

OWOSO

Planning Commission



Regular Meeting
7:00pm, Monday, April 22, 2013
Owosso City Council Chambers

AGENDA
Owosso Planning Commission

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

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: April 22, 2013

APPROVAL OF MINUTES: March 25, 2013

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from March 25, 2013
3. Westown Mixed Use Development Plan
4. Outdoor sales and storage; temporary use text
5. Design standards text

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Outdoor sales and storage; temporary uses
2. Design standards

SITE PLAN REVIEW: None

BUSINESS ITEMS:

1. Westown Shell Site Plan

ITEMS OF DISCUSSION: None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next meeting will tentatively on Monday, May 27, 2013!

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

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

Affirmative Resolutions
Owosso Planning Commission

Monday, April 22, 2013 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 130422-01

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the agenda of April 22, 2013 as presented.

Ayes: _____
Nays: _____

Approved: _____ Denied: _____

Resolution 130422-02

Motion: _____
Support: _____

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

Ayes: _____
Nays: _____

Approved: _____ Denied: _____

Resolution 130422-03

Motion: _____
Support: _____

The Owosso Planning Commission hereby recommends approval of the site plan for the Westown Mixed Use Development, as attached, with the following changes:

1. Relocation of the center light pole to the traffic island to the north or other actions that will reduce the impact on the adjacent residential property.
2. Landscaping shrubs should be added to the southern traffic island to offset the impervious (grey) surface.
3. Parking spaces must be signed for residential and employee use as appropriate for those spaces not in the primary lot.
4. The pylon sign must be altered or relocated to meet clear vision requirements.
5. The project must be reviewed and approved by the city utility supervisor.

Ayes: _____
Nays: _____

Approved: _____ Denied: _____

Resolution 130422-04

Motion: _____
Support: _____

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

1.

Ayes: _____
Nays: _____

Approved: _____ Denied: _____

Resolution 130422-05

Motion: _____
Support: _____

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

1.

Ayes: _____
Nays: _____

Approved: _____ Denied: _____

Resolution 130422-06

Motion: _____
Support: _____

The Owosso Planning Commission hereby adjourns the April 22, 2013 meeting, effective at _____ pm.

Ayes: _____
Nays: _____

Approved: _____ Denied: _____



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

MEMORANDUM

DATE: April 12, 2013

TO: Chairman Wascher and the Owosso Planning Commission

FROM: Adam Zettel, AICP

RE: Planning Commission Meeting: April 22, 2013

The planning commission shall convene at 7:00pm on Monday, April 22, 2013 in the city council chambers of city hall. We will be holding an additional public workshop for the changes to the zoning ordinance design standards as well as the temporary uses and structures section.

Before that, we have an exciting proposal for a mixed use development in Westown! I have reviewed the plan and I expect this can be approved at our meeting. The following is a point by point description and review of site plan elements as they relate to our zoning ordinance.

The project is a mixed use development located at 1107 W. Main Street. This property is at the west end of Westown at the corner of State Street, where the car wash is currently located. This property has recently been rezoned to B-3 Central Business District along with the traditional portion of Westown to allow for high density structures with zero setbacks and residential above commercial. The proposal includes restaurant space, with an accompanying pick up window, as well as additional retail and three upper floor residential units. The total footprint of the structure is 3,022 square feet on 0.31 acres. The existing lot is used for a car wash and parking area and is intended for demolition.

Use: All uses that are proposed are permitted as-of-right in the B-3 zoning district. However, the drive thru use is not specifically mentioned in the zoning code. There are regulations for a “drive-in” or “open front store” but I believe these refer to something else and do not apply here (they require sixty foot setbacks!).

I believe the drive thru should be considered by the planning commission as either “other uses similar to the above uses” or as “accessory structures and uses customarily

incident to the above permitted uses." These uses are permitted as-of-right in B-3. In the future, we will need to update the ordinance to accommodate pick up windows such as this in commercial zoning districts. I am not sure how they were handled before.

Bulk, Height, and Density: The building meets all such requirements of the B-3 zoning district.

Lighting: The proposed lighting consists of 20' tall LED fixtures. The fixture type and photometric information indicates that there may be some offsite glare and/or excessive lumens on the residential area to the south. The petitioner should consider screening options for these lights and/or the relocation of the center fixture to the traffic island to the north. The building mounted lighting consists of low wattage, shielded fixtures.

Landscaping: Landscaping for the site consists of two deciduous trees in the right of way on State Street and two deciduous trees in an open area on the south side of the site. There should be consideration for more shrub plantings along the frontage of Main Street, along the south end of the parking area, and at the drive thru entrance. The petitioner may consider this if long term survival is deemed practical.

A double sided (alternating panel), six foot tall cedar screening fence is proposed along the southern lot line. This fence meets the minimum code standards. However, a solid fence should be considered given the layout and angles of the employee parking and drive thru turning movements.

Parking: Twenty-five (25) parking spaces are provided, including one barrier free space. Parking is adequate concerning the number of spaces, ADA compliance, and space size. The concern is the configuration of the lot and the layout of the drive thru stacking. The layout of the site limits the ability to provide for two methods of access to the parking area. This effectively creates a dead end lot in which turning movements can lead to some degree of conflict. This is not ideal, however, this is the trade off for permitting density and creativity. I believe the small scale nature of the parking area, combined with high visibility and low speeds will maintain the desired degree of functionality.

Concerning the drive thru, there is stacking for six vehicles. However, there is an obvious conflict with two parking spaces that could be blocked in by the drive thru stacking and who's only practical means of egress is to exit with drive thru traffic. These spaces are to be designated as employee parking only. Again, this is not ideal, but if we are to accommodate traditional development and creativity, we need non-traditional solutions. I believe this will work.

Traffic Ingress, Egress, and Circulation: The site intends to utilize the existing curb cuts. The State Street access is intended to be used as a one way, exit only drive and is marked accordingly. There are no expected issues concerning access to the public streets or alleys. The internal circulation is somewhat compromised as noted in the parking review.

Building Materials: The predominant building material consists of brick as illustrated in the amended elevations. The accent materials are of quality limestone, cement board, and "hardi plank" (for the sign boards). Windows are aluminum clad and well distributed for

commercial and residential uses. There are numerous architectural variations and accents on the structure. No historic conditions apply to this project. I see no issues. In fact, this project is exemplary of the high quality and character sought by the design standards.

Signs: The project seeks walls signs on three sides of the structure, directional signage, and a pylon sign. The pylon sign conforms to the height and area requirements (12' high and 40 sq. ft.), as well as the setbacks. However, the 25'x 25' clear vision area (between 3'-10' in height) is not observed. The area of the building signage is not known at this time. These signs can be permitted subsequent to any site plan review.

Utilities and Drainage: I have attached the engineer's comments on the provision of utilities. These issues need to be addressed, but they are not an element for consideration under the zoning ordinance. There are no issues here that compromise the site plan.

Other: The dumpster and loading capacity is accommodated through a shared arrangement with the Shell station. This needs to be recorded on a formal instrument to ensure that this structure is not without a proper dumpster.

Summary: This really is an amazing project. I hate to even comment on some of these smaller details, but it is prudent to do so. I recommend approval of the project contingent upon the following:

1. Relocation of the center light pole to the traffic island to the north or other actions that will reduce the impact on the adjacent residential property.
2. Landscaping shrubs should be added to the southern traffic island to offset the massive amount of impervious (grey) surface.
3. Parking spaces must be signed for residential and employee use as appropriate for those spaces not in the primary lot.
4. The pylon sign must be altered or relocated to meet clear vision requirements.
5. The project must be reviewed and approved by the city utility supervisor.

Concerning the public hearings, I am not sure what the commission will be able to accomplish at the meeting. It may take all of the time available to get public input. If that is the case, deliberation by the commission and a recommendation to the council may have to wait. I suggest we play this by ear with the primary intent being the collection of comment, potentially followed by deliberation by the commission. I intend to provide complete ordinances to the public at the meeting so an informed discussion can occur. I have also completed the FAQ and posting of the ordinance drafts many weeks ago.

Please carefully read the draft ordinances as attached. If you want to speak with me, call my cell phone at 989.890.1394. Please **RSVP for the meeting**. I look forward to seeing you all on the 22nd!

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
March 25, 2013 – 7:00 pm**

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

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

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

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

MEMBERS ABSENT: Vice-Chairman Frank Livingston.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Tom Manke, Friends and Community News and Views; and Councilmember Burton Fox.

AGENDA APPROVAL:

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER KURTZ TO APPROVE THE AGENDA FOR MARCH 25, 2013.
YEAS ALL. MOTION CARRIED.**

MINUTES APPROVAL:

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER SCHLAAK TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 28, 2013
YEAS ALL. MOTION CARRIED.**

COMMUNICATIONS:

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

COMMISSIONER / PUBLIC COMMENTS:

Mr. Tom Manke, Friends and Community News and Views, 118 S. Washington, thanked the Planning Commissioners for serving on behalf of his readers. He continued about the city being a renters association and that was undesirable according to his readers. The recently proposed ordinance was very poorly received on his website. Comments indicated that no one is telling anyone what color to paint their house; no one is going to tell me I have to have a garage or shed; council will just be voted out; and people have too many rules and regulations.

Damien Benjamin, 615 W. King Street, just purchased home and was glad to become a homeowner. He was looking forward to siding his home but doesn't want someone dictating to him. He just wants to enjoy his home and investment.

Commissioner Schlaak is a member of Mr. Manke's website and noted that every house isn't meant to be the same; that's not true of the ordinance.

Mr. Zettel commented that he didn't know where this was all coming from. The ordinances are meant for new construction only. There has is not a provision on color or back yard hedges. Fence height is proposed to be regulated in a manner similar to the current regulations and hedges are not considered to be fences. He will work as long as necessary to make these ordinances workable with the public. They are not dictating the colors homes can be painted or sided. He noted the only color restriction was applicable to new commercial buildings which are not to be fluorescent or neon colored.

Mr. Manke asked if any new home had to match in color, pitched roof – no flat roofs. Mr. Zettel said it is the intent – if a historic home burns down, can it be rebuilt with cinder block? How important is character? The intent is to avoid grossly dissimilar homes.

Mr. Manke stated that federal and state law says you can't dictate a modular home can't be installed. You can't stop them. Mr. Zettel said it's in the Master Plan. People choose their communities. Owosso believes our neighborhoods should be nice.

Dan Harrow is a tenant from Mason Street. What right does anyone else have to tell me what to do.? I should be able to have barbed wire fences in my front yard if I want to. Commissioner Schlaak answered that your neighbors will lose tens of thousands of dollars in value for their homes.

Mr. Zettel commented that if a home is burned down, a house has to be built to current code. To what degree is Owosso interested in investing in various standards?

Commissioner Kurtz commented that this information has been discussed for about five months and the information out in the public is now skewed. Maybe we should create a summary document with facts – it would clear up many misconceptions. Mr. Zettel said he could do that.

Chairman Wascher stated this only affects new construction.

Commissioner Popovitch stated we are experiencing plummeting property values and taxes. City services are requested. I want my neighborhood to be secure and the whole city safe. We need to continue the standards.

Mr. Zettel asked if he should make this document or have the public hearing in a month first. Commissioner Schlaak said the FAQ first.

Mr. Zettel said we need to disseminate information on Facebook more often. We need to respond more often rather than holding back. Mr. Manke said to send him news items and he would put it up on his site as a quote.

City Councilmember Fox stated he knows what it's like to sit at this table; be a property owner. People don't fully understand the ordinances. We need clear communications. Some ordinances were vague. Wording needs to be precise.

Chairman Wascher stated we don't have any representatives from the Independent or The Argus Press anymore. They used to show up for the meetings.

Mr. Zettel said we could do a workshop at the April meeting. He also said the ordinance is on the city's website for public review. He'll put some "bites" on the social media also.

SITE PLAN REVIEW: None

BUSINESS ITEMS: Design Guidelines Ordinance and Outdoor Sales and Storage; Temporary Uses

Commissioner Bandkau suggested removing the hedge language. The existing is almost the same otherwise.

Commissioner Popovitch said infill housing is about if a house burns down, the house would fill in between two others. We are looking to protect the integrity of the neighborhoods.

Mr. Zettel felt the Temporary Uses was cleaned up pretty well.

Mr. Manke again thanked the commissioners, but asked why do you have to do anything? If it's not broke...

Commissioner Taylor said it is broken. People are moving out; we need to keep the housing quality up. Mr. Manke replied they are moving out because Owosso has too many rules.

Commissioner Taylor stated that Owosso does have big problems with its housing and neighborhoods. Values are indicative of desirability and quality of life. The city is concerned with projecting values. Changes made to do so may not be for everybody and some people may need to look elsewhere for housing if they don't like the lifestyle of the city or the standards.

Commissioner Popovitch listed many reasons why she likes living in the city. We have to make the city a place where people want to live.

Mr. Zettel said public spaces are investing in your neighborhood – parks are important. If you don't have a large yard; the home is in bad shape; neighborhoods are in bad condition... What's the attraction?

Commissioner Popovitch suggested looking at a tax bill. Part of the taxes go to schools and the county.

Commissioner Kurtz said the process started with the Master Plan which had the Place Making; work sessions; and gathering data which was driven by public comment.

Commissioner Renfrow reminded the gathering that the survey said the condition of public housing was very important.

COMMISSIONER / PUBLIC COMMENTS:

Chairman Wascher stated the MSU students were working on S. Washington Street. Their presentation of recommendations will be coming soon regarding land uses and streetscaping on April 29.

ADJOURNMENT:

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER RENFROW, TO
ADJOURN AT 8:28 P.M. UNTIL APRIL 22, 2013.
YEAS ALL. MOTION CARRIED.**

Melvin Renfrow, Secretary

mms

**CITY OF OWOSSO
PLANNING COMMISSION
REQUEST FOR SITE PLAN REVIEW**

NOTE TO APPLICANTS:

1. All applications received by the 10th of the month will be heard on the 4th Monday of the same month at 7:30 pm, lower level of City Hall.
2. The applicant, or legal representative of the applicant, must be present at the Planning Commission meeting for action to be taken.
3. Sixteen copies of the site plan need to be submitted with this application.
4. Questions about this application may be directed to (989) 725-0535.

Request is hereby made to the City of Owosso for a hearing before the Planning Commission for one or more of the following:
 Site Plan Review

APPLICANT: WAKELAND OIL COMPANY

ADDRESS: 527 S WASHINGTON ST
OWOSO, MI 48867

LOCATION OF APPEAL: 1107 W. MAIN ST
OWOSO, MI 48861

PHONE NO.: (989) 723-5300

DATE APPEAL FILED: _____

APPEAL: (Indicate all data pertinent to this case, both present and proposed.)

PROPOSE DEMOLITION OF EXISTING CAR WASH FACILITY AND
CONSTRUCTION OF A NEW MIXED USE COMMERCIAL AND
RESIDENTIAL SITE DEVELOPMENT. REQUEST SITE
PLAN APPROVAL FOR THE PROPOSED "WESTTOWN MIXED
USE DEVELOPMENT".

I hereby state that all above statements and any attached documents are true and correct to the best of my knowledge.

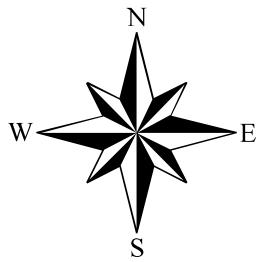
Donald R. Wakeland

Signature of Applicant

12-05-07

City of Owosso

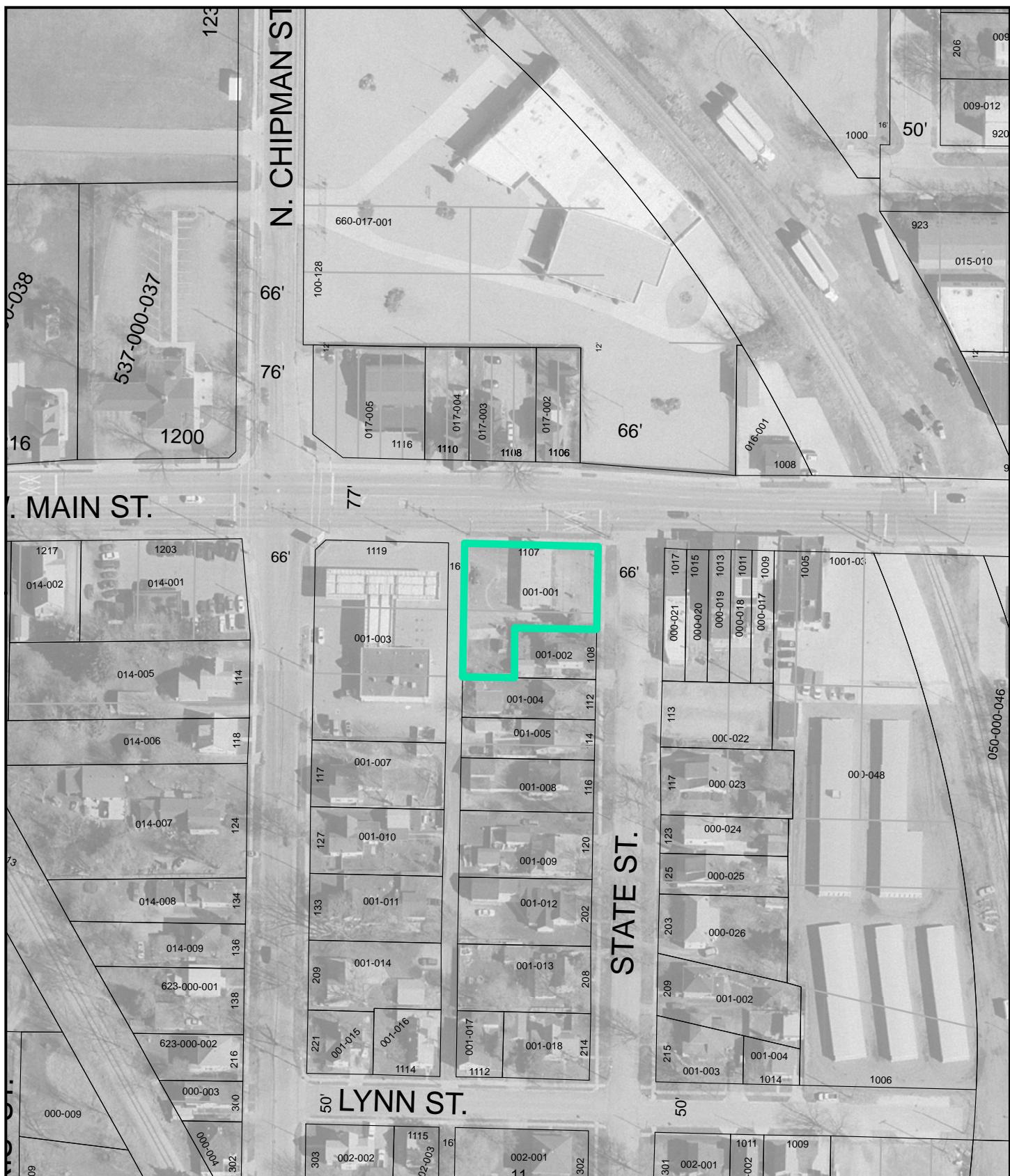
Westown Shell - 1107 W. Main St.

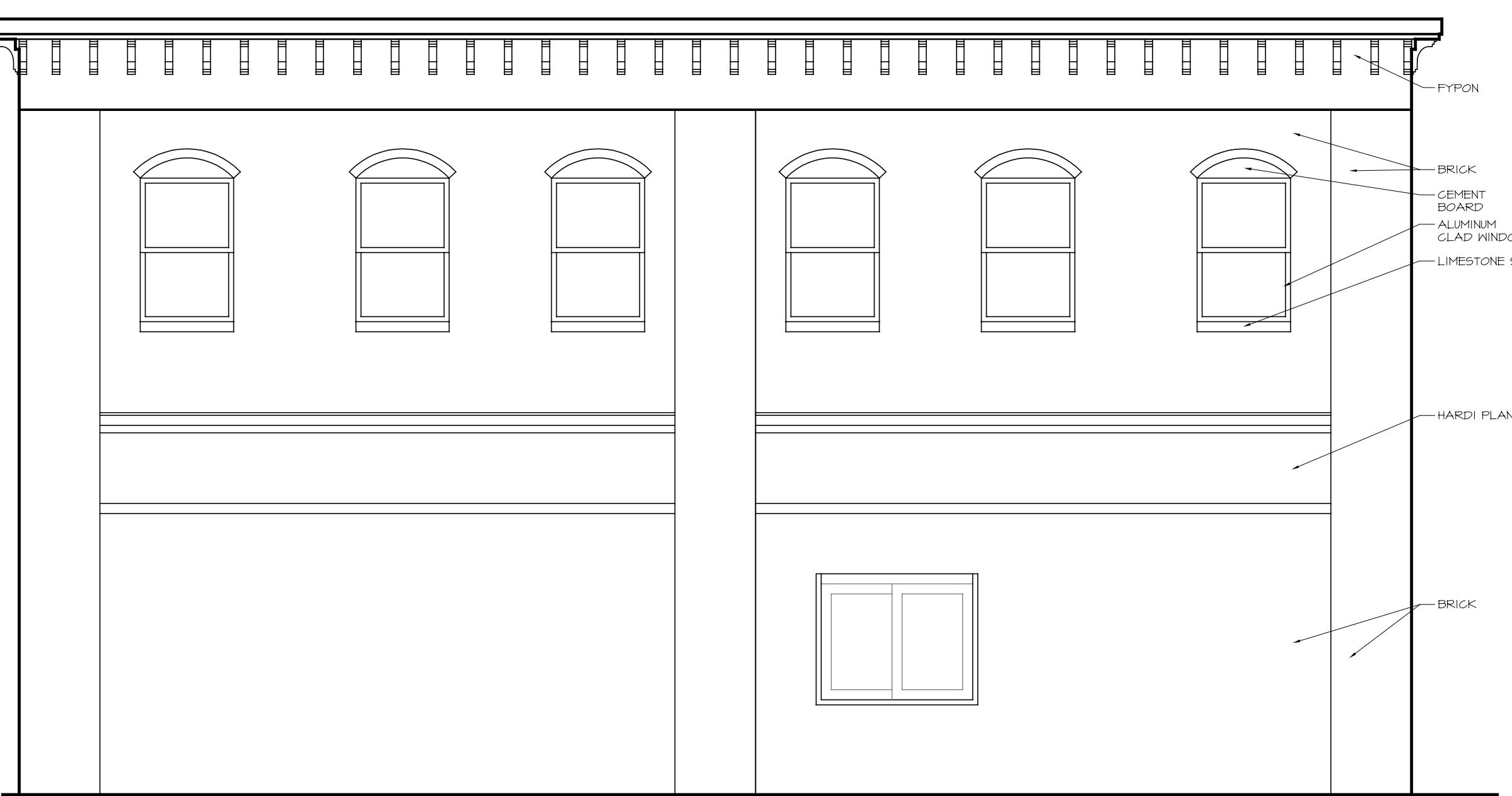
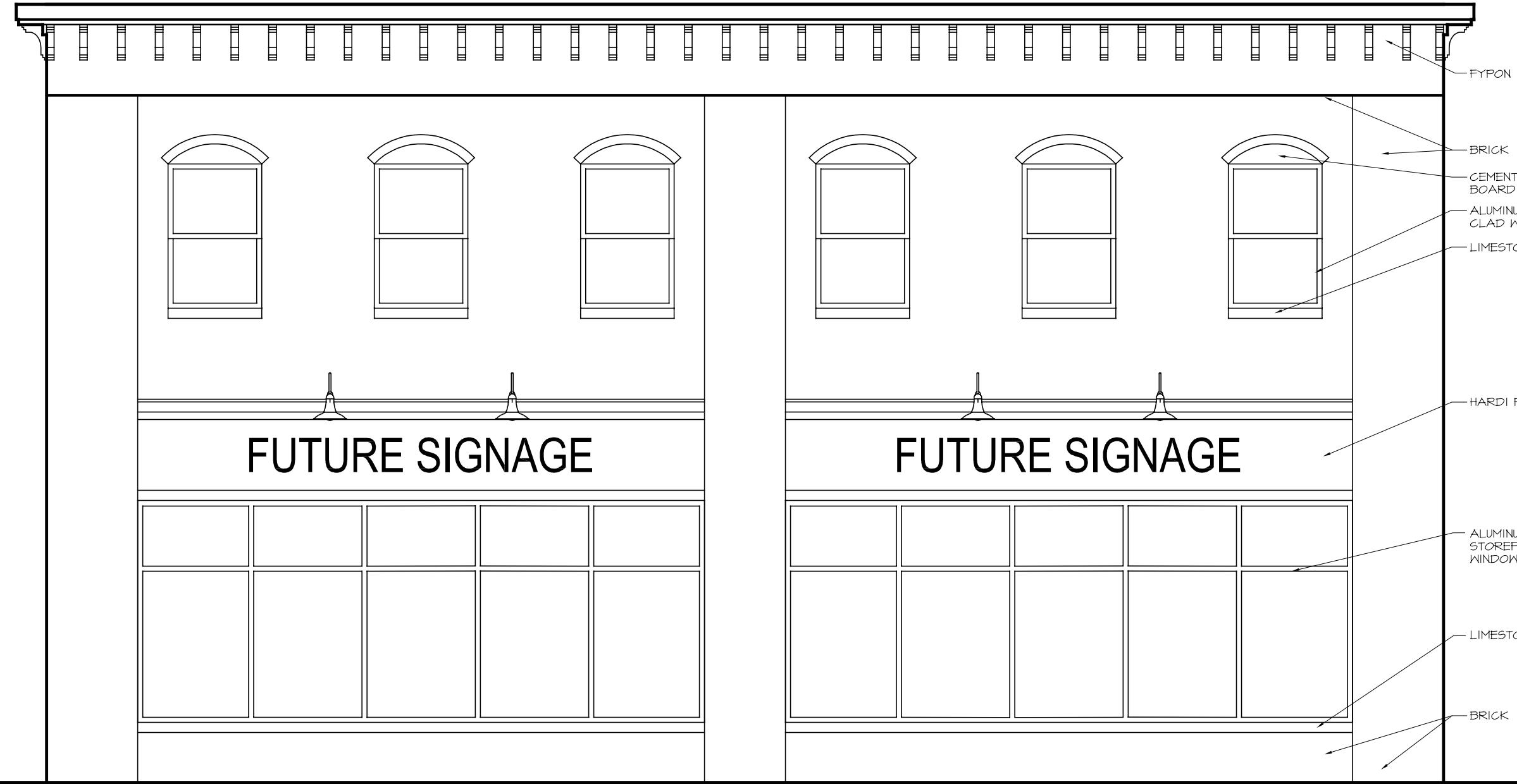


0 40 80 160 240 320

Feet

April 11, 2013





Project Type	NEW CONSTRUCTION
Project	MIXED USE BUILDING West Main Street Owosso, Michigan 48867
Client	WAKELAND OIL 527 S. Washington Owosso, Michigan 48867
Project Number	12.057
Sheet	A-2

Copyright 2013 Studio [Intrigue] Architects, LLC

RESOLUTION NO. ____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 38-399. Temporary structures and uses.

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

8. The building official or his/her designee shall approve any and all plumbing, electrical, and mechanical connections to any temporary structure.
 9. The building official or zoning administrator may require the applicant to furnish the city with a performance bond in accordance with Section 29-48 of the city ordinance to ensure removal of the temporary structure, use or display.
- B. *Temporary structures used for residential purposes:* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the building official.
- Also, a manufactured dwelling unit or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:
1. An occupancy permit is issued by the building official for the temporary residence.
 2. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
 3. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.
- C. *Temporary structures used for nonresidential purposes:* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project.
1. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
 2. Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure. A certificate of occupancy shall be required for such structures.
- D. *Temporary uses in accessory structures:* A temporary building or structure may be used as an accessory building or structure if it meets all accessory structure requirements of this code.

E. Special purpose temporary uses: The following conditions apply to specific temporary uses:

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

F. Outdoor sales and display in conjunction with an existing business (private lands only):

1. *Location:* In the B-1, B-2, & B-4 zoning districts only; front or side yards only; use cannot occur in areas dedicated to parking, storm water detention/collection, or areas required for emergency use or clear vision.

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

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

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

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

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

RESOLUTION NO. ____

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

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

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

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

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

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

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

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

(b) Where permitted; height.

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

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

a. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet.

b. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard on major streets.

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

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

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

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

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

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

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

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

Section 38-393. FENCES AND HEDGES.

- (A) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure.
- (B) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (C) Regulations applicable to R-1, R-2, RM-1, MR-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
 - 1. A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
 - 2. Front yard fences or hedges must be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a

height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height;

3. Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least 19 feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
4. No fence or hedge shall extend across property lines;
5. The finished side of any fence shall face away from the property on which the fence is located;
6. No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
7. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
8. Fences shall not be constructed, in whole or in part, with any of the following materials:
 - (a) junk or other debris
 - (b) scrap building materials or metals
 - (c) organic materials known to be poisonous or hazardous to human or animal life
 - (d) other materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.
9. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
10. Screening walls are required as prescribed in section 38-389.

(D) Regulations applicable to industrial districts.

1. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in

the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

2. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.
 3. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.
 4. Screening walls are required as prescribed in section 38-389.
- (E) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.
- (F) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

Sec. 38-396. MECHANICAL EQUIPMENT AND UTILITIES.

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

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

1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.
2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level.

Section 38-397. COMMERCIAL DESIGN REQUIREMENTS.

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

A. Exterior building design.

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

B. Building materials.

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

C. Building colors.

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

D. Roof design.

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

E. Customer entrances.

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

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

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

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

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

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

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

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

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

Section 38-398 – RESIDENTIAL DWELLING DESIGN STANDARDS:

A. Intent

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

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

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

B. Applicability

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

C. Approval

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

D. Standards

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

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

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

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

Definitions for what constitutes the surrounding area are as follows:

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

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

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

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

E. Exceptions

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

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

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

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

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

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