

OWOSSO
Planning Commission



Regular Meeting
7:00pm, Monday, September 28, 2015
Owosso City Council Chambers



MEMORANDUM

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

DATE: September 25, 2015

TO: Chairman Wascher and the Owosso Planning Commission

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

RE: Planning Commission Meeting: September 28, 2105

The planning commission shall convene at 7:00pm on Monday, September 28, 2015 in the city council chambers of city hall.

Monday's meeting will entail discussing zoning language for swing sets in the front yard setback. The current ordinance does not clearly prohibit this type of use. My suggestion is that planning commission look at the sample ordinance from Plainfield Township and considers drafting language for the November meeting. Please read the swing set article regarding this same issue.

I have also attached the city's ordinances regarding corner lot language and ask that commission member discuss how to clearly articulate the intention of the zoning ordinance. Is a corner lot considered to have "two front yards" and if so, can the language be written clearer so that everyone understands this?

Finally, I will be in Seattle at the ICMA Annual Conference when the meeting takes place. Chuck Rau, the city building official, will be taking my place as a staff liaison.

Have a great meeting!

Planning commission should also look at how corner lots are defined in the ordinance. I have attached Please feel free to contact Chuck Rau at 989.725.0540 if you have questions. Please **RSVP for the meeting.**

AGENDA
Owosso Planning Commission
Monday, September 28, 2015 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: September 28, 2015

APPROVAL OF MINUTES: August 24, 2015

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from August 24, 2015

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

None

SITE PLAN REVIEW:

None

BUSINESS ITEMS:

1. Swing set zoning language
2. Front yard – corner lot definition

ITEMS OF DISCUSSION:

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next meeting will be Monday, November 23, 2015.

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Monday, September 28 2015

[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, September 28, 2015 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 150928-01

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the agenda of September 28, 2015 as presented.

Ayes: _____
Nays: _____
Approved: ____ Denied: ____

Resolution 150928-02

Motion: _____
Support: _____

The Owosso Planning Commission hereby approves the minutes of August 24, 2015 as presented.

Ayes: _____
Nays: _____
Approved: ____ Denied: ____

Resolution 150928-03

Motion: _____
Support: _____

The Owosso Planning Commission hereby adjourns the September 28, 2015 meeting, effective at _____pm.

Ayes: _____
Nays: _____
Approved: ____ Denied: ____

MEETING MINUTES
OWOSSO PLANNING COMMISSION
MONDAY, AUGUST 24, 2015 7:00 P.M.
COUNCIL CHAMBER - CITY HALL
OWOSSO MI, 48867

CALL MEETING TO ORDER: The meeting was called to order by Chairman Wascher at 7:00 P.M.

PLEDGE OF ALLEGIANCE: Pledge was recited by all present.

ROLL CALL: Roll call was taken by Recording Secretary Denice Grace.

MEMBERS PRESENT: Chairman Bill Wascher, Vice-Chair Craig Weaver, Secretary Janae Fear, Commissioner Mike O'Leary, Commissioner Tom Livingston, Commissioner Brent Smith, Commissioner Tom Taylor.

MEMBERS ABSENT: None.

OTHERS PRESENT: Sue Montenegro - Assistant City Manager and Director of Community Development, Justin Horvath - Shiawassee Economic Development Partnership, and Brian Atkins - Covenant Eyes.

APPROVAL OF AGENDA:

**MOTION MADE BY COMMISSIONER LIVINGSTON TO ACCEPT THE AGENDA FOR AUGUST 24, 2015, SUPPORTED BY COMMISSIONER O'LEARY.
AYES ALL, MOTION CARRIED.**

APPROVAL OF MINUTES:

**MOTION MADE BY COMMISSIONER O'LEARY TO ACCEPT THE MINUTES FOR THE JULY 27, 2015 MEETING, SUPPORTED BY COMMISSIONER WEAVER.
AYES ALL, MOTION CARRIED.**

COMMUNICATION:

1. Staff memorandum.
2. PC minutes for July 27, 2015.
3. Rezoning application package for 1405 W. North.
4. Public hearing notice for 1405 W. North.

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARING:

1. 1405 W. North.
Brian Atkins project manager for Covenant Eyes concerning the property on 1405 W. North St which is the old Owosso Public School Administration building. Covenant Eyes wishes to use the building as a remote call center for their operations. He informed the Commission that since 2000 their number of employees has risen from 2 to 113 currently with the anticipation of even more in the future. The building would

hold 15 to 20 people. No extra parking spaces are required. Homes in the area have been notified of the possible rezoning. The address is currently zoned as R-1 and Covenant Eyes would like it rezoned to OS-1. Justin Horvath of Shiawassee Economic Development Partnership spoke on how Covenant Eyes is a great local business that was recently highlighted on ABC channel 12. He stated we are lucky to have them here and they are a growing company.

If approved, the proposal will go to the Owosso City Council for approval at their next meeting.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER O'LEARY TO REZONE 1405 W. NORTH STREET FROM R-1 TO OS-1 WITH ONE CONTINGENCY: THE REZONING WILL NOT TAKE PLACE UNLESS THE ABOVE MENTIONED PARCEL IS PURCHASED BY COVENANT EYES.

AYES ALL, MOTION CARRIED.

SITE PLAN REVIEW:

1. None.

BUSINESS ITEMS:

1. None.

ITEMS OF DISCUSSION:

1. Railroads/yards zoning
Sue Montenegro stated that the city does not have the power to rezone railroads/yards. Michigan law states that local governments cannot rezone these areas.
2. Site plan requirements for fencing
It was discussed that the Commission needs to know what the existing language of fencing states. Sue Montenegro stated that there are requirements for fencing such as no barbed wire as well as no organics containing poisons, no junk, and no scrap can be used. Commissioner Weaver will do some research on fencing language for a future meeting.
3. Future land use and zoning goals
Some of the language is outdated. Sue Montenegro will bring some examples of the language that needs updating. Commissioner Weaver suggested that they could make changes to the language slowly on a month to month basis.

COMMISSIONER/PUBLIC COMMENTS: Vice-chair Weaver observed that things seem to be going well in the city. Sue Montenegro updated the Commission on the Qdoba restaurant including the cleanup of the land for any contaminates present. Commissioner Smith commented that it would be nice to have a map of possible contaminated areas in the city.

ADJOURNMENT:

MOTION TO ADJOURN WAS MADE BY COMMISSIONER O'LEARY AT 7:57, SUPPORTED BY COMMISSIONER LIVINGSTON.

AYES ALL, MOTION CARRIED.

Next meeting is scheduled for Monday, September 28, 2015.

**CHAPTER 3
GENERAL PROVISIONS**

SECTION 3.01 ACCESSORY BUILDINGS & STRUCTURES

- A. **GENERAL REGULATIONS** In any zoning district, an accessory building (sheds, pole barns, attached garages and similar accessory structures) or accessory structure (decks, swimming pools, gazebos and similar accessory structures) as defined in this ordinance may be attached or detached from the permitted principal building. The size of all attached accessory buildings shall be limited by the size of the principal building as provided in Section 3.01 B. and shall comply in all respects with the requirements of this Ordinance applicable to the permitted building.
1. **ACCESSORY BUILDING EXCEPTIONS** - The following accessory buildings or accessory structures are permitted, and shall not be subject to a number limitation except as expressly noted below:
 - a. One child's playhouse or child's treehouse not to exceed one hundred (100) sq. ft. A building permit is required for a treehouse exceeding one hundred (100) sq. ft. in size. A playhouse or treehouse is defined as a structure with no electrical or plumbing connections that is enclosed on three or more sides for the use of children's play. Such structure shall not be used for storage. A playhouse shall not be greater than 12 feet in height and cannot be located in the required front yard setback.
 - b. **Play structure:** jungle gym, swing set, slide, platform, or other similar unenclosed structure or device intended for the use of children's play. A play structure shall not be greater than 16 feet in height and cannot be located in the required front yard setback.
 - c. One gazebo not to exceed one hundred (100) sq. ft. A gazebo is defined as a free standing structure, with solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes. A gazebo shall not be greater than 16 feet in height.
 - d. Doghouses, covered pens and other similar structures for the housing of household pets, but not including kennels. Such structures shall not be used for storage and cannot be located in the required front yard setback.
 - e. Below ground fallout shelters.
 - f. One school bus shelter, no greater than 50 sq. ft. in area. School bus shelters are permitted in the front yard provided they are ten (10) feet from the front property line and less than six (6) feet in height. Such structure shall not be used for storage.
 - g. Swimming pool accessory buildings and pump houses shall be less than 30 sq. ft., no more than 10 feet in height, and shall not be located within the required district setbacks.
 - h. Trellis: (Patio cover with an open roof less than 50 percent coverage) which is not enclosed on the side except for required roof supports. Such structure shall not be greater than 16 feet in height.
 2. **ACCESSORY STRUCTURE EXCEPTIONS** - Swing sets, playground equipment, garden trellises and similar above-ground yard equipment accessories to a residential use are exempt from the provisions of this zoning ordinance, except height limitations as listed in each residential chapter, or unless specific provision is made to such equipment by this Ordinance.

Non-complying swing set not child's play for Westport zoning officials

Paul Schott, Staff Writer

Published 1:55 pm, Saturday, April 23, 2011

WESTPORT -- Like most 7-year-olds, [Lynnea Moskowitz](#) knows her way around a swing set. Since her father Cary built a set for her in the front yard of their Sturges Highway home in October 2009, she's learned quite a bit about the apparatus.

On a recent Saturday afternoon, the [Coleytown Elementary School](#) first-grader launched into one of her frequent workouts on the set. First, she took a ride on the swing. She then hopped over to the swing bar where she practiced an array of spins and turns. After dismounting, she scurried up a rope ladder to the small hut in the middle of the wood-frame set. Without pause, she leaped onto the monkey bars, which she traversed swiftly.

"I like the monkey bars the best," she said with a grin that showed the beginnings of two permanent front teeth.

A few minutes later, Lynnea's play time ended on the seemingly unremarkable piece of equipment, and the youngster skipped back into the Moskowitzes' white colonial house.

That swing set, however, has ignited one of the town's most high-profile zoning disputes in recent years. The apparatus is within a setback, an area adjoining a property line that must be free of structures, according to town zoning regulations. In the AAA residential zone in which the [Moskowitz house](#) is located, the town's setback regulations require that any structure be set back at least 50 feet from the property line.

But this apparently minor non-conformity has embroiled an increasing number of town officials in scrutinizing the rules that govern swing and play sets and a broader debate about the appropriate scope of residential zoning regulations.

"This is insane," Cary Moskowitz said. "I haven't done anything outrageous. I've just built a simple swing set for my daughter."

The imbroglio surrounding the swing set erupted in November 2009 when Moskowitz's next-door neighbor, [Carla Rea](#), reported to the [Planning and Zoning Department](#) that Moskowitz had erected a swing set within a setback. After a [P&Z Department](#) official inspected the swing set, the department sent a violation notice to Moskowitz, asking him to "correct" the noncompliance.

Carla Rea is married to [Michael Rea](#), chairman of the Representative Town Meeting's [Finance Committee](#).

"It's a violation of the zoning laws and a violation of our privacy," said Michael Rea, speaking on behalf of his wife. He declined to comment further.

Moskowitz, who works for [UBS Financial Services](#) in New York City, said he was not aware that swing sets were banned from setbacks when he built the apparatus. He also disputed that the swing set, which measures about 15 feet in length and 10 feet at its peak, infringes upon the Reas' privacy.

The swing set lies a few feet from the property line between the Moskowitz and Rea residences. Pine and hemlock trees run along the property border.

After receiving the violation notice, Moskowitz went to the [Zoning Board of Appeals](#) to seek a variance of the regulations to allow the swing set to remain in the setback. He said the prevalence of wetlands and sloped areas on his 1.6 acre-property preclude him from placing the apparatus elsewhere.

"This is the only level, dry piece of ground to put it on," he said. "It's really the only logical place."

In March 2010, the ZBA rejected that appeal. A month later, he filed an appeal against the ZBA's decision in the state [Superior Court](#) in Bridgeport. That move suspended any action by the P&Z Department against Moskowitz until the appeal is resolved, allowing him to keep the swing set in the setback -- at least for now.

As the appeal worked its way through the legal process, Moskowitz and his lawyer [Joel Green](#) said they discovered inconsistent enforcement by zoning officials of the setback regulations.

"At the moment, there are hundreds of swing sets that are located in zoning setbacks," Green said. "Kids play in zoning setbacks. It seems rather arbitrary to say that you can't have a simple swing set in a setback."

To address this alleged irregularity and to speed resolution of the dispute, Moskowitz in February submitted a proposed text amendment to the P&Z that would have allowed swing and play sets to be placed within residential setbacks provided that they do not have structures defined as "buildings" by zoning regulations.

On April 7, the [Planning and Zoning Commission](#) unanimously rejected that amendment on several grounds.

P&Z Chairman [Ron Corwin](#) contested the claims by Moskowitz and Green that the P&Z has not consistently enforced zoning regulations for setbacks.

A P&Z Department report on Moskowitz's proposed text amendment noted, however, that the department does not engage in "proactive" enforcement of setback rules and generally enforces the rules only when it receives a complaint.

The P&Z Department report on Moskowitz's amendment included feedback from several town officials who said they did not oppose the proposed zoning changes.

"Please put an end to the bizarre policy the town has regarding play toys that people own," Building Official [Steve Smith](#) said in the report. "Swing sets, trampolines, basketball hoops, etc., are not structures; they are equipment and should not be regulated."

Moskowitz and Green said they would have withdrawn the legal appeal had the P&Z approved the text amendment. Instead, legal action will proceed, with Moskowitz's appeal set for a June hearing in Superior Court. Green said a decision is expected later in the summer

City of Owosso

Sec. 38-5. - Definitions.

Accessory building. A building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use, or accessory. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations.
- (8) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (11) Satellite receiving antennae: An apparatus capable of receiving communications from a transmitter relay located in planetary orbit.
- (12) Usable satellite signal: A satellite signal which when received on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

Adult foster care facility. A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Beginning March 27, 1984, adult foster care facility shall include home for the aged.

Adult foster care small group home. An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twelve (12) adults shall be provided with foster care.

Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Apartment. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Auto repair station. A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and breakfast operations. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

Building. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels or property of any kind.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

Building line. A line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. See Article XVIII for porches and horizontal projections such as eaves and bay windows.

Child or adult care center. A facility other than a private home where one (1) or more persons are received for care and supervision for periods of less than twenty-four (24) hours a day and for four (4) weeks during a calendar year.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Convalescent or nursing home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

Drive-in. A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling unit. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, one-family. A building designed exclusively for and occupied by one (1) family.

Dwelling, two-family. A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, multiple-family. A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Development. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District. A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services. The erection, construction, alteration or maintenance by public utilities or city departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or city departments for the general health, safety or welfare.

Excavation. Any breaking of ground, except common household gardening and ground care.

Family. One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

Family day care home. A private home in which one (1) to six (6) children are received for care and supervision for periods of less than twenty-four (24) hours a day and for more than four (4) weeks during a calendar year.

Farm. The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor area, residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of such story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor area, usable. (For the purposes of computing parking.) That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for the utilities or sanitary facilities, shall be excluded from this computation of "usable floor area": Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Floor area ratio. A volume control wherein a building ratio of 1.0 means that the floor area may equal the lot area. An F.A.R. of 5.0 means that the floor area may be up to five (5) times as large as the lot area: and an F.A.R. of 0.5 means that the floor area shall be no more than one-half of the lot area.

Foster family group home. A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Foster family home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

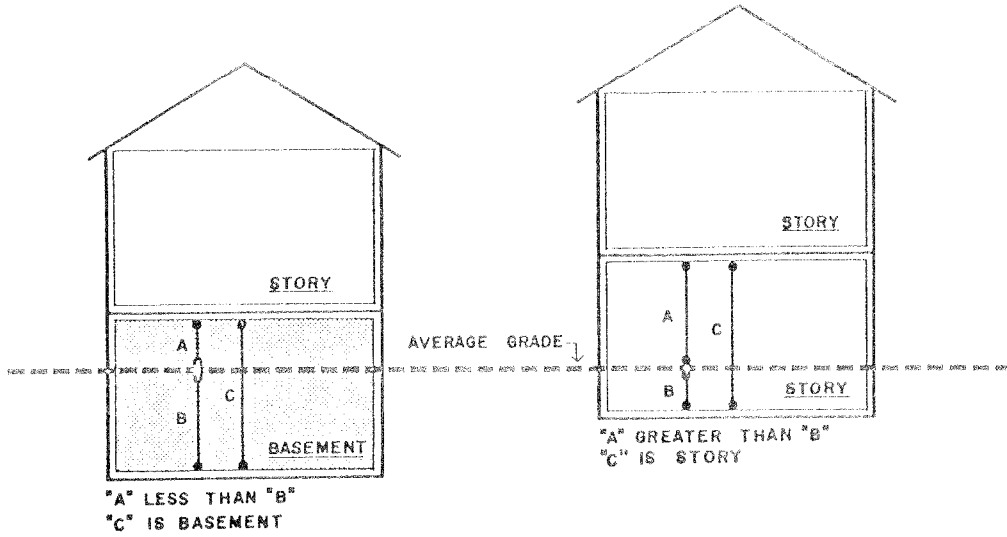
Garage, private. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

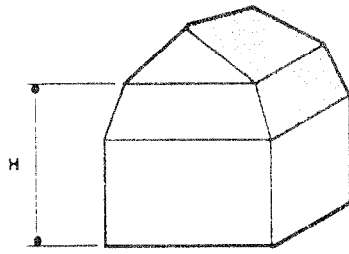
Gasoline service station. A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

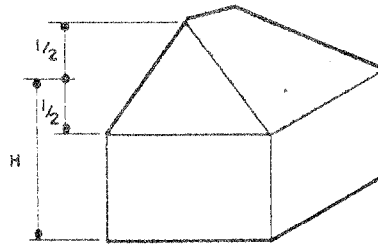
Group day care home. A private home where seven (7) to twelve (12) children are received for care and supervision for periods of less than twenty-four (24) hours a day and for more than four (4) weeks during a calendar year.



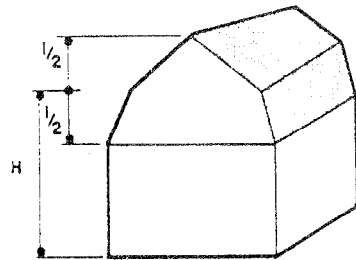
BASEMENT & STORY



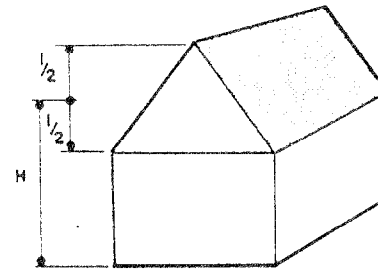
MANSARD ROOF



HIP ROOF



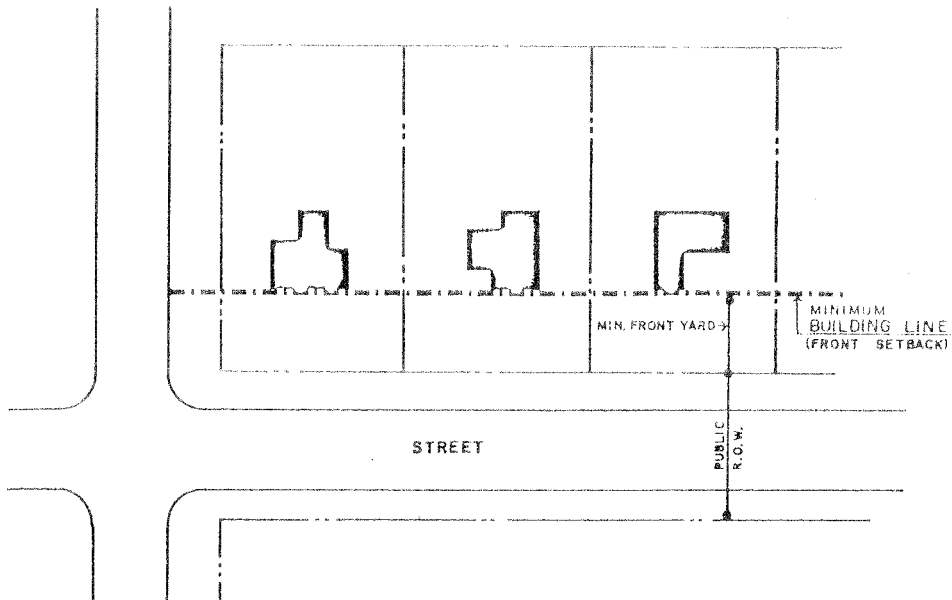
GAMBREL' ROOF



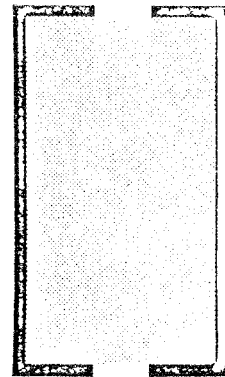
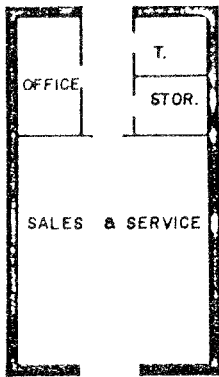
GABLE ROOF

H = HEIGHT OF BUILDING

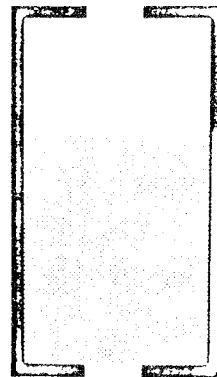
BUILDING HEIGHT



BUILDING LINE

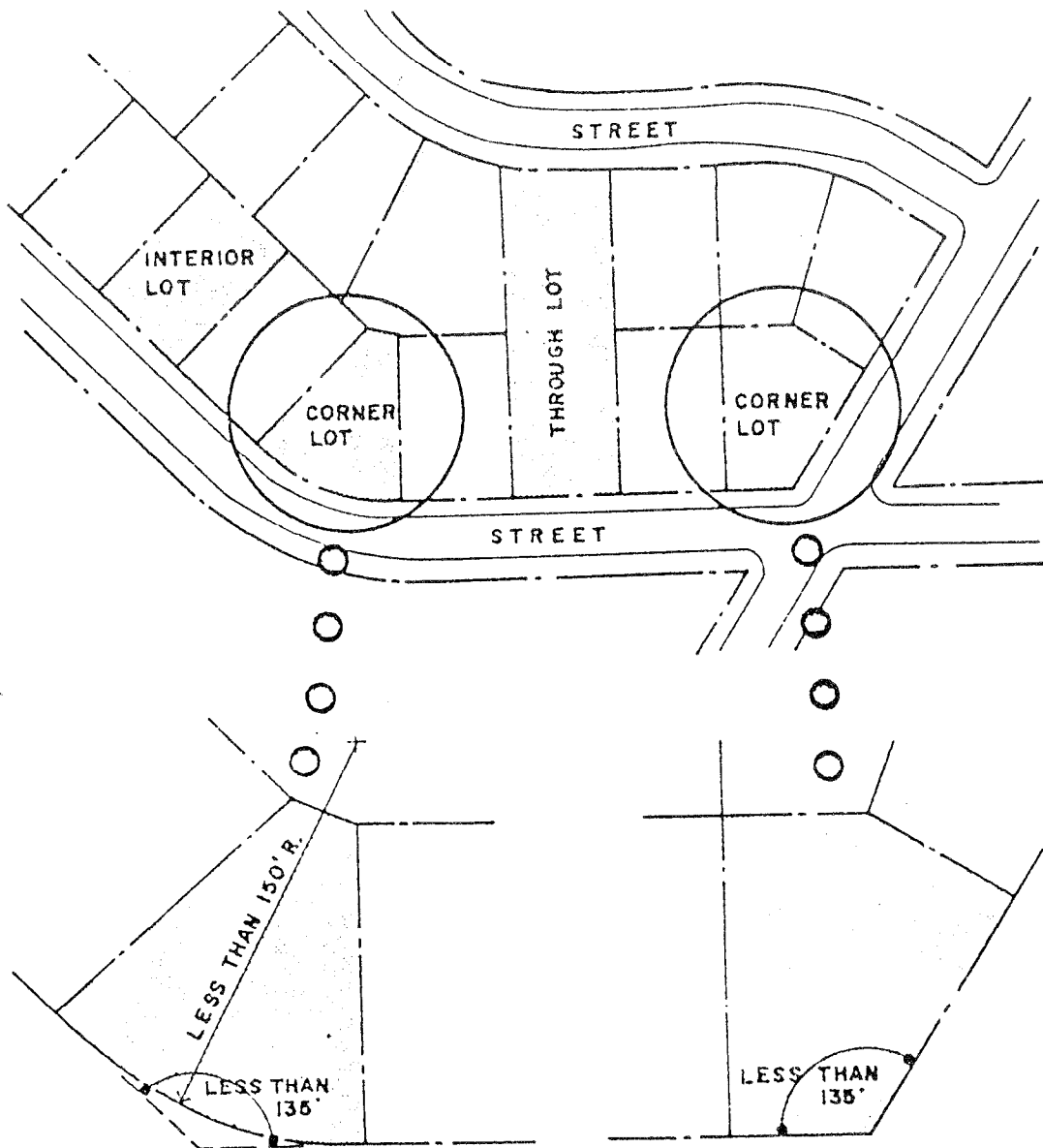


TOTAL FLOOR AREA



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

FLOOR AREA



INTERIOR, THROUGH & CORNER LOTS

Hotel. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: Mail service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Junkyard. An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: Scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel, commercial. Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

Loading space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local street. A street that provides frontage and access residential lots but also carries some through traffic to lower ordered cul-de-sac streets and lanes.

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

Lot, corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.

Lot, interior. Any lot other than a corner lot.

Lot, through. Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, zoning. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

Lot area. The total horizontal area within the lot lines of the lot.

Lot coverage. The part or percent of the lot occupied by buildings including accessory buildings.

Lot depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot lines. The lines bounding a lot as defined herein:

- (1) Front Lot Line. In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, is that line as designated on the building plans filed for approval with the Building Inspector.
- (2) Rear Lot Line. That lot line opposite the front lot line. In the case of lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- (3) Side Lot Line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width. The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Main building. A building in which is conducted the principal use of the lot upon which it is situated.

Major thoroughfare. An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

Master plan. The comprehensive community plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the council.

Medical marihuana dispensary (or clinic) means any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis, any product containing marihuana or cannabis, or medical marihuana paraphernalia as described herein. This definition does not apply to patients or caregivers operating pursuant to [subsection] 38-52(9).

Medical marihuana growing facility means any building, or portion thereof, that allows cultivation, growing, processing or distribution of medical marihuana, excluding the cultivation, growing or processing allowed inside a qualifying patient's primary, legal residence.

Mezzanine. An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mobile home (trailer coach). Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

Mobile home park (trailer court). Any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes are located.

Motel. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Nonconforming building. A building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter was derived (December 6, 1970), or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

Nonconforming use. A use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter was derived (December 6, 1970), or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursery, plant materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance factors. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;

- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic.

Off-street parking lot. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open front store. A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

Parking space. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Plaza. An open area accessible to the public which is either:

- (1) An open area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line; or
- (2) An open area on a through lot, extending from street to street and not less than forty (40) feet wide. Such plaza shall not at any point be more than five (5) feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level up, except for covered pedestrian walks.

Principal use. The main use to which the premises are developed and the principal purpose for which the premises exist.

Public utility. A person, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or city regulations to the public: Gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Room. For the purpose of determining lot area requirements and density in a multi-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Secondary thoroughfare. A principal artery within residential or commercial areas that carries relatively high traffic volumes and connects lower ordered streets with major thoroughfares. Its primary function is to promote the free flow of traffic.

Setback. The distance required to obtain minimum front, side or rear yard open space provisions of this chapter.

Shadow flicker. The moving shadow, created by the sun or other permanent light source shining through the rotating blades of a wind energy system (WES). The amount or degree of shadow flicker is calculated and quantified by computer models.

Small structure-mounted wind energy system (SSWES). A structure-mounted small wind energy system that converts wind energy into electricity by using equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformers, vane, wire, inverter, batteries, or other components ancillary to such use in the system. This structure [is] an accessory building that is permanently affixed to a structure's roof, walls, or other elevated surface. The SSWES does not exceed ten (10) kilowatts or fifteen (15) [feet] in height as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances.

Small tower-mounted wind energy system (STWES). A tower-mounted small wind energy system that converts wind energy into electricity by using equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformers, vane, wire, inverter, batteries, or other components ancillary to such use in the system. The SWES is an accessory building that does not exceed fifty (50) kilowatts or one hundred twenty (120) feet.

Small wind energy system (SWES) represent all SSWES and STWES systems.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purposes of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Story. That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this chapter, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

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.

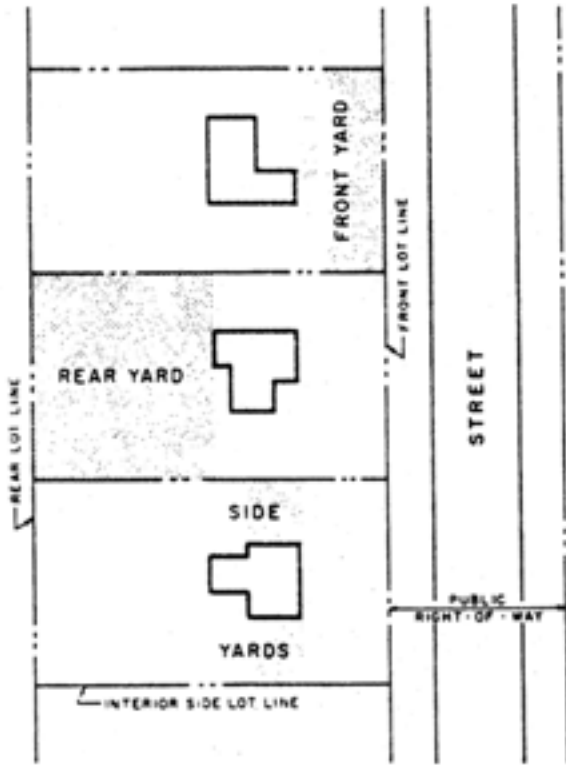
Temporary use. Any use, event, or display of a temporary, seasonal, or portable nature that is customary and incidental to the primary permitted use, providing that such use is not otherwise regulated or permitted by this article or a valid site plan.

Use. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Wall. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Yards. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter (see sections 38-418 and 38-419) and as defined herein:

- (1) Front yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) Rear yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) Side yard. An open space between the main building and the side lot line, extending from the front yard to the rear, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



(Code 1977, § 5.04; Ord. No. 424, § 5.04, 6-18-84; Ord. No. 428, § 1, 9-17-84; Ord. No. 439, § 1, 1-6-86; Ord. No. 477, § 1(1), 11-19-90; Ord. No. 499, 2-16-93; Ord. No. 502, § 1, 3-15-93; Ord. No. 520, § 1, 3-21-94; Ord. No. 721, § 1, 4-18-11; Ord. No. 728, § 1, 2-6-12; Ord. No. 744, §§ 1, 4, 8-19-13)

Cross reference— Definitions and rules of construction generally, § 1-2.

City of Owosso

Sec. 26-9. - Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in chapter 38, zoning, of this Code, or in the Uniform Sign Code shall be given the meanings set forth in such chapter and code. Principles for computing sign area and sign height are contained in section 26-24. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

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

Administrator. The building official or his designated representative within the building department.

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

Animated sign. Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene. For the purposes of this chapter, this term does not refer to flashing, changeable copy signs or programmable message centers.

Awning sign. A sign painted on, printed on, or attached flat against the surface of an awning, which is a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. An awning is not a marquee.

Banner sign. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

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

Canopy. A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one (1) or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

Canopy sign. A sign displayed and affixed flat on the surface of a canopy which does not extend vertically or horizontally beyond the limits of the canopy.

Central business district. That area defined by the boundary of the B-3 zoning district on the zoning map of chapter 38, zoning and that area defined by those properties fronting Main Street between State Street and Cedar Street and those contiguous properties zoned commercial at or near the intersection of Stewart Street and South Chipman Street. For the purposes of these chapter regulations, the central business district is symbolized by the B-3 zoning district title.

Changeable copy sign. Any sign designed or constructed whereby the lettering or message usually contained thereon is capable of being changed by rearranging or installing new letters or messages without removing, replacing or resurfacing the face of such sign.

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

Construction sign. Any sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.

Directional sign. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo, said logo not comprising more than twenty (20) percent of the total sign area, of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

Double-faced sign. Any sign containing two (2) sign surfaces.

Election sign. A temporary sign which refers only to a political candidate, political party, or the issues involved in an upcoming political election.

Facade. The front of a building, including a parapet, facing a right-of-way line. In the case of a corner lot, or in the case of a building covering an entire block, a building may have more than one (1) facade.

Festoon sign. Any sign consisting of strings of exposed incandescent light bulbs, balloons, or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

Flashing sign. Any sign which contains an intermittent or flashing, scintillating, blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Freestanding sign. A sign structure supported permanently upon the ground by poles or braces and not attached to any building. This definition shall be deemed to have been repealed as of June 30, 2003 unless reenacted by the city council.

Frontage, street. The length of the property line of any one (1) premise along a public right-of-way on which it borders.

Garage sale sign. Any sign denoting a private sale of personal property used to dispose of personal household possessions.

Ground sign. Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Height of sign. The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign, excluding decorative embellishments.

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.

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.

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.

Mansard. A sloped roof or rooflike facade architecturally comparable to a building wall.

Marquee. Any permanent rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign which is attached to a marquee. These signs shall be treated as wall signs.

Moving message board. An electrical sign designed to exhibit a pattern of letters or numbers delivered in such fashion so as to appear to be moving lines or words of type.

Multi-faced sign. Any sign containing three (3) or more signed surfaces so that such messages as contained on the sign face are visible to persons viewing such signs from two (2) or more directions.

Nonconforming sign. Any sign which lawfully occupied a building or land at the effective date of chapter 38, zoning of this Code, or any amendment thereto, that does not conform to the regulations of the district or premises where it is located.

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

Parapet. That part of any wall entirely above the roofline of a building.

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.

Person. Any individual, corporation, association, firm, partnership, or similarly defined interest.

Portable sign. A mobile temporary sign mounted on a trailer type frame with wheels or skids and not permanently attached to the ground or designed to be permanently attached to the ground or a building.

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 flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Roof sign. Any sign erected over or on the roof of a building.

Roof sign, integral. Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating sign. Any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purposes of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. This section shall be deemed to have been repealed as of June 30, 2003 unless reenacted by the city council.

Suspended sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign. A sign not constructed or intended for longterm use and not permanently mounted.

Vacant land. A lot of record on which there are no principal uses and for which no nonconformity exists for the minimum required street frontage of the applicable zoning district.

Wall sign. Any sign attached to, and/or affixed to, the face of the wall of any building structure or part thereof, provided that no part of any such sign extends more than twenty-four (24) inches from the face of the exterior wall.

Window sign. Any paper, cardboard, or painted graphics or other material conveying an advertising message which is designed for or placed behind any window visible to the public.

(Ord. No. 500, 2-16-93; Ord. No. 579, § 1, 5-3-99; Ord. No. 627, § 1, 5-19-03; Ord. No. 661, § 1, 10-18-04; Ord. No. 673, § 1, 6-19-06)

City of Owosso

Sec. 30-29. - Lots.

- (a) The lot size, width, depth, shape and orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) The lot area shall be as follows:
 - (1) Residential lots where served by public sewer shall not be less than sixty-six (66) feet wide at the front building line nor less than eight thousand seven hundred twelve (8,712) square feet in area.
 - (2) Residential lots where not served by public sewer shall not be less than one hundred thirty-two (132) feet wide at the front building line nor less than seventeen thousand four hundred twenty-four (17,424) square feet in area.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) **Corner lots for residential use shall have extra width to permit appropriate building setback and the orientation to both streets.**
- (d) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (e) Double frontage, and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (f) Said lot lines shall be substantially at right angles or radial to street lines.
- (g) Lot remnants. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels.

(Code 1977, § 5.251)

Keep in mind homes built before the zoning ordinance went into effect are “grandfathered” in.

City of Owosso

Sec. 38-352. - Notes to schedule.

The following are notes to the schedule in section 38-351:

- (a) See section 38-353, average lot size, and section 38-354, subdivision open space plan, regarding reflexivity allowances.
- (b) For all uses permitted other than one-family residential, the setback shall be governed by the formula in footnote (d) below, or by the setback required in section 38-53 or by 38-351, whichever is greater.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (d) Along those property lines which abut a one-family residential district, the minimum required yard shall be determined by the following formula:

$$Y = L + 2H / 4$$

Along those property lines which do not have the above described relationship to property zoned in a one-family residential district classification, the minimum required yard shall be determined by the following formula:

$$Y = L + 2H / 6$$

The symbols used above shall be defined as follows:

Y = required yard.

L = the total length of that portion of a lot line from which, when viewed directly from above, lines drawn perpendicular from the lot line will intersect any part of the building other than permitted yard encroachments.

H = height of building as defined in section 38-5.

Where a lot line abuts a street, one-third the width of the right-of-way of the street may be considered as yard setback; but in no instance including the above, shall any yard be less than those indicated in section 38-351.

In the RM-2 districts, not more than fifty (50) percent of any required front yard shall be used for vehicular parking or driveways.

- (e) In the RM-1 district, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the area of the parcel in square feet, divided by twelve hundred (1200) for any buildings of two (2) stories or less and eight hundred fifty (850) for buildings of two and one-half (2½) or three (3) stories.
- (f) The minimum zoning lot in an RM district shall be ten thousand (10,000) square feet in area. In all the RM districts, for the purposes of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency = 1 room

One bedroom = 2 rooms

Two bedroom = 3 rooms

Three bedroom = 4 rooms

Four bedroom = 5 rooms

Plans presented showing 1, 2 or 3 bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads. All units shall have at least one (1) living room and one (1) bedroom, except that not more than twenty (20) percent of the units may be of an efficiency apartment type.

- (g) In the RM-2 districts, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the area of the parcel in square feet divided by seven hundred (700) for any buildings of two and one-half (2½) to four (4) stories and four hundred (400) for buildings of four and one-half (4½) or more stories. For buildings of two (2) stories or less in height, the requirements of the RM-1 district shall apply.
- (h) In all the RM districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than twenty (20) feet in an RM-1 district and thirty (30) feet in an RM-2 district. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. A minimum fifteen (15) foot strip of lawns or walks shall be maintained between buildings and parking lots. The formula regulating the required minimum distance between two (2) buildings in all RM-1 and RM-2 districts is as follows:

$$S = L_A + L_B + \frac{2(H_A + H_B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A = Total length of building A.

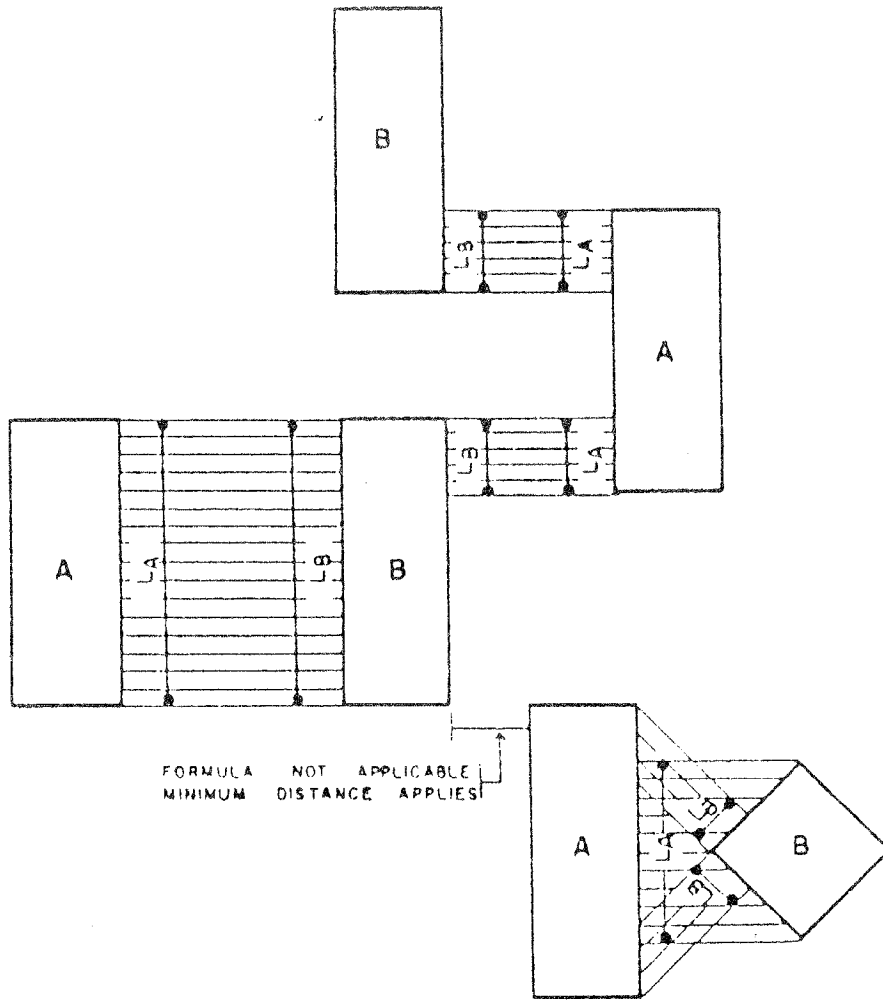
The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L_B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H_A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



MIN. DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

H_B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

- (i) The minimum floor area per unit shall be as follows:

- (1) Efficiency unit - 350 sq. ft.
 - (2) One bedroom - 450 sq. ft.
 - (3) Two bedroom - 600 sq. ft.
 - (4) Three bedroom - 800 sq. ft.
 - (5) Four bedroom - 1,000 sq. ft.
- (j) The front yard shall be a minimum of fifteen (15) feet or fifteen (15) percent of the depth of the lot, whichever is greater, provided that the maximum setback so required shall be sixty (60) feet.
 - (k) Off-street parking shall be permitted within the front yard.
 - (l) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code. On a corner lot which borders on a residential district to the rear, there shall be provided a setback of twenty (20) feet on the side or residential street. On an exterior side yard abutting a residential district or abutting a street, there shall be provided a setback of ten (10) feet in width.
 - (m) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of O-1 districts, loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
 - (n) When adjacent to a R-1, R-2 or RT-1 district, the minimum rear yard setback shall be ten (10) feet or ten (10) percent of the depth of the lot, whichever is greater, provided that the maximum setback so required shall be sixty (60) feet.
 - (o) No building shall be closer than seventy-five (75) feet to any adjacent residential district or to any public street.
 - (p) There shall be no specific height limitation in a CBD district; provided, however, that prior to the issuance of a building permit for any structure over thirty-five (35) feet in height, the council, after recommendation of the planning commission, shall make a finding that any such excessive height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction and that fire protection can be provided by the city. In approving a height in excess of thirty-five (35) feet, the council may follow the standard in floor area ratio set forth below:
 - (1) In the CBD district, the maximum floor area ratio for a zoning lot shall not exceed 4.0.
 - (2) For each square foot of plaza provided on a zoning lot, the total area permitted by the floor area ratio, set forth above, may be increased by three (3) square feet.
 - (q) Off-street parking for visitors, over and above the number of spaces required under section 38-380, may be permitted within the required front yard provided that such off-street parking spaces are not located within twenty (20) feet of the front lot line.
 - (r) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
 - (s) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street. Loading areas shall be provided in accordance with section 38-382.
 - (t) Where there exists in any city block in the R-1 and R-2 districts the setting of over fifty-one (51) percent of the dwelling units with legal nonconforming front yard setbacks less than twenty-five (25) feet, a building permit may be issued for a one-family or two-family dwelling unit or an addition to an existing unit for a proposed setback that is equivalent to the setback of over fifty-one (51) percent of the dwelling units in said city block, provided that no setback on a corner lot will be less than that required for corner clearance as specified in section 38-388.

- (u) The ground floor area shall not be less than seven hundred fifty (750) square feet.
- (v) In order to compare favorably with existing housing within the city, the minimum width of a new dwelling unit not located in a mobile home park shall be twenty-four (24) feet for a core area of seven hundred twenty (720) square feet; furthermore, said unit shall be placed on a full perimeter foundation.
- (w) See section 38-395(2) for regulation of height, bulk, setback, density and area.

(Code 1977, § 5.72; Ord. No. 454, § 2, 8-15-88; Ord. No. 478, § 1, 11-19-90; Ord. No. 662, § 1, 10-18-04)