more;

- b. Date, northpoint, scale, and area of the site in acres;
- c. The dimensions of all lot and property lines, showing the relationship of the subject property to the abutting properties;
- d. The location of all existing and proposed structures and utilities on the subject property and all existing structures within one hundred (100) feet to the subject property;
- e. The location and layout of all existing and proposed drives and parking areas;
- f. The location and right-of-way widths of all abutting streets and alleys;
- g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
- h. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;
- i. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;
- j. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;
- k. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;
- l. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.

(43) Upon receipt of a complete site plan, application, and application fee the building department shall forward said documents to the ~~community development department~~Zoning Official for distribution to appropriate City departments for comment. Staff comments shall be made with respect to compliance with the minimum technical requirements of City ordinances and the quality of the development consistent with the intent of the building codes, zoning codes and ~~comprehensive plan~~Master Plan. Upon receipt of all staff comments~~st~~, the ~~community development department~~Zoning Official shall either complete the site plan review under the administrative site plan approval process or review the site plan and make its recommendation to the Planning Commission which shall consider the application, site plan, all staff, City, and consultant comments~~ss, and community development department~~ and recommendations~~s~~ at the next scheduled meeting.

(54) A—Final approval of site plan. Every site plan submitted to the ~~planning commission~~City shall be in accordance with the requirements of this chapter. ~~Three (3) copies~~Copies of the site plan shall be submitted to the building department ~~ten (10)~~ 30 days prior to the City Planning Commission's regular meeting. No site plan shall be approved until and unless a letter of assurance has been received from the building inspector, that the site plan has been reviewed by and is in conformance with all applicable standards of the building department, police department, fire department, engineering department, and city utility department. Further, no construction, reconstruction, demolition, or other site work may progress during the interim, and no building permit(s) shall be issued prior to the final approval of the site plan by the Zoning Official or by the the Planning Commission. Upon granting final approval of a site plan, the chairman of the planning commission shall sign all three (3) copies of the site plan will be stamped and signed for approval, returning one (1) copy to the petitioner, and delivering two (2) copies to the building inspector. ~~The site plan submitted for final approval by the planning commission shall include:~~

- ~~a. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;~~
- ~~b. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;~~
- ~~c. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;~~
- ~~d. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;~~
- ~~e. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.~~

(65) In the process of reviewing the site plan, the Zoning Official or Pplanning Ccommission shall consider:

- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;
- b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
  - 1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  - 2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods;
- c. The Zoning Official or Pplanning Ccommission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;
- d. In those instances wherein the Zoning Official or Pplanning Ccommission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the ~~planning commission~~City may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the ~~planning commission~~City may recommend that money in escrow be placed with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or moneys have been deposited with the clerk.
- e. Whether the site is located within a designated historic overlay district, and whether the proposed action would have an adverse impact on the resources of the historic overlay district, as defined in subsection 38-32(b)(4). The Pplanning Ccommission may deny the proposed action if the action would have an unacceptable adverse impact on the historic resource or the historic overlay district itself. The Pplanning Ccommission may also require landscaping or other reasonable methods to minimize the adverse impact any proposed action may have on a historic resource or on the historic overlay district itself.

(76) —An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any natural feature for all planned unit developments.

- a. *Procedure for PUD site plan review.*
  - 1. The applicant for PUD site plan approval shall file with the ~~community development director (hereinafter "director")~~City Zoning Official all drawings and other materials



required for site plans in this chapter, all drawings and other materials required in Section 38-395 for PUD zoning district approval, and the additional information listed below. A PUD site plan application shall not be considered filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.

2. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information, including but not limited to plans, elevations, building and site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
  3. The ~~director-Zoning Official~~ will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district supplemental regulations and conceptual PUD plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a development agreement as provided in this chapter. The ~~director-Zoning Administrator~~ will notify the applicant of any questions raised by the City departments and other reviewing agencies and negotiate a development agreement with the applicant if it is determined that such an agreement is needed. The director shall submit a report and recommendation to the planning commission based on this review.
  4. The Planning Commission, after holding a public hearing on the PUD site plan with notification as required by this chapter, shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.
- b. *Standards for PUD site plan review.* City Council, after holding a public hearing on the PUD site plan with notification as required by this chapter, and after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:
1. The development would comply with the PUD zoning established pursuant to the requirements of section 38-395, and with all applicable local, state, or federal laws, ordinances, standards and regulations; and
  2. The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this chapter; and
  3. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.
- c. *Development Agreement.*
1. Upon obtaining approval of a site plan, the applicant and the City Council may enter into a Development Agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The City Council may approve the Development Agreement immediately following approval of a site plan or it may be placed on a subsequent agenda of the City Council. The applicant shall reimburse the City for all fees for City legal counsel and consultant participation in the Development Agreement.
  2. The approved Development Agreement shall be recorded with the county Register of Deeds.
  3. In the event the site plan requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded as provided in subsection (5)c.2. above.

- d. *Effect of PUD site plan approval.* For three (3) years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect as the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved developments. After three (3) years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided under administrative amendments to approved PUD site plans.
- e. *PUD site plan amendments.* A minor change to an approved PUD site plan may be approved by the Planning Commission as provided in this chapter except that the proposed changes shall not alter the fundamental design, conceptual integrity, natural features shown to be preserved, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations. The following restrictions shall also apply:
1. Adjustment in approved phases of development shall not result in a change greater than ten percent of the total gross area in any phase, or ten percent of the number of approved lots, or ten percent of the approved maximum building square footage.
  2. For residential buildings the size may be reduced or increased by five percent, provided the overall density of units does not increase and the minimum square footage requirements are met.
  3. Gross floor area of non-residential buildings may be decreased or increased by up to five (5) percent or ten thousand (10,000) square feet whichever is smaller.
  4. Floor plans may be changed if consistent with the character of the use.
  5. Horizontal and/or vertical elevations may be altered by up to five (5) percent.
  6. Relocation of a building is permitted by up to ten (10) feet, if consistent with required setbacks and other standards.
  7. Designated "areas not to be disturbed" may be increased.
  8. Plantings approved in the final PUD site plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved, which are lost during construction, may be replaced by at least two (2) trees of the same or similar species.
  9. Improvements or slight relocation of site access or circulation patterns are minor changes, such as inclusion of deceleration lanes, boulevards, curbing, and pedestrian or bicycle paths.
  10. —Changes of building materials to another of higher quality can be made, with determined of quality a judgment of the building inspector.
  11. Slight modification of sign placement or reduction of size may be made.
  12. —Internal rearrangement of a parking lot is possible if the change does not affect the number of parking spaces or alter access locations or design.
  13. Changes required by the City, county or state for safety reasons are a basis for a minor change.
- (87) It shall be understood that the petitioner agrees to install and/or construct all improvements in the approved site plan within twelve (12) months from the initiation of on-site construction, and to provide for their continued maintenance.
- (98) The Planning Commission may modify the foregoing requirements or waive them if it can be shown that no good purpose would be served in the preparation of a site plan.
- (109) The Planning Commission may require that a bond be posted by a developer(s) to assure that improvements connected with an approved site plan are made as proposed.

(Code 1977, § 5.90; Ord. No. 585, § 1, 6-21-99; Ord. No. 662, § 1, 10-18-04; Ord. No. 763, §§ 1—3, 4-6-15)

**State Law reference**— Site plan, MCL 125.584d.



# CIB PLANNING

Community Image Builders

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July 16, 2019

Planning Commission  
City of Owosso  
301 West Main Street  
Owosso, MI 48867

Attention: Nathan Henne, City Manager

At your request, CIB Planning has reviewed the proposed revisions to the City's current sign ordinance. The edits were started by former Assistant City Manager, Amy Cyphert, and CIB Planning completed the review and update. The proposed revisions will help limit the proliferation of signage and prescribe the high-quality signage the City of Owosso desires.

Signs perform an important function by identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. For businesses, signs can be an important investment and are essential to their commercial success. Sign regulations are needed, however, to reduce hazards, conflicts, unsightliness, confusion, and degradation of the community character. Though each sign serves a specific purpose, proliferation of inappropriately designed and located signs within an area, or along a road corridor, can reduce the effectiveness of individual signs to be read by the public, create safety hazards, and degrade the community's visual character and commercial viability.

Signage can have inadvertent negative impacts. By their very nature, signs are intended to attract the attention of those passing by, including drivers whose attention should be focused on the surrounding road conditions. The impact of signs on safety, particularly the safety of vehicular drivers and passengers, as well as the pedestrians and cyclists who share the right-of-way with vehicles, is a commonly cited reason for sign control. An illuminated sign that is too bright or whose message changes too frequently could become a distraction to drivers. To eliminate motorist distractions, signs that prohibit lighting that causes glare or impairs the vision of the driver are commonly included.

The effectiveness of existing signs can be reduced if the number, location, and size of signs creates a visually cluttered environment where individual messages are lost. Properly located signs can be an asset to the community.

The regulation of signs is limited to size, materials, structure, and light (footcandles), but may not regulate content. If the design of a sign is unattractive (or garish to you), but still meets size, material, structure, and other identified regulations, the sign must be approved

The proposed sign ordinance edits before you: re-organize the existing ordinance content; propose and expand ordinance definitions; revise the sign application and review process; expand prohibited signs; add provisions for temporary signs, nonconforming signs, and authority for a Sign Zoning Board of Appeals; clearly illustrate how to measure sign; and expand each district section.

Several sign types are worthy of further discussion and direction from the Planning Commission. These include:

1. **Razor flags/pennant signs and streamers/festoons.** These types of signs are popular as an inexpensive alternative to permanent signage. However, they are difficult to enforce as they are not typically permitted through the building department nor inspected by the building official. These signs can proliferate, cause visual clutter, and distract motorists. Additionally, their temporary nature results in the quick degradation/fraying/ripping, etc. of the signs, thereby potentially portraying a “temporary” and rundown community image. CIB Planning recommends these signs be prohibited.
2. **Pole Signs.** Many communities are eliminating pole signs completely (except if the community has frontage on an interstate highway). Communities are writing into their ordinance incentives to have pole signs/pylon signs replaced by ground signs (allowing a larger ground sign). CIB Planning suggests that pole signs remain a prohibited sign type as they create visual clutter and distractions to drivers (especially at night when illuminated). The elimination of these signs also helps promote the quality of design and character desired for Owosso. The ordinance permits existing signs to remain as a nonconforming sign, but requires removal if the sign is in disrepair or face change is desired.
3. **Electronic Messaging Signs.** With current technology, these signs are extremely popular in communities. Used not only by schools and churches to announce events, commercial businesses further use the signs to advertise sales. Difficulties arise when trying to monitor and regulate: the colors of the message, the frequency of changed content, the amount of glare generated from the sign, and light trespass onto adjacent properties.

CIB Planning recommends limiting the electronic board to a certain percentage of the permitted sign face.

4. **Murals.** Murals are becoming more popular in communities. Murals can be strictly art and decorative or can advertise a business. Using a mural as an alternative to a blank façade creates a unique and memorable building while also creating a sense of place. CIB Planning is currently working with several communities to write ordinance language. Things to consider include how to determine if a mural is a design element/“art” or if used for advertising and what percent of the mural may be used for direct advertisement. Furthermore, communities may use installation of a mural to encourage volunteerism and promote beautification. CIB Planning recommends the Planning Commission discuss and give direction to include/not include murals in the revised sign ordinance.

Please review the attached revised/edited ordinance language. We will review the proposed changes at the July 22, 2019 Planning Commission meeting, facilitate policy decisions on signs, and answer any additional questions. Following the approval of the ordinance language, the City attorney will review the ordinance and send to City Council for approval and adoption.

Should you have any questions before that time, please do not hesitate to contact us.

Sincerely,

CIB PLANNING



Kelly A. McIntyre

## Chapter 26 - SIGNS

### ~~ARTICLE I. — MICHIGAN BUILDING CODE~~

#### ~~Sec. 26-1. — Adoption of Michigan Building Code.~~

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

#### ~~Secs. 26-2, 26-4. — Reserved.~~

### ARTICLE ~~II~~I. - IN GENERAL

#### Sec. 26-~~51~~1. — Short title.

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

#### Sec. 26-~~62~~2. - Purpose.

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

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

- ~~a.1.~~ a.1. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- ~~b.2.~~ b.2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- ~~e.a.~~ e.a. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values and quality of life.
- ~~d.b.~~ d.b. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- ~~e.3.~~ e.3. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

- ~~f.c.~~ Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- ~~g.d.~~ Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- ~~h.4.~~ The regulations and standards of this article are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- 5. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
- ~~i.6.~~ Prevent off-premises signs from conflicting with other allowed land uses.
- ~~j.7.~~ Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- ~~k.8.~~ Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
- 9. Preserve and enhance the image of the ~~City~~ city's Central Business District.
- 10. To prohibit all signs not expressly permitted by this chapter.
- 11. To provide for the permitting of signage and the enforcement of the provisions of this chapter.
- 12. Permit signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

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

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

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

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



Sec. 26-3. – Reserved.

Sec. 26-84. - Reserved.

## ARTICLE ~~III~~ II. - DEFINITIONS

### Sec. 26-95. - Sign definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

appearance of a unified grouping of uses.

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

**Changeable message sign:** A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs; also called menu board, reader board or bulletin board. A sign on which the message is changed mechanically, electronically or manually. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage. Reference Electronic message sign (EMS) definition.

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

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

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

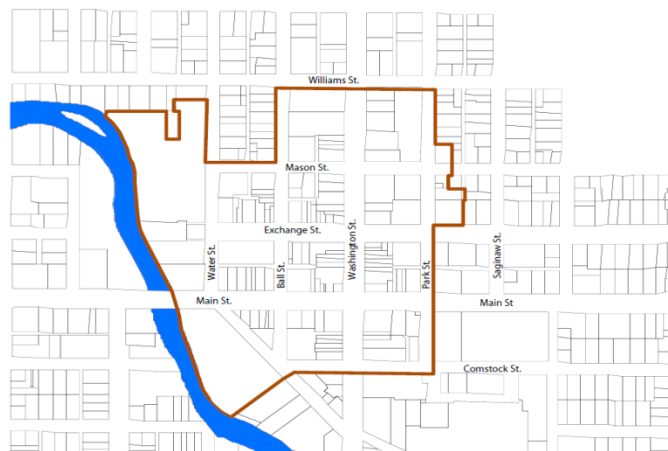
**Directional sign:** A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs. ~~Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a ground sign.~~

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

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

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

**Electronic message sign (EMS):** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This



definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

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

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

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

**Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity. Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

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

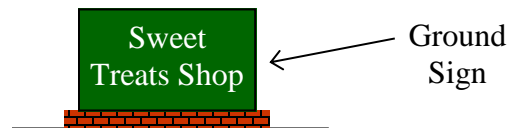
**Freestanding sign:** A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

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

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

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

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



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

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

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

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

and signs providing information on credit cards and business affiliations.

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

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

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

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

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

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

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

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

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

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

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

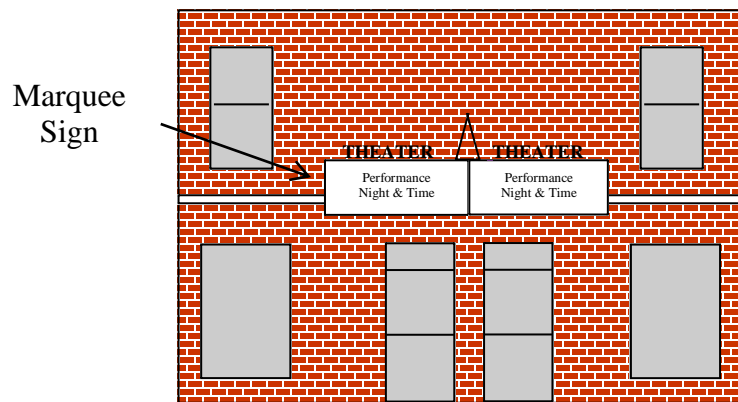
**Mural:** A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

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

**Neon sign:** See "outline tubing sign."

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

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



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

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

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

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

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

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

**Pennant.** ~~Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. A flag or banner that tapers to a point.~~

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

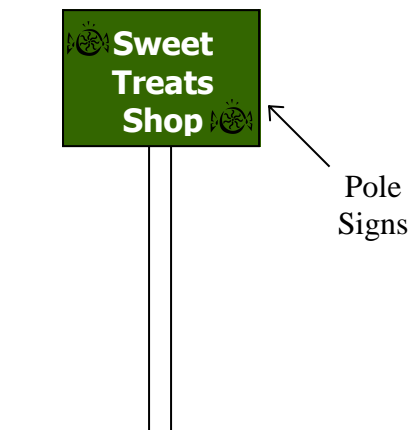
**Permanent sign:** A sign designed to be installed permanently in the ground or wall of a building that is constructed out of durable materials. ~~a minimum of 42 inches deep by use of a steel post, wood post or other appropriate materials.~~

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

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

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

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



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

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

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

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

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

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

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

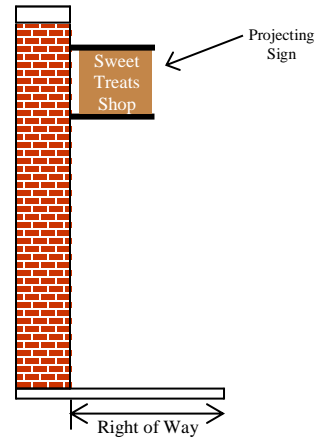
**Real estate sign:** An on-premises temporary sign advertising the property or structure's availability for sale or lease.

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

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

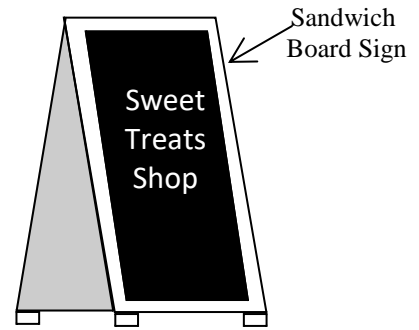
**Roof line:** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

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



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

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



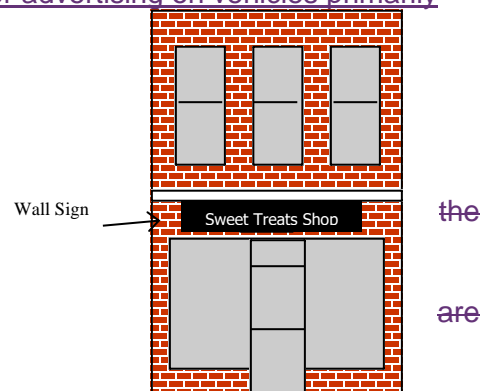
**Sign:** Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located. A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which may contain printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

**Temporary sign:** A sign not constructed or intended for long-term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time such as a garage or estate sale. A sign constructed of paper, cloth, canvas, plastic, cardboard, wall board, plywood, or other like material that are constructed for limited time use, lack a permanent foundation or mounting or is determined by the Ordinance Enforcer to be displayed for a limited time.

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

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

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







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



~~Sec. 26-10. – Reserved.~~

#### **ARTICLE IV III. - GENERAL PROVISIONS**

##### Sec. 26-6. Applicability; effect and scope.

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

##### ~~Sec. 26-117. – Permits required and fees.~~ Sign permits.

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

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

1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a permit to the City of Owosso.
2. It shall be unlawful for any person to erect, re-erect, change panels, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.
3. Applications for sign permits and the appropriate nonrefundable fee shall be made upon forms provided by the building department for this purpose and in accordance with application specifications published by the administrator. These specifications shall be as complete in form as necessary for evaluation of the sign in relationship to

the requirements of this chapter.

4. Within ten (10) days of receiving an application for a sign permit, the administrator shall review it for completeness. If the administrator finds that it is complete, the application shall then be processed. If the administrator finds that it is incomplete, the administrator shall, within such ten (10) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.
  
5. The administrator shall issue a permit within ten (10) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.  
When a permit is denied, the administrator shall within ten (10) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity.
  
6. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall inspect the work completed in conformance with the approved permit and applicable codes. If the construction is not complete within six months of the permit issuance date, the permit shall expire.

**Sec. 26-12. — Sign erector qualifications.**

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

**Sec. 26-13. — Application.**

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

**Sec. 26-14. — Completeness.**

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

**~~Sec. 26-15. – Issuance and denial.~~**

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

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

**~~Sec. 26-16. – Inspection.~~**

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

**~~Sec. 26-17~~ 8. - Signs exempt from permit regulations.**

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

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

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

1. Address signs
2. Building marker
3. Directional signs
4. Public signs and regulatory signs

5. Temporary signs as detailed in this chapter

6. Time and temperature signs

7. Window signage

**Sec. 26-189. - Prohibited signs.**

The following signs are prohibited in all districts:

- ~~a. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.~~
- ~~b. Moving signs and signs having moving members or parts, excluding barber poles, and electronic poles.~~
- ~~c. Signs using high intensity or flashing lights, festoons, spinners or other animated devices.~~
- ~~d. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.~~
- ~~e. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.~~
- ~~f. Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.~~
- ~~g. Roof signs unless specifically permitted elsewhere in this article.~~
- ~~h. Portable signs, as defined, not provided for in this article.~~
- ~~i. Pylon or pole signs not provided for in this article.~~
- ~~j. Any sign or sign structure which:
  - ~~1. Is structurally unsafe.~~
  - ~~2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.~~
  - ~~3. Is capable of causing electric shock to person who come in contact with it.~~
  - ~~4. Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.~~~~
- ~~k. Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.~~

1. Abandoned signs

2. Balloon signs

3. Festoons

4. Flashing signs
5. Illegal signs
6. Inflatable signs
7. Moving signs excluding barber shop poles
8. Obsolete signs
9. Pylon or pole signs
10. Off-premise signs, unless otherwise specified in this chapter
11. Outline tubing signs
12. Pennants
13. Portable signs
14. Roof signs
15. Vehicle signs
16. Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
17. Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers of motorized vehicles.
18. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
19. Signs which obstruct the minimum 5 feet of clearance required for Barrier Free accessibility.
20. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters

**Sec. 26-1910. - General standards for permitted signs.**

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

~~a. Sign setbacks.~~

- ~~1. All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.~~
- ~~2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least 100 feet from any residential district.~~

~~b. Location. Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall~~

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

~~c. Design and construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. New box sign panels with a white or tan background must be blackened internally so only the letters show when illuminated.~~

~~d. Illumination.~~

- ~~1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.~~
- ~~2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.~~
- ~~3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.~~
- ~~4. Underground wiring shall be required for all illuminated signs not attached to a building.~~

~~e. Maintenance and construction.~~

- ~~1. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.~~
- ~~2. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot or 75 mph.~~
- ~~3. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.~~

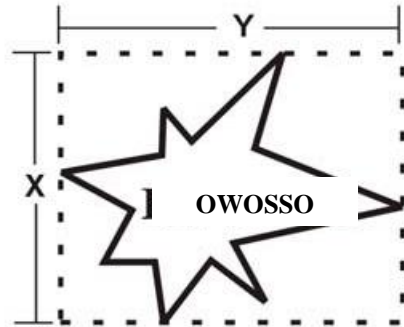
~~f. Measurement. Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).~~

- ~~1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.~~
- ~~2. When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign except that where two such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two feet.~~
- ~~3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are~~

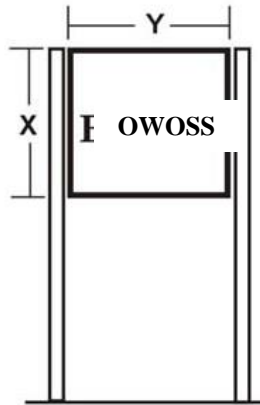
shown on the attached figures).

4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

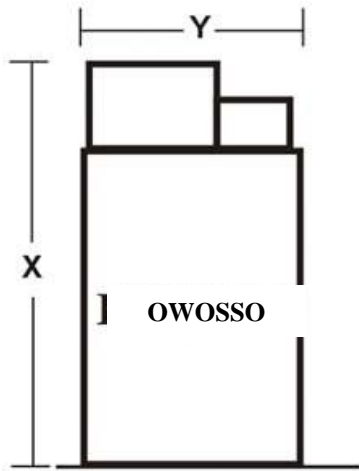
**Guidelines for Measuring Sign Face Square Footage**  
**Figure 26.1**



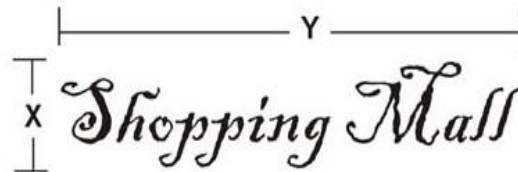
**ALL SIGNS**  
 Measurements taken from the outermost points of the panel



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



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



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

**Sec. 26-20. — Off-Premise Signs.**

**(a) Off-Premise Advertising.**

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise



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

1. ~~Area and Height Limitations: No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than twenty-five (25) feet above the ground and the bottom of the sign shall be at least ten (10) feet above the ground. Double faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.~~
2. ~~Location: Static and digital off-premise signs may be erected only in the Industrial District. No off-premise sign may be erected or maintained within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.~~
3. ~~Spacing: Off-premise signs shall be located no closer to one another than five hundred (500) feet.~~
4. ~~Illumination: An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.~~
5. ~~Digital Off-Premise Signs:~~
  - a) ~~Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.~~
  - b) ~~Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning ½ hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.~~
  - c) ~~Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.~~
6. ~~An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).~~
7. ~~An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.~~

~~(b) Combination Off-Premise & On-Premise Electronic Message Boards.~~

~~Digital signs which are used to advertise both on-premise and off-premise~~

~~establishments shall comply with the following regulations:~~

- ~~1. A permanent, static on-premise primary sign must be in existence totaling at least twenty-five (25) percent of the allowable sign size in the district. The balance of the total allowable sign area may consist of the Combination Off-Premise/On-Premise Sign.~~
- ~~2. The Combination Off-Premise/On-Premise Sign shall adhere to the regulations contained in.~~
- ~~3. Digital messages may advertise the on-premise establishment. The balance of the messages may advertise off-premise establishments under the same ownership and/or public service announcements.~~
- ~~4. Each message shall remain readable for at least six (6) seconds.~~
- ~~5. Combination Off-Premise & On-Premise Digital Signs shall be spaced at least five hundred (500) feet apart in all Districts.~~
- ~~6. Combination Off-Premise & On-Premise Digital Signs shall be allowed in the B-2, B-3, B-4, I-1 and I-2 Districts.~~
- ~~7. Combination Off-Premise/On-Premise Signs shall count toward the total sign area allowed for the property.~~

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

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

~~(d) Off-Premise Private Signs In The Public Right-Of-Way.~~

~~Private A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:~~

- ~~1. Signs shall be approved by the city council.~~
- ~~2. Signs shall be removed each night.~~

- ~~3. Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".~~
- ~~4. The owner of the property abutting the right-of-way on which the sign is placed shall be notified, prior to city council approval, that the sign is being requested.~~

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

1. The current edition of the Michigan Building Code shall be in full force and effect in the City as if set out fully herein. Complete printed copies of the code are available for public use and inspection at the office of the city clerk.
2. Sign setbacks.
  - A. All signs, unless otherwise provided for, shall be set back a minimum of five feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
  - B. Side yard setbacks for signs shall be the same as that required for the main structure or building.
3. Adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
4. Illumination.
  - A. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to the sign.
  - B. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
  - C. External sources of illumination shall be shielded and directed to prevent glare onto neighboring properties or the public right of way.
  - D. Underground wiring shall be required for all illuminated signs not attached to a building.
5. Maintenance, construction and design.
  - A. All signs shall be maintained in good structural condition at all times.
  - B. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
  - C. All signs, including any cables, guide wires, or supports shall have a minimum clearance of four feet from any electric fixture, electric line, street light, or other public utility pole or standard.

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

6. Addresses. Addresses shall be in compliance with the International Fire Code requirements for number size and visibility from the public right of way.

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

8. Directional Signs.

A. Private On-premise directional signs.

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

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

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

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

9. Temporary signs.

A. Temporary signs as defined in Sec. 26-9 are allowed without a permit subject to the following:

- i. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed fourteen (14) square feet. The maximum size of individual temporary signs shall not exceed six square feet in area. Temporary signs shall not be higher than forty-two (42) inches above average mean grade of the yard on which it is placed.

ii. Exceptions:

(a) For uses other than one and two family dwellings, temporary signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 10 feet in height.

(b) One temporary sign located on vacant land that is for sale or for lease, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 15 square feet of sign area per acre of land or 15 square feet of sign area per 100 lineal feet of thoroughfare frontage. In no case shall the sign be allowed to exceed 100 square feet of sign area or be more than 10 feet in height.

B. Location of Temporary Signs:

i. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.

ii. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

iii. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.

iv. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.

v. Signs shall be located so as to comply with the corner clearance requirements of the ordinance.

vi. Temporary signs shall not be illuminated.

C. Time Limitations for Temporary Signs: Temporary signs shall be removed within 60 days of placement, except for temporary signs that are located on real property that is for sale or lease.

10. Measuring sign area and height.

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

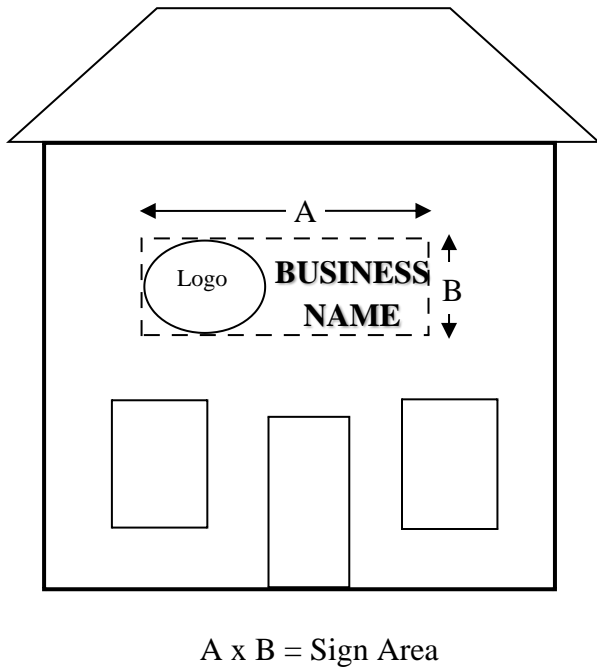
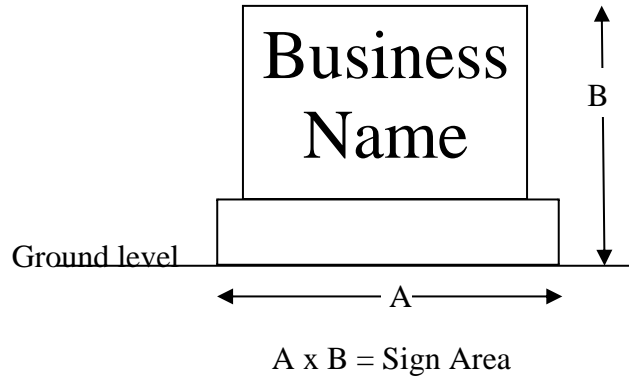
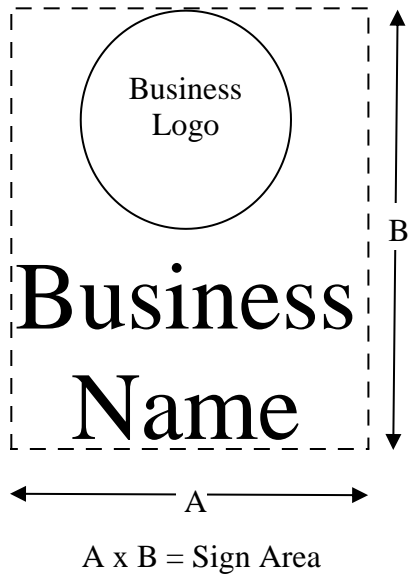
i. The sign area shall include the surface area which encloses the extreme limits of the sign copy together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

ii. A double faced sign wherein both sides are identical shall be considered as having one face and the area of one face shall be included in computing the allowable sign area.

B. Measurement of sign height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point

within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

Figure 26.1 Guidelines for Measuring Sign Face Square Footage



Measurements taken from the outer most points of the sign

### **Sec. 26-11. - Nonconforming signs.**

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

1. A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
2. A nonconforming sign shall not be replaced by another nonconforming sign.
3. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-22, dangerous, unsafe, abandoned, and illegally erected signs.
4. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

### **Sec. 26-12. - Dangerous, unsafe, abandoned, and illegally erected signs.**

1. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
2. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
3. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
4. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
5. Process for enforcing violations of section 26-5, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-5, the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article



is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

### **Sec. 26-13. - Administration of sign ordinance standards.**

1. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
2. Signs in the public right of way. In addition to the penalties prescribed below, any sign erected in the public right of way may be removed by the ordinance enforcer and stored in a safe location for at least 48 hours. During this period of time, the sign owner may obtain the sign from the City upon request and payment of a fee established in the City's Fee Schedule which will cover the cost of removal and storage. After 48 hours, the City may dispose of the sign.
3. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this article. Any such violation, including the failure to remove a sign when directed under the authority of this article, shall constitute a misdemeanor punishable in accordance with section ~~4-~~ 834-231 of the Owosso Code of Ordinances.

### **Sec. 26-14. – Board of Appeals**

1. Organization. The sign board of appeals shall be the zoning board of appeals as organized in chapter 38.
2. Powers and duties.
  - A. Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
  - B. Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit.
  - C. Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
  - D. Interpret the provisions of this chapter.
3. Grounds for variance. The board of appeals may grant a variance from the provisions or requirements of this chapter only where:
  - A. The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question.

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

**Sec. 26-21. – Specific sign standards.**

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

SIGN DIMENSIONAL STANDARDS AND REGULATIONS								
District	Wall, Canopy or Projecting Sign (c)		Ground Sign (e)			Temporary Signs (d)		
	Number Allowed	Max. Size	Number (b)	Max. Size Per Sign Face	Max. Height	Max. Size Per Sign	Total Area Per Parcel	Max. Height
R-1, R-2, RM-1, RM-2, R-T	-	10% of front façade for all uses other than single family homes, duplexes, and attached condominiums	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet
Home Occupations as allowed and defined in Sec. 38-394	1	Not to exceed a size of 2' x 3' mounted flush to the building *	-	-	-	-	-	-
B1, B-2, B-3, B-4 PUD	1 per business (a)	10% of front façade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet
I-1 and I-2	1 per business (a)	20% of front façade or 200 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet

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

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) One wall sign shall be allowed per business, in addition to any other allowed ground

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

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

~~(b) Only one ground sign is permitted per use, including uses which occupy more than one parcel and business centers containing more than one business or use, with additional signs permitted according to the following table, however, no site shall have more than two ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:~~

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

~~(c) Changeable message signs and gasoline price signs may be permitted as part of a monument sign in the Business Districts and Industrial Districts, and when associated with a commercial in accordance with the following:~~

- ~~(1) One changeable message sign or one gasoline price sign shall be permitted per premises, but not both.~~
- ~~(2) Message or gasoline price changes may occur electronically or manually.~~
- ~~(3) The area of a changeable message sign or gasoline price sign shall not exceed one-third the total area of the sign.~~
- ~~(4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.~~
- ~~(5) Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.~~
- ~~(6) Any voids or burned out bulb in an electronic display shall be replaced.~~
- ~~(7) Electronic changeable message signs and gasoline price signs shall be at least 100 feet from any residential district or use, except as modified in subsection 10 below.~~
- ~~(8) One gasoline price sign is permitted for an overhead gas pump canopy with an area not to exceed ten percent of the canopy façade and when this is the only changeable message sign on the property.~~
- ~~(9) One electronic message sign, meeting the above requirements, may be approved~~

by the planning commission for institutional uses, meaning a use by public or quasi-public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital, located in a residential district when meeting the following requirements:

- ~~i.—The institutional use is located on a minor arterial or collector road, as designated in the City of Owosso Master Plan;~~
- ~~ii.—That the sign will not create a nuisance for residential properties in the immediate vicinity of the sign, as determined by the planning commission and subject to any conditions;~~
- ~~iii.—The appropriate size of the sign shall be determined by the planning commission but shall be no greater than 50 square feet in area.~~

~~(d) Signs for temporary uses.~~

~~(1) Temporary signs include, but are not limited to the following:~~

- ~~i.—For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.~~
- ~~ii.—An on-site sign advertising an on-going garage, estate or yard sale.~~
- ~~iii.—Noncommercial signs which contain noncommercial information or directional messages.~~
- ~~iv.—Political signs.~~
- ~~v.—Holiday or other seasonal signs.~~
- ~~vi.—Construction signs for buildings under construction.~~
- ~~vii.—All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.~~

~~(2) Location of temporary signs shall comply with the following:~~

- ~~i.—Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.~~
- ~~ii.—Temporary signs shall not be located closer than 20 feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.~~
- ~~iii.—Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.~~
- ~~iv.—Temporary signs cannot be placed or constructed so as to create a hazard of any kind.~~
- ~~v.—Temporary signs may not be posted on private property without first obtaining the permission of the property owner.~~
- ~~vi.—Signs shall not be located within any clear vision triangle, as described in section 38-388 Corner Clearance.~~

~~(3) Time limitations for temporary signs. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.~~

- a. ~~Directional signs. No more than one directional sign shall be permitted for each approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table.~~
- b. ~~Projecting and canopy signs. Projecting signs and canopy signs may be used as an alternative to wall signs listed in the sign dimensional standards and regulations table, provided that they meet the following standards.~~
  - 1. ~~Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.~~
  - 2. ~~Projecting or canopy signs in the central business district shall be set back at least two feet from any street curb line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.~~
  - 3. ~~Projecting or canopy signs, in the B-1, B-2, B-4, I-1 and I-2, districts shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, and shall not project over an alley or private access lane. A projecting sign shall not extend for more than two feet from the building to which it is attached.~~
  - 4. ~~No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.~~
  - 5. ~~Wood posts or supporting arms shall not be used in conjunction with any projecting sign.~~
  - 6. ~~Projecting signs shall not exceed sixteen square feet in area.~~
  - 7. ~~Canopy signs shall not be internally illuminated.~~
- c. ~~Downtown Historic District. Any signs within the Downtown Historic District shall meet all requirements of the Owosso Historic District Commission prior to installation of new signage or modification of existing signage.~~
- d. ~~Entranceway signs. One permanent sign per vehicular entrance identifying developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of 15 feet from any property line or public right-of-way is permitted.~~
- e. ~~Portable A-frame signs. Portable A-frame or sandwich board signs are permitted in the B-1, B-2, B-3, and B-4 districts at the public building entrances to businesses subject to the following requirements:~~
  - 1. ~~One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.~~
  - 2. ~~The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.~~
  - 3. ~~Each sign shall not exceed an overall height of 42 inches and an overall width of 24 inches.~~
  - 4. ~~No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.~~

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

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

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

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

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

- C. A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.
  - D. No ground sign shall have an area exceeding 24 square feet per side.
  - E. A ground sign shall be located on the same parcel as the use.
  - F. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
  - G. One electronic message sign, meeting the above requirements, may be permitted for institutional uses located in a residential district when meeting the following requirements:
    - i. The institutional use is located on a major or minor arterial or collector road.
    - ii. The size of the electronic message sign shall be no greater than 50% of the allowable ground sign square footage.
6. Number of ~~pole or~~ ground signs. Not more than ~~one pole or~~ ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two ~~pole or ground~~ signs when the following is met:
- A. Frontage along two or more right of ways allows 1 ground ~~or pole~~ sign on each right of way
  - B. Greater than 300 feet of frontage along one right of way allowed 2 ground ~~or pole~~ signs.
7. Ground Sign shall be permitted as follows at the entrance of a residential subdivision:
- A. The top of the ground sign shall be no more than six feet above ground level.
  - B. A ground sign shall not extend closer than 5 feet to the adjacent public right of way and shall meet the adequate sight distance requirements of this chapter.
  - C. No ground sign shall have a single surface area exceeding 24 square feet per side.
  - D. A ground sign shall be located on the same parcel or at the vehicular entrance to identify a subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, or similar residential uses.
8. Temporary signs per Sec. 26-14 of this chapter.

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

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

- 1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a sign permit, and prior to installation of new signage or modification of existing signage.



2. Wall signs may be used provided that they meet the following standards:
  - A. One wall sign per business not to exceed 10% of front façade or 100 square feet, whichever is less is permitted.
  - B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
  - C. Businesses located on a second public right of way, public parking lot or public alley shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
  - D. Additional wall sign square footage is permitted when the following is met:
    - i. 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet
    - ii. Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
  - E. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
  - F. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
3. Projecting and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:
  - A. Any sign area of an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
  - B. Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
  - C. No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
  - D. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
  - E. Awning signs shall not be internally illuminated.
  - F. If any projecting sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
  - G. If at any time the insurance policy obtained to subsection (9)(G) is canceled, the projecting sign shall be immediately removed. In the event the projecting sign is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.
4. Ground Sign may be used provided that they meet the following standards:
  - A. The top of the ground sign shall be no more than six feet above ground level.

- B. A ground sign shall not extend closer than 5 feet to the public right of way.
- C. No ground sign shall have an area exceeding 40 square feet per side.
- D. A ground sign shall be located on the same parcel as the building or use to which it is accessory.
- E. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- F. Changeable or electronic message signs as part of a ground sign when the following requirements are met:
  - i. Changeable or electronic message signs are not permitted within the historic district boundary.
  - ii. One changeable or electronic message signs sign shall be permitted per premises, but not both.
  - iii. The area of a changeable or electronic message sign shall not exceed half the total area of the sign.
  - iv. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
  - v. Electronic messages shall not flash, fade in or out, or scroll.
  - vi. Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
  - vii. One gasoline price sign is permitted for a gas station canopy with an area not to exceed ten percent of the canopy façade.

~~— Pole signs may be used provided that they meet the following standards:~~

- ~~— Pole signs are not permitted within the historic district boundary.~~
- ~~— A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.~~
- ~~— A pole sign shall not extend closer than 5 feet to the public right of way.~~
- ~~— The lower edge of the pole sign shall be is eight feet or more above the ground level.~~
- ~~— No pole sign shall have a single surface area exceeding 40 square feet per side.~~
- ~~— A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.~~
- ~~— Changeable or electronic message signs as part of a pole sign when the following requirements are met:~~
  - ~~— Changeable or electronic message signs are not permitted within the historic district boundary.~~
  - ~~— One changeable or electronic message sign sign shall be permitted per premises, but not both.~~
  - ~~— The area of a changeable or electronic message sign shall not exceed half the total area of the sign.~~
  - ~~— Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.~~
  - ~~— Electronic messages shall not flash, fade in or out, or scroll.~~
  - ~~— Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.~~
  - ~~— One gasoline price sign is permitted for an overhead gas pump awning with an area not to exceed ten percent of the awning façade.~~

5. Number of ~~of pole or~~ ground signs. Not more than one ~~pole or~~ ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
  - A. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
  - B. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
6. Menu board signs may be used provided that they meet the following standards:
  - A. Menu display boxes shall be constructed of high-quality materials, and their size, location, and design shall be appropriate to the character of the building and the restaurant.
  - B. Menu signs, including display box, shall not exceed 25 square feet in area and 6 feet in height.
7. Sandwich board signs are permitted within the Historic District and Westtown district subject to the following requirements:
  - A. One sign per entrance shall be permitted regardless of the number of tenants on the premises.
  - B. The sign shall be located on the sidewalk.
  - C. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
  - D. Each sign shall not exceed an overall height of 4 feet and a maximum square footage of 8 per side.
  - E. No sign shall be located in such a manner as to interfere with vehicular traffic flow or visibility.
  - F. Sign placement shall permit for the minimum 5 feet of clearance required for Barrier Free accessibility, which includes but is not limited to placement on a sidewalk.
  - G. No sign shall be placed as to obstruct any door or opening used as a means of egress or as to prevent free passage.
  - H. All signs must be constructed of weather-proof, durable material, [have a professionally-made appearance](#) and [be kept in good repair](#).
  - I. Sandwich board signs may not be illuminated by any means and may not have moving parts.
  - J. The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
  - K. If at any time the insurance policy obtained pursuant to subsection (8)(J) is

canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not removed, the City of Owosso shall have the right to remove the sign at the expense of the property owner.

8. Marquee signs shall be permitted within the Historic district and Westtown district for theater uses as follows:
  - A. The bottom of the marquee sign shall be a minimum of eight feet above the ground.
  - B. A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
  - C. A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
  - D. One marquee shall be permitted per public entrance.
  - E. The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
  - F. No marquee sign shall project into an alley or truck service driveway.
  - G. If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
  - H. If at any time the insurance policy obtained to subsection (9)(G) is canceled, the marquee shall be immediately removed. In the event the marquee is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.

9. Window signage shall not occupy more than 25% of the first floor window area.

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

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

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

1. Wall signs may be used for all uses other than single family homes and duplexes provided that they meet the following standards:
  - A. One wall sign per business not to exceed 10% of the front façade.
  - B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
  - C. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
  - D. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.

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

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

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

1. Wall signs may be used provided that they meet the following standards:
  - A. One wall sign per business not to exceed 20% of front façade or 200 square feet, whichever is less is permitted.
  - B. No wall sign shall extend above the roof or parapet of the structure to which it is attached.
  - C. Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
  - D. Additional wall sign square footage is permitted when the following is met:
    - i. 201 - 400 linear feet of building frontage facing a public street and having a



- ~~— Pole signs may be used provided that they meet the following standards:~~
    - ~~— A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.~~
    - ~~— A pole sign shall not extend closer than 5 feet to any part of the public right of way.~~
    - ~~— The lower edge of the pole sign shall be eight feet or more above the ground level.~~
    - ~~— No pole sign shall have a single surface area exceeding 40 square feet for a single face sign.~~
    - ~~— A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.~~
    - ~~— Changeable or electronic changeable message signs as part of a pole sign when the following requirements are met:~~
      - ~~— One changeable message sign shall be permitted per premises.~~
      - ~~— Message changes may occur electronically or manually.~~
      - ~~— The area of a changeable message sign shall not exceed half of the total area of the sign.~~
      - ~~— Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.~~
      - ~~— Electronic messages shall not flash, fade in or out, or scroll.~~
      - ~~— Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.~~
4. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building or structures regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
- A. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
  - B. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
- ~~— Off-premise signs may be used provided that they meet the following standards:~~
    - ~~— No off-premise sign shall have a surface area greater than two hundred (100) square feet per side~~
    - ~~— The top of the sign shall be no more than twenty-five (25) feet above the ground and the bottom of the sign shall be at least ten (10) feet above the ground.~~
    - ~~— An off-premise sign shall have a minimum setback from the front property line of sixty (60) feet.~~
    - ~~— No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.~~
    - ~~— Off-premise signs shall be located no closer to one another than five hundred (500) feet.~~
    - ~~— An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).~~
    - ~~— An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.~~

~~— An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.~~

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

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

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

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

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

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

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

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

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

1. Ground signs may be used provided that they meet the following standards:
  - A. The top of the ground sign shall be no more than six feet above ground level.
  - B. A ground sign shall not extend closer than 5 feet to any part of the public right of way.
  - C. No ground sign shall have an area exceeding 40 square feet per side.
  - D. A ground sign shall be located on the same parcel.
  - E. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
2. Number of ground signs. Not more than one ground sign may be erected; provided



however, a property may have two ground signs when the following is met:

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

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

Sec. 26- 22. Reserved.

Sec. 26- 23. Reserved.

Sec. 26- 24. Reserved.

Sec. 26- 25. Reserved.

~~Sec. 26-22. – Nonconforming signs.~~

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

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

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

- ~~a. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.~~
- ~~b. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe~~

but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.

- ~~c. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.~~
- ~~d. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.~~
- ~~e. Process for enforcing violations of section 26-7, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-7 b. through d., the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.~~

#### **Sec. 26-23. - Changes to permitted signs.**

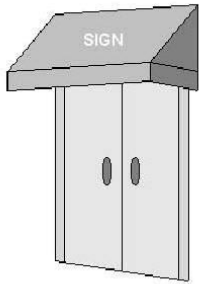
~~No physical, structural or electrical changes can be made to existing permitted signs without first obtaining a new sign permit. Individual sign panels can be replaced on existing box signs but a permit must still be obtained.~~

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

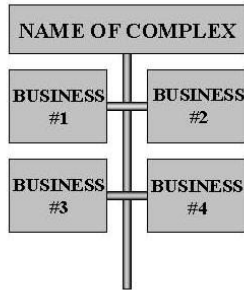
- ~~a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.~~

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

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



Awning Sign



Business Center Sign



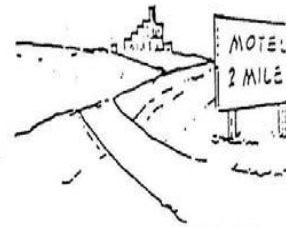
Free Standing Sign



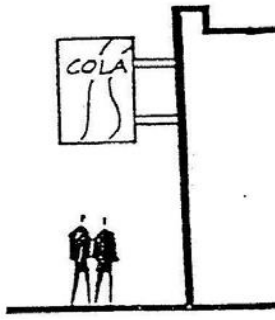
Message Board



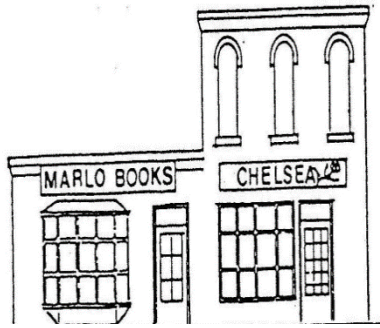
Monument Sign (Freestanding)



Off-Premise Sign

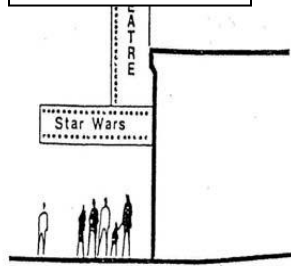


Projecting Sign



Wall Sign

Marquee Sign





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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ (989) 725-0599 ▪  
FAX (989) 723-8854

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DATE: 7.22.19  
TO: PLANNING COMMISSION  
FROM: CITY MANAGER  
SUBJECT: Recreational Marijuana Facilities Discussion

**BACKGROUND:**

The City Council passed a moratorium resolution regarding recreational marijuana facilities in order to give LARA time to release the state's rules regarding recreational facility regulation. On July 3<sup>rd</sup> the state released its emergency rules for recreational facilities. We still expect the final rules to be released before the Dec 6, 2019 deadline.

**SUMMARY:**

We have included the state's emergency rules in the packet for your review and discussion.

**RECOMMENDATION:**

We have no recommendation at this time as this is meant to be a discussion item for the Jul 22 Planning Commission meeting. That's not to say that the Commission could not recommend to council that staff should start working on a recreational facilities ordinance either prohibiting or allowing recreational facilities and in what capacity.

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DEPARTMENT OF

**LICENSING AND REGULATORY  
AFFAIRS**

≡ MENU

LARA / LARA NEWS RELEASES

**Michigan's Marijuana Regulatory Agency  
Releases Emergency Rules**

Media Contact: LARA Communications 517-335-LARA (5272)

Email: [mediainfo@michigan.gov](mailto:mediainfo@michigan.gov)

**July 3, 2019** – The Marijuana Regulatory Agency (MRA) has issued **emergency administrative rules** for the purpose of implementing the Michigan Regulation and Taxation of Marijuana Act (MRTMA). Signed by Gov. Gretchen Whitmer, the emergency rules enable the MRA to fully implement the marijuana proposal that Michigan voters approved in 2018.

“The release of the rules today provides local municipalities and prospective licensees with the information they need to decide how they want to participate in this new industry,” said MRA Executive Director Andrew Brisbo. “Since we plan to start taking business applications November 1<sup>st</sup>, stakeholders will have four months to evaluate these rules and make their decisions. These rules set Michigan’s marijuana industry on a path for success while ensuring safety for marijuana consumers.”

Designed to allow prospective licensees to operate under clear requirements, the emergency rules are effective today and will remain in effect for six months. The emergency rules may be extended once for not more than six months. The rules ensure a fair and efficient regulatory structure for Michigan businesses as well as access to safety-tested marijuana for Michigan’s citizens and visitors.

**NEW LICENSE TYPES**

In addition to the license types required in MRTMA, these emergency rules create the following additional license types:

- **Marijuana Event Organizer** – allows the license holder to apply for Temporary Marijuana Event licenses from the MRA.

- **Temporary Marijuana Event** – this license allows a Marijuana Event Organizer to run an event – which has been approved by the local municipality – where the onsite sale or consumption of marijuana products, or both, are authorized at a specific location for a limited time. Licensed Retailers and Microbusinesses may participate. The Marijuana Event Organizer is required to hire security and ensure that all rules and requirements for onsite consumption of marijuana products are followed.
- **Designated Consumption Establishment** – allows the license holder, with local approval, to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marijuana and marijuana products on premises. A Designated Consumption Establishment license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license.
- **Excess Marijuana Grower** – allows a licensee who already holds five adult-use Class C Grower licenses to expand their allowable marijuana plant count.

## EQUIVALENT LICENSES

The Medical Marijuana Facilities Licensing Act (MMFLA) provides the structure for medical marijuana facilities. The Michigan Regulation and Taxation of Marijuana Act (MRTMA) provides the structure for adult-use (“recreational”) marijuana establishments.

The Emergency Rules define Equivalent Licenses between the MMFLA (medical) and MRTMA (adult-use) as follows:

Equivalent Licenses					
<b>MMFLA (medical)</b>	Any Class Grower (A, B, C)	Processor	Provisioning Center	Secure Transporter	Safety Compliance Facility
<b>MRTMA (adult-use)</b>	Any Class Grower (A, B, C)	Processor	Retailer	Secure Transporter	Safety Compliance Facility

Equivalent Licenses with common ownership will be allowed to operate at the same location, without separation, if the operation is not in violation of any local ordinances, regulations, or limits. Separate entrances, exits, point of sale areas, and operations will not be required.

Adult-use Retailer and medical Provisioning Center licensees who are operating equivalent licenses at the same location must physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marijuana products from adult-use marijuana products. Products subject to the adult-use excise tax may not be bundled in a single transaction with a product or service that is not subject to the excise tax.

To ensure marijuana product is available for individuals 21 years of age or older, the MRA may authorize Grower, Processor, and Retailer equivalent licenses to transfer marijuana product from their medical marijuana inventory to their adult-use inventory. The MRA will publish a specific start date, end date, and other requirements for the transfer of marijuana product between equivalent licenses.

## **SIMILARITIES/DIFFERENCES BETWEEN ADULT-USE RULES AND MEDICAL RULES**

The adult-use marijuana Emergency Rules share a large overlap with the medical marijuana Administrative Rules but also contain some significant differences. In the overlap between adult-use and medical, there are similar rules with important distinctions. These distinctions include:

- There are no capitalization requirements for adult-use licenses and fewer financial documents are requested from applicants.
- Adult-use home delivery includes Designated Consumption Establishments and any residence. Medical home delivery is to registered marijuana cardholders only.
- Adult-use license renewal fees are divided into three tiers in which larger volume licensees will pay more on renewal and smaller volume licensees will pay less.
- Growers and Microbusinesses may accept the transfer of marijuana seeds, tissue cultures, and clones from another Grower licensed under the adult-use law or the medical marijuana law.
- Class A Growers and Microbusinesses may accept the transfer of marijuana plants one time from (a) registered primary caregiver(s) so long as the caregiver (s) was an applicant for that license.
- Current medical marijuana licensees who apply for adult-use licenses will be expedited through the application process if there are no changes in ownership.
- All adult-use applicants are required to submit a social equity plan. The social equity plan must detail a strategy to promote and encourage participation in the marijuana industry by people from communities that have been



disproportionately impacted by marijuana prohibition and enforcement and to positively impact those communities.

- Adult-use Safety Compliance Facilities are required to hire a laboratory manager.

## **ADULT-USE LICENSING TWO-STEP APPLICATION PROCESS**

The application process for adult-use marijuana establishment licenses will continue to follow the two-step process that the MRA has been using for the processing of medical marijuana facility operator licenses. The two-step process will allow applicants to begin the application process while still seeking a location for the adult-use marijuana establishment, if they choose to do so.

The first step, pre-qualification, allows applicants to determine if they have state approval before they invest in property, buildings, or equipment. Some municipalities may require this approval before local support is given.

The second step, license application, will allow applicants to indicate which type of adult-use marijuana establishment license is being sought and must include plans for a marijuana establishment located in a municipality that does not have an ordinance in place which would preclude the business.

Since the adult-use marijuana law requires the MRA to make a licensing decision within 90 days of receiving a complete application, applicants are encouraged to utilize the two-step process to help avoid a default denial occurring at the 90-day mark.

Applicants will have the option of submitting step one and step two materials at the same time and may submit an online or a paper form application to the MRA; both the paper and online application will require the same documentation and information.

## **OTHER HIGHLIGHTS**

- Growers and Processors may engage in research and development.
- Growers, Processors, Retailers, and Microbusinesses may offer tested internal product samples for their employees to consume, off-site, to ensure the quality and/or potency of the products.
- Growers and Processors may provide trade samples of marijuana and marijuana products to other Processors or Retailers to help determine whether they want to purchase the product.
- A licensee – who holds two or more Processor licenses or two or more Retailer licenses – with common ownership at different establishments may transfer marijuana product inventory between the Processor or Retailer establishments.

- Microbusinesses may not operate at multiple locations and must operate the corresponding areas of their Microbusiness in compliance with the operation requirements of a Retailer, a Grower, and a Processor.
- The MRA's Social Equity Plan will (1) promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and (2) positively impact those communities.
- A Retailer is not required to retain information from customers other than the following: method and amount of payment, date/time of sale, product quantity, and other product descriptors.

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