

Proposed Mason County Zoning Ordinance Amendments
Prepared by Wade Trim Associates, Inc.
May 15, 2017 – 8th DRAFT

Key:

Text proposed to be deleted

Text proposed to be added

Text which the Planning Commission has not seen

Home Occupation Amendments
(Sections 2.02, 3.10, 5.03, 6.03, 7.03, 8.03, 10.03a, 10.03b, 13.03, 14.03, 17.32)

Section 2.02 Definitions

~~Home-Based Businesses: An occupation or business activity conducted within a dwelling or otherwise on the land where a dwelling is located, and consisting of a base of operations from which to conduct the primary and substantial part of the occupation or business elsewhere, and other permitted on-site business activity not qualifying as a home occupation.~~

~~Home Occupation: An occupation traditionally or customarily carried on in a dwelling as a use clearly incidental and secondary to the use of the dwelling for single family residential purposes, and which does not change the nature or character of the dwelling.~~ **A business, profession, occupation, or trade conducted by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling, and which does not change the nature or character of the dwelling. For the purposes of this Ordinance, home occupations are categorized into the following classes:**

- 1. Class I Home Occupation: A home occupation which has no impact on the neighborhood (by way of visual impact, noise, traffic, etc.) and does not involve the use of detached accessory buildings, signs, more than one non-resident employee, or outdoor activities (display, storage or parking of home occupation-related vehicles).**
- 2. Class II Home Occupation: A home occupation which has a minimal impact on the neighborhood (by way of visual impact, noise, traffic, etc.), may involve the use of detached accessory buildings or a sign, but does not involve more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).**
- 3. Class III Home Occupation: A home occupation which requires special regulation to ensure compatibility with the surrounding neighborhood and may involve the use of detached accessory buildings, a sign, more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).**

Section 3.10 Home Occupations.

A home occupation shall comply with all of the following requirements:

- ~~1. A home occupation may be permitted in the AG, RE, RR, R, MHP, F, C 2, C 3, and GB Districts in accordance with this section.~~
- 1. Intent.** It is the stated intent of this section to allow home occupations, as defined in this Ordinance, which: are secondary and incidental to the use of the premises as a residence; are compatible with residential uses; are limited in extent; and, do not detract from the residential character of the neighborhood. A medical marijuana primary caregiver home occupation is addressed separately from other forms of home occupations in recognition of its unique nature (see Section 3.10,(11)).
- 2. Home Occupation Classes.** For the purposes of this Ordinance, home occupations are categorized into the following classes:
 - a. Class I Home Occupation:** A home occupation which has no impact on the neighborhood (by way of visual impact, noise, traffic, etc.) and does not involve the use of detached accessory buildings, signs, more than one non-resident employee, or outdoor activities (display, storage or parking of home occupation-related vehicles).
 - b. Class II Home Occupation:** A home occupation which has a minimal impact on the neighborhood (by way of visual impact, noise, traffic, etc.), may involve the use of detached accessory buildings or a sign, but does not involve more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).
 - c. Class III Home Occupation:** A home occupation which requires special regulation to ensure compatibility with the surrounding neighborhood and may involve the use of detached accessory buildings, a sign, more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).
- 3. Home Occupation Types by Class.**
 - a.** The table below lists types of home occupations by class. However, in reviewing an application for a proposed home occupation, the type may be changed from a lower class to a higher class, as determined by the Planning Commission, based on the specific characteristics of the proposed home occupation.

Type of Home Occupation	Class I	Class II	Class III
Home arts and crafts, including but not limited to, painting, woodworking, sculpturing, rug weaving, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.	X		
Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.	X		

Type of Home Occupation	Class I	Class II	Class III
Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.	X		
Dress making, sewing and tailoring.	X		
Telephone answering or solicitation service.	X		
Private tutoring.	X		
Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his or her disability.	X		
Direct sale product distribution (Amway, Avon, Tupperware, etc.).	X		
Mail order or internet sales.	X		
Photography or other graphic design, web site development or similar service, which does not involve the rendering of services to customers on the premises.	X		
House cleaning service.	X		
Any of the above listed Class I home occupations which involve the use of detached accessory buildings		X	
Home office of a professional person such as an attorney, real estate agent, author, bookkeeper, insurance agent, travel agent, architect, financial planner, tax preparer, or accountant, which involves the rendering of services to customers on the premises.		X	
Sole proprietor hair stylist or barber shop, manicurist, or massage therapist, which involves the rendering of services to customers on the premises.		X	
Sole proprietor photography studios, which involves the rendering of services to customers on the premises.		X	
Repair of small appliances, computers, phones, watches and clocks, cameras and other small items.		X	
Catering.		X	
Laundrying or ironing service.		X	
Locksmith.		X	
Limousine service		X	
Wallpapering, painting, or interior design services.		X	
Home office and workshop of a plumber, electrician, or similar trade.		X	
Furniture repair, restoration and upholstering.		X	
Flower arranging and/or sales		X	
Turf services and landscaping enterprises with no outdoor storage of equipment or materials and no non-resident employees.		X	
Tree trimming or cutting, with all equipment to be stored within an accessory building and no wood products outside.		X	

Type of Home Occupation	Class I	Class II	Class III
Pet grooming operation.		X	
Any of the above listed Class I or Class II home occupations which involve outdoor activities (display, storage or parking of home occupation-related vehicles)			X
Beauty salons and barber shops, manicurist, hair stylist, or massage therapist, which involves the rendering of services to customers on the premises by both resident and non-resident employees, or with more than one chair/service area, capable of serving more than one customer at a time.			X
General contractor, excavator, or other construction related activity requiring outdoor storage of materials or equipment and/or parking for customers or employees.			X
Taxidermy or deer processing services.			X
Interior boarding facilities associated with pet sitting (day care) service or animal rescue.			X
Tree cutting, stump grinding, or similar service.			X
Automotive repair or auto body repair, or other mechanical services involving the use of non-resident employees.			X
Retail sales in association with a specialty service, craft, or skill associated with the resident/owner.			X
Small equipment rental.			X
Turf services and landscaping enterprises with outdoor storage of equipment and/or non-resident employees			X
Cabinet making and carpentry work.			X
Television and other large appliance repair.			X
Repair of small engines and associated equipment.			X
The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home occupation conducted on the premises.			X

- b. All home occupation types not specifically listed in the table above shall require a letter of class designation from the Zoning Administrator based upon the intent of the home occupation provisions and experience with similar types. Each decision shall be used to create a supplemental list of Class I, Class II and Class III home occupation types. Once a home occupation type is listed as either Class I, Class II or Class III, a letter of class designation shall not be required for that type of home occupation.
4. Prohibited Home Occupations. The following uses are expressly prohibited as home occupations:
- a. Recycling center.
 - b. Commercial scrap and salvage operation.

5. **Procedures for Class I Home Occupations.** Class I Home Occupations shall be permitted by right in any district which allows single-family dwellings, with no permit required, in accordance with the requirements of this section.
6. **Procedures for Class II Home Occupations.** Class II Home Occupations shall be permitted by right in any district which allows single-family dwellings, in accordance with the requirements of this section and the following procedures:
 - ~~11. No home occupation shall be permitted without the prior issuance of a home occupation permit, in accordance with this subsection.~~
 - a. A person shall apply for a home occupation permit on a form provided by the County Zoning Department and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator.
 - b. The application shall include a site plan **or plot plan drawn to scale with dimensions** and other information showing the location of the home, buildings, driveways, parking areas, proposed signage, hours of operation and other features of the home occupation.
 - c. A home occupation permit shall be issued by the Zoning Administrator for a proposed home occupation if the home occupation complies with the requirements of this section, based upon the application and the materials and other information provided. Once the application is complete, the Zoning Administrator shall issue, or shall decline to issue, the permit within a reasonable time. If the Zoning Administrator declines to issue the permit, the reasons therefore shall be stated in writing.
 - ~~d. In determining whether a proposed home occupation not listed in this section nevertheless qualifies as a home occupation under this section, the Zoning Administrator shall consider the following:~~
 - ~~i. The extent to which the proposed home occupation is reasonably similar to those listed in this section.~~
 - ~~ii. Whether the major features and characteristics of the proposed home occupation would comply with the requirements stated in this section.~~
 - ~~iii. Whether the home occupation is reasonably included within the definition of home occupation, as stated in this Ordinance.~~
 - ~~e. d.~~ In issuing a home occupation permit, the Zoning Administrator may include reasonable terms and conditions consistent with the requirements of this section.
 - ~~f. e.~~ A home occupation permit shall remain in effect, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the County for non-compliance, by the issuance of a stop work order or an order revoking the permit, issued by the Zoning Administrator or other County representative having responsibility for enforcement of County ordinances.
 - ~~g. f.~~ Upon the cessation of a home occupation for a period of ~~90 days~~ **1 year**, the home occupation permit shall be of no further effect.

7. Procedures for Class III Home Occupations. Class III Home Occupations shall be permitted in any district which allows single-family dwellings upon receipt of a special land use permit issued in accordance with the requirements of this section and the procedures specified in Article XVI, “Special Land Use Conditions, Review, and Approval.”

a. Among other information, the application for a Class III home occupation shall include the following:

- i. A plot plan drawn to scale, showing the dwelling and any accessory buildings to be used in the home occupation and other buildings on the site. The plot plan shall include property dimensions, distances of building setbacks from property lines, ground floor area of each building and total ground floor area of all buildings to be used in the home occupation. The plot plan shall also show structures located within 100 feet of the property lines of the home occupation parcel, driveway locations and uses occurring within all existing accessory buildings on the site. The plot plan is not required to be prepared by a licensed professional engineer or surveyor.**
- ii. A description of the home occupation, including the activities to occur both on-site and off-site.**
- iii. The number of employees of the home occupation, including family members and nonresident employees.**
- iv. The days and hours of operation.**
- v. The location, dimensions and heights of proposed signs; the location and area of off-street parking, including driveways and areas of traffic circulation on the site.**
- vi. Proposed outdoor storage, including the location and dimensions thereof and measures for the screening thereof.**
- vii. Any anticipated landscaping, topographic features, fencing and other screening measures.**
- viii. A description of anticipated impacts of the home occupation on adjacent and nearby lands, including motor vehicle traffic, noise and other potential effects.**
- ix. A survey of the home occupation property, if the applicant has an existing survey thereof.**

b. In approving a Class III home occupation special land use, the Planning Commission may include reasonable terms and conditions, pertaining to the following matters, among others:

- i. The size and location of any accessory building to be used in the home occupation.**
- ii. The means of access to the home occupation and the expected frequency of vehicle trips to and from the home occupation, by customers, delivery vehicles, and others.**
- iii. The distance between the location of the home occupation and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home occupation from other lands.**

- iv. The number of persons to be engaged in the home occupation.
 - v. The area and location of any off-street parking area and any off-street loading area.
 - vi. Proposed signage, if any, and proposed outdoor lighting, if any.
 - vii. The expected hours of operation of the home occupation.
 - viii. The nature and type of the equipment, materials and processes to be used in the home occupation, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.
 - ix. Other aspects of the home occupation, in relation to adjacent and nearby land uses and the adjacent and nearby streets.
8. **Required Conditions. Home occupations shall meet the following conditions and requirements.**
- ~~2-~~ a. **A Class I or Class II home occupation shall be carried on by one or more members of a family residing in the home on the premises and no more than one other person who is a non-resident of the dwelling. A Class III home occupation shall be carried on by one or more members of a family residing on the premises, plus not more than three non-resident employees on-site.**
 - ~~3-~~ b. **There shall be no change in the outside appearance of the dwelling, as a result of the conducting of the home occupation, nor shall there be other externally-visible evidence of the home occupation, except as may be allowed in subsection d, below except for any permitted sign. An exterior sign may only be permitted for a Class II or Class III home occupation.**
 - ~~4-~~ ~~There shall be no outdoor storage, nor shall any accessory building be used in the operation of a home occupation.~~
 - c. **A Class I home occupation shall not be conducted within an accessory building. Class II and Class III home occupations may be conducted within an accessory building, however, no more than 50 percent of the total of the square footage of the dwelling and all accessory buildings on the property shall be used in the home occupation.**
 - d. **There shall be no outdoor display and/or storage of merchandise, equipment, home occupation-related vehicles or other materials associated with a Class I or Class II home occupation. The outdoor display and/or storage of merchandise, equipment, home occupation-related vehicles or other materials associated with a Class III home occupation may be allowed, subject to the following:**
 - i. **On lots smaller than 5 acres in size, such outdoor display and/or storage shall only occur within a defined area which is no larger than 10% of the total lot area.**
 - ii. **On lots 5 acres in size or larger, such outdoor display and/or storage shall only occur within a defined area which is no larger than 30% of the total lot area, or 5 total acres in size, whichever is less.**

- iii. **Any such outdoor display and/or storage, including any temporary storage of waste and trash, shall be screened from view from adjacent and nearby lands and from public rights of way by landscaping, natural topographic features, fencing or other screening measures.**
- ~~5.~~ e. Any motor vehicle traffic generated by the home occupation shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands or streets.
- ~~6.~~ f. If parking of motor vehicles will result from the home occupation, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home occupation may be parked in a driveway that is used to provide vehicle access to the dwelling.
- ~~7.~~ g. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements as to the use, handling, storage, transport and disposal of any such materials.
- ~~8.~~ h. **There shall be no deliveries from commercial suppliers, except on an occasional basis. Shipping and receiving of products, merchandise, or supplies shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Deliveries by a truck-tractor or semi-tractor with two or more rear axles shall not occur more than once per week. This provision shall not prohibit deliveries by trucks with single rear axles that traditionally service the needs of residential dwelling units.**
- ~~9.~~ i. The home occupation shall not result in serious adverse effects on adjacent or nearby lands or public or private streets by reason of **interference with radio or television transmission**, traffic congestion, outdoor lighting, noise, fumes, odors, vibration or other serious adverse effects.
- j. **Not more than one Class II or Class III home occupation may occur on site.**
- k. **Merchandise shall be limited only to products manufactured or substantially altered on the premises, or to supplies necessary for the conduct of the home occupation. (For example, a barber would be allowed to sell combs, shampoo, hair spray, and other miscellaneous items to customers.) A retail showroom, sales area, or similar use area must be approved by the Planning Commission.**
- ~~10.~~ Home occupations may include, but are not limited to, the following:
 - ~~a.~~ Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.
 - ~~b.~~ Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.
 - ~~c.~~ Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.
 - ~~d.~~ Dress making, sewing and tailoring.

~~e. Painting, sculpturing and writing.~~

~~f. Telephone answering service.~~

~~g. Private tutoring.~~

~~h. Telephone solicitation work.~~

~~i. Medical marijuana primary caregiver, subject to the additional requirements of Section 3.10 (12).~~

9. Inspection. The Zoning Administrator, or his or her designee, shall have the right at any time, to enter and inspect the premises for safety and compliance purposes for cause shown.

10. Nonconforming Home Occupations. A home occupation lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section. A home occupation lawfully in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section.

~~12.~~ **11.** A Medical Marijuana Primary Caregiver Home Occupation shall be subject to the following additional requirements:

a. A person shall apply for a medical marijuana primary caregiver home occupation permit on a form provided by the County Zoning Department and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator who shall issue a permit if the medical marijuana primary caregiver home occupation complies with the requirements of this subsection, based upon the application and the materials and other information provided. A medical marijuana primary caregiver home occupation permit shall remain in effect, so long as the terms of the permit and of this subsection are complied with and so long as the permit is not revoked. The permit may be revoked by the County for non-compliance, by the issuance of a stop work order or an order revoking the permit, issued by the Zoning Administrator or other County representative having responsibility for enforcement of County ordinances.

~~a.~~ **b.** A primary caregiver home occupation is the only primary caregiver activity permitted. All other medical marijuana operations, businesses and establishments, including without limitation dispensaries, storefronts, cooperatives, bars, clubs and similar operations for the combined cultivation, processing, transference, storing, dispensing, delivery, consumption and/or use of medical marijuana by two or more primary caregivers and/or qualifying patients are prohibited.

~~b.~~ **c.** Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.

~~c.~~ **d.** A primary caregiver home occupation shall be permitted in a single-family dwelling, which may include a structurally attached garage **and/or an outdoor enclosed, locked facility, as defined in the MMMA**, provided that such activity is conducted in accordance with the MMMA, the General Rules and the provisions of this Ordinance.

- ~~d.~~ **e.** All medical marihuana must be grown and contained within ~~the main building (dwelling and/or structurally attached garage)~~ in an enclosed, locked facility, as **defined and** provided by the MMMA.
- ~~e.~~ **f.** The dwelling in which a primary caregiver home occupation takes place shall not be located within 1,000 feet of the property of a school or library to insure community compliance with Federal "Drug-Free School Zone" requirements.
- ~~f.~~ **g.** The dwelling in which a primary caregiver home occupation takes place shall not be within 1,000 feet of the nearest property line of a church, daycare facility, or public park.
- ~~g.~~ **h.** All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- ~~h.~~ **i.** If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11 pm and 7 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction or annoyance for adjacent residential properties.
- ~~i.~~ **j.** A primary caregiver home occupation shall not bear on the premise any sign, emblem, display, or other mark indicating the presence of the activity or the home occupation.
- ~~j.~~ **k.** Upon approval of this application, the applicant or zoning administrator may report the address of the primary caregiver home occupation to the Mason-Oceana 911 service as a "Special Hazard" due to the presence of chemicals, fertilizers and electrical systems that may cause a unique hazard in the event of a fire.
- ~~k.~~ **l.** The applicant shall comply with the Michigan Fire Fighters Right To Know Law, Act No. 80 Amendments to Act 154 Michigan Occupational Safety and Health Act, as applicable.
- ~~l.~~ **m.** This primary caregiver home occupation shall allow an individual to operate as a registered primary caregiver only as defined by and in compliance with the General Rules, the MMMA, and the requirements of this Ordinance. Nothing in this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the MMMA and the General Rules. Nothing in this ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law.
- ~~m.~~ **n.** To the extent that the provisions of Section 3.10(~~42~~ **13**) conflict with other provisions of this Ordinance, the provisions of Section 3.10(~~42~~ **13**) shall control.

Section 5.03 Special Land Uses (AG, Agricultural District)

~~3. Home based businesses.~~

Section 6.03 Special Land Uses (RE, Rural Estates District)

~~10. Home based businesses.~~

Section 7.03 Special Land Uses (RR, Recreational Residential District)

~~4. — Home based businesses.~~

Section 8.03 Special Land Uses (R, Single-Family Residential District)

~~3. — Home based businesses.~~

Section 10.03a Special Land Uses (C-2, Neighborhood Commercial District)

~~16. — Home based businesses.~~

Section 10.03b Special Land Uses (C-3, Mixed-Use Transitional District)

~~5. — Home based businesses.~~

Section 13.03 Special Land Uses (GB, Greenbelt District)

~~5. — Home based businesses.~~

Section 14.03 Special Land Uses (F, Forestry District)

~~3. — Home based businesses.~~

Section 17.32 **~~Home Based Business~~ Reserved**

~~A home based business may be permitted as a special land use in accordance with this section.~~

- ~~1. — Home based businesses in the Access Management Overlay shall comply with the standards of the overlay zone.~~
- ~~2. — A home based business may be permitted in the AG, RE, F, GB, C-2, C-3, R-1 and RR Districts, in accordance with this section. The home based business shall be clearly secondary and subordinate to the residential use of the property.~~
- ~~3. — A home based business shall be carried on by one or more members of a family residing on the premises, plus not more than three non-resident employees.~~
- ~~4. — The home based business shall be conducted in the dwelling or elsewhere on the premises only to such extent that the activity serves as a base of operations for an occupation or business activity which primarily takes place elsewhere; provided, however, that a special land use may be approved for certain other home based businesses which are carried out primarily on the home based business property, as stated in subsection 13 of this section.~~

- ~~5. No more than 50 percent of the total of the square footage of the dwelling and all accessory buildings on the property shall be used in the home based business.~~
- ~~6. Any outdoor storage of goods, materials or equipment involved in the home based business, including any temporary storage of waste and trash, shall be screened from view from adjacent and nearby lands and from public rights of way by landscaping, natural topographic features, fencing or other screening measures.~~
- ~~7. No goods or commodities other than those customarily associated with the home based business shall be sold on the premises.~~
- ~~8. There shall be no substantial change in the outside appearance of the dwelling or any accessory building, or other part of the premises, as a result of the conducting of the home based business, except that limited outdoor signage may be permitted, but such signage shall comply with the applicable sign requirements of the zone district in which the use is located.~~
- ~~9. There shall be only incidental or occasional sale of goods, merchandise, supplies or products on the premises.~~
- ~~10. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements concerning the use, handling, storage, transport and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted if otherwise lawful.~~
- ~~11. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare resulting in any serious adverse effect beyond the property where the home based business is located.~~
- ~~12. Any motor vehicle traffic generated by the home based business shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands.~~
- ~~13. If the parking of motor vehicles will result from the home based business, an adequate off street parking area shall be provided on the parcel of land where the home based business is conducted; such off street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home based business may be parked in a driveway that is used to provide vehicle access to the dwelling.~~
- ~~14. In addition to home based businesses as to which the primary business activity takes place off the site of the home based business, certain other home based businesses as to which all or the primary portion of the business activity takes place on the home based business property, may be permitted as a special land use, as follows:~~
 - ~~a. Beauty salons and barber shops.~~
 - ~~b. Photography Studios.~~
 - ~~c. Furniture upholstery.~~
 - ~~d. Small engine repair.~~

- ~~e. Cabinet making and carpentry work.~~
 - ~~f. Television and other appliance repair.~~
 - ~~g. Organized classes with not more than six students at one time.~~
 - ~~h. Catering businesses.~~
 - ~~i. Turf services and landscaping enterprises.~~
 - ~~j. The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home-based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.~~
 - ~~k. Such other home based businesses not listed in this section but which are determined by the Planning Commission to be sufficiently similar to those listed above as to qualify as home based businesses under this section. In making such determination, the Planning Commission shall consider the following:~~
 - ~~(1). The extent to which the proposed home based business is reasonably similar to those listed in this subsection.~~
 - ~~(2) Whether the major features and characteristics of the proposed home based business cause the proposed business to qualify under the requirements stated in this subsection.~~
 - ~~(3) Whether the home based business is reasonably included within the definition of home based business, as stated in this Ordinance.~~
 - ~~(4) The extent to which the proposed home based business involves only limited business activity, would have no serious adverse effects on adjacent or nearby lands and would be of such nature that its commercial aspects would not seriously impinge upon the residential character of adjacent and nearby lands.~~
- ~~15. An applicant shall apply for the home based business special land use by submitting a complete application form for the proposed special land use and shall pay the required application fee and other charge, if any. Among other information, the application shall include the following:~~
- ~~a. A site plan drawn to scale, showing the dwelling and any accessory buildings to be used in the home based business and other buildings on the site. The site plan shall include property dimensions, distances of building setbacks from property lines, ground floor area of each building and total ground floor area of all buildings to be used in the home based business. The site plan shall also show structures located within 100 feet of the property lines of the home based business parcel, driveway locations and uses occurring within all existing accessory buildings on the site.~~
 - ~~b. A description of the home based business, including the activities to occur both on site and off site.~~
 - ~~c. The number of employees of the home based business, including family members and nonresident employees.~~

- ~~d. The days and hours of operation.~~
 - ~~e. The location, dimensions and heights of proposed signs; the location and area of off street parking, including driveways and areas of traffic circulation on the site.~~
 - ~~f. Proposed outdoor storage, including the location and dimensions thereof and measures for the screening thereof.~~
 - ~~g. Any anticipated landscaping, topographic features, fencing and other screening measures.~~
 - ~~h. A description of anticipated impacts of the home based business on adjacent and nearby lands, including motor vehicle traffic, noise and other potential effects.~~
 - ~~i. A survey of the home based business property, if the applicant has an existing survey thereof.~~
- ~~16. In approving a home based business special land use, the Planning Commission may include reasonable terms and conditions, pertaining to the following matters, among others:~~
- ~~a. The size and location of any accessory building to be used in the home based business~~
 - ~~b. The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.~~
 - ~~c. The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home based business from other lands.~~
 - ~~d. The number of persons to be engaged in the home based business.~~
 - ~~e. The area and location of any off street parking area and any off street loading area.~~
 - ~~f. Proposed signage, if any, and proposed outdoor lighting, if any.~~
 - ~~g. The expected hours of operation of the home based business.~~
 - ~~h. The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.~~
 - ~~i. Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.~~
- ~~17. A home based business shall at all times comply with the minimum requirements of this section and all other applicable requirements. The expansion or enlargement of a home based business, or its departure from any required conditions or limitations, shall be grounds for the revoking of the home based business permit. Upon the revoking of the permit, the applicant shall no longer engage in the home based business.~~
- ~~18. A home based business lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section.~~

- ~~19. A home-based business lawfully in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section.~~
-

Accessory Dwelling Units (Guest Houses, Granny Flats, etc.) (Section 2.02, Section 3.01a)

Section 2.02 Definitions

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
- 2. Accessory dwelling units, as defined herein.**
- ~~2.~~ **3.** Swimming pools for the use of the occupants of a residence or their guests.
- ~~3.~~ **4.** Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- ~~4.~~ **5.** Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- ~~5.~~ **6.** Personal gardens not used for commercial sale.
- ~~6.~~ **7.** Accessory off-street parking spaces.
- ~~7.~~ **8.** Accessory off-street loading space.
- ~~9.~~ **10.** Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- ~~10.~~ **11.** No more than one commercial vehicle or trailer.
- ~~11.~~ **12.** Satellite dishes or television or radio antennae for the use of occupants of a residence or place of business.
- ~~12.~~ **13.** Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the same site.

Accessory Dwelling Unit: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, intended to accommodate the rising need of family members living upon a single parcel, but who desire separate quarters.

Section 3.01a Accessory Dwelling Units.

Accessory dwelling units are allowed within the AG, RE, RR, R, GB, F and C-3 Districts, subject to the issuance of a zoning permit and the following regulations:

- 1. Individual plot plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a zoning permit.**
- 2. The property owner must occupy either the principal dwelling unit or accessory dwelling unit.**
- 3. Accessory dwelling units shall not be permitted on lots which do not meet the minimum lot size or minimum street frontage for the zoning district in which such lot is located.**
- 4. No more than one accessory dwelling unit shall be permitted on a single lot.**
- 5. Each accessory dwelling unit shall be connected to a public sewer and water supply or to approved private facilities.**
- 6. The accessory dwelling unit shall include, at a minimum, a kitchen, bathroom, and sleeping area separate from the principal dwelling unit, and shall meet all provisions of the Building Code.**
- 7. The exterior design of an accessory dwelling unit, whether a detached or attached structure, shall be compatible with the principal structure on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.**
- 8. Where applicable, the accessory dwelling unit shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.**
- 9. Accessory dwelling units shall have a floor area of not less than six-hundred (600) square feet and not more than one-thousand (1,000) square feet), however, in no case shall the accessory dwelling unit be larger than the principal dwelling unit.**
- 10. Accessory dwelling units attached to the principal structure shall be in compliance with all regulations applicable to the principal structure. Detached accessory dwelling units shall be in compliance with all regulations applicable to detached accessory structures.**
- 11. Detached accessory dwelling units must be located closer to the principal dwelling unit on the subject lot than a principal dwelling unit on an adjacent property and meet all required setbacks, regardless of size. In no case shall a detached accessory dwelling unit be located further than two-hundred (200) feet from the principal dwelling unit.**
- 12. One (1) on-site parking space, in addition to the required parking for the principal dwelling unit, shall be provided for an accessory dwelling unit.**
- 13. The principal dwelling unit and the accessory dwelling unit shall share the same vehicular access to the property.**
- 14. Deed Restrictions. Before the issuance of a certificate of occupancy for the accessory dwelling unit, the property owner shall file with the Zoning Administrator a documentation of recorded deed restrictions which incorporate the following restrictions:**

- a. The zoning permit for the accessory dwelling unit shall be in effect only so long as either the principal dwelling unit or the accessory dwelling unit is occupied as the homestead residence by the applicant, or the applicant's heirs, and the accessory dwelling remains in compliance with County requirements.
- b. The accessory dwelling unit is restricted to the approved floor area, setbacks and height.
- c. The accessory dwelling unit shall not be sold separately.
- d. The deed restrictions shall run with the land, and are binding upon any successor in ownership.
- e. The deed restrictions shall lapse upon the removal of the accessory dwelling unit.

Smaller Dwelling Units **(Sections 5.04, 6.04, 7.04, 8.04, 13.04 and 14.04)**

Section 5.04 Area and Size Requirements (AG District)

10. The minimum floor area for a single-family dwelling shall be **seven-hundred twenty (720)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 6.04 Area and Size Requirements (RE District)

8. The minimum floor area for a single-family dwelling shall be **seven-hundred twenty (720)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 7.04 Area and Size Requirements (RR District)

8. The minimum floor area for a single-family dwelling shall be **seven-hundred twenty (720)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 8.04 Area and Size Requirements (R District)

9. The minimum floor area for a single-family dwelling shall be **seven-hundred twenty (720)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

10. **The minimum floor area for a two-family dwelling shall be seven-hundred twenty (720) square feet.**

Section 13.04 Area and Size Requirements (GB District)

8. The minimum floor area for **a** single-family dwelling shall be **seven-hundred twenty (720)** 840 square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 14.04 Area and Size Requirements (F District)

8. The minimum floor area for **a** single-family dwelling shall be **seven-hundred twenty (720)** 840 square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Wireless Communication Support Facilities (Section 2.02 and Section 17.69)

Section 2.02 Definitions

~~Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas, and video programming services.~~

~~Wireless Communication Support Facility (WCSF): A monopole, guyed, or lattice type tower designed for the attachment of, or as support for, wireless communication antennas or other antennas.~~

Wireless Communication Facilities: Transmitters, antenna structures, towers and other types of equipment necessary for providing wireless communication services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network.

- 1. Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing wireless communication equipment compound. Collocation has a corresponding meaning.**
- 2. Equipment Compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.**
- 3. Wireless Communications Equipment (WCE): The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets,**

emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

- 4. Wireless Communications Support Structure (WCSS):** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Section 17.69 Wireless Communication Support Facilities

~~1. Wireless Communication Antenna~~

- ~~a. In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the County, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principal use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100) feet unless:~~
- ~~1.) Located on a lawfully existing or approved WCSF; or~~
 - ~~2.) Located on a structure existing prior to the adoption of this regulation; or~~
 - ~~3.) Located on a structure which has received a height variance.~~
- ~~b. An application to install a WCA in a non-residential zoning district shall be required to receive approval from the County Planning Commission.~~
- ~~c. An application to install a WCA in a residential zoning district shall require a review by the County Planning Commission, and shall include but not be limited to the following:~~
- ~~1.) Evidence that adequate servicing cannot be attained from the placement of a WCA in a nonresidential zoning district.~~
- ~~d. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.~~
- ~~e. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15) feet in height and shall meet all zoning requirements.~~
- ~~f. WCAs shall not be allowed on any site used as a single-family dwelling unit.~~
- ~~g. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.~~
- ~~h. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.~~
- ~~i. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).~~

2. ~~Wireless Communication Support Facilities (WCSF)~~

- a. ~~All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.~~
- b. ~~The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.~~
- c. ~~The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.~~
- d. ~~The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.~~
- e. ~~The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.~~
- f. ~~The WCSF shall have a landscaped greenbelt so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right of way or adjacent properties. A greenbelt, as selected by the Zoning Administrator or Planning Commission, shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6) feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. "No Trespassing" signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.~~
- g. ~~Site lighting shall consist of day night lighting only.~~
- h. ~~The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co location.~~
- i. ~~The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.~~
- j. ~~If co location is not part of the application, then the applicant shall provide evidence as to why colocation is not possible.~~
- k. ~~This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).~~
- l. ~~WCSFs shall not have a shiny or metallic finish.~~
- m. ~~The applicant is required to disclose whose wires will be connecting proposed towers so the County can assess any separate franchise fees.~~

3.—Replacement of Existing WCSF

~~An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:~~

- ~~a. The replacement WCSF shall not exceed a total height of one hundred and fifty (150) feet or, if the existing WCSF has an approved height greater than one hundred and fifty (150) feet, the replacement WCSF shall not exceed the approved height.~~
- ~~b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.~~
- ~~c. The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred and eighty (180) days of the County's final construction inspection of the replacement WCSF.~~
- ~~d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the County's final construction inspection of the replacement WCSF.~~
- ~~e. The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.~~

4.—Review Criteria for all new WCSFs, except replacement WCSFs

- ~~a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:~~
 - ~~1.) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;~~
 - ~~2.) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;~~
 - ~~3.) Radio frequency interference or other signal interference problems at existing WCSF or others structures;~~
 - ~~4.) Other factors which demonstrate the reasonable need for the new WCSF;~~
 - ~~5.) The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services;~~

- ~~6.) The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.~~
- ~~b. WCSFs shall be designed to have sufficient structural capacity to allow for three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate three (3) users.~~
- ~~c. The applicant must include a statement in the application of its good faith intent to allow the colocation of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for colocation of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.~~
- ~~d. As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties, but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.~~
- ~~e. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the County based on those entities who have requested approval of WSCF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the County at the time the application is filed.~~
- ~~f. New WCSFs shall meet the following additional criteria:~~
- ~~1.) The WCSF shall not exceed one hundred and fifty (150) feet in height;~~
 - ~~2.) All WCSFs over one hundred (100) feet in height shall be designed for the co-location of three additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures.~~
 - ~~3.) All WCSFs shall be setback a minimum of two hundred and fifty (250) feet from any residential zoning districts.~~
 - ~~4.) The installation of a WCSF must be reviewed by the Planning Commission which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.~~
- ~~g. Application Requirements for New WCSFs~~
- ~~1.) A site plan prepared in accordance with Article XVIII of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.~~

- 2.) ~~The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.~~
- 3.) ~~The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.~~
- 4.) ~~The application shall include a description of security to be posted at the time of receiving a zoning permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as required in Subsection 6. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the County Board of Commissioners establishing the land in question as security for removal.~~
- 5.) ~~The application shall include a map showing existing and known proposed WCFs within the County, and further showing existing and known WCFs within areas surrounding the borders of the County in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility.~~
- 6.) ~~The name, address and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be updated annually during all times the WCSF is on the premises.~~

5. ~~Additional Criteria for Special Approval Condition Use and Review~~

- a. ~~The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two (2) acres;~~
- b. ~~As a condition of issuing a permit to place a WCSF in a Residential Zoning District, the applicant is required to provide proof that no suitable locations exist within any other “permitted use” or “conditional use” areas determined by this Ordinance.~~
- c. ~~If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;~~
- d. ~~The Planning Commission may require a visual/line of site analysis to enable the County to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.~~

6. ~~Removal of Abandoned WCSFs~~

~~Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least~~

~~thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF.~~

~~7. Variances and Appeals~~

~~Variances from this section may be requested from the Zoning Board of Appeals.~~

~~8. Certification of Registered Engineer~~

~~The County may require a review by an independent registered engineer engaged by the County and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the County residents.~~

1. Purpose and Intent.

The general purpose and intent of these regulations is to regulate the establishment of wireless communication facilities in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the County. It is the further purpose and intent of these regulations to:

- a. Provide for the appropriate location and development criteria for wireless communication facilities within the County;**
- b. Allow and encourage the location of wireless communication facilities in non-residential zoning districts, where possible;**
- c. Minimize the adverse effects of such facilities through careful design, siting and screening criteria;**
- d. Promote and encourage the collocation of wireless communication equipment as a primary option rather than construction of new wireless communication support structures.**
- e. Protect the character of rural and residential areas throughout the County from the effects of wireless communication facilities; and**
- f. Promote the public health, safety, and welfare.**

2. Applicability. All new wireless communication facilities shall be subject to the requirements of this Section, except as otherwise provided in this Section.

- a. Amateur Radio Station Operators/Receive Only Antennas/Wi-Fi Antennas/Television Antennas. This Section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station, or is used exclusively for receive only antennas, or is used for Wi-Fi or television reception.**

- 1.) The above exemption is only applicable to antennas which are mounted at a height of fifty (50) feet or less, regardless of whether it is attached to a stand-alone tower or an existing structure. Further, if an antenna is mounted on an existing structure, it shall be mounted at a height of not more than twenty (20) feet above the height of the existing structure. Antennas which exceed the maximum height limitations shall be subject to the requirements of this section and the review procedures of Section 3,(b).

3. Approval Process.

a. Collocation.

- 1.) Pursuant to Section 3514,(1) of Public Act 110 of 2006, as amended, collocation is permitted on existing and approved wireless communication support structures (WCSS) without a zoning permit, provided the following requirements are met:
 - i. The proposed collocation will not increase the overall height of the WCSS by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. The proposed collocation will not increase the width of the WCSS by more than the minimum necessary to permit collocation.
 - iii. The proposed collocation will not increase the area of the existing equipment compound to greater than 2,500 square feet.
- 2.) Plans for collocation installation shall be administratively reviewed by the County Zoning Administrator to verify compliance with the requirements herein. The County Zoning Administrator shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
- 3.) Collocation which does not meet the requirements of subsection a, 1), above shall require a special land use permit in accordance with the approval process for a new WCSS as outlined in subsection b, below.

b. Establishment of New WCSS. The establishment of a new WCSS shall require a special land use permit in accordance with Article 16 (Special Land Use Conditions, Review, and Approval) and the following:

- 1.) An application for special land use approval of WCSS shall include a site plan containing all information required by Article 18 (Site Plan Review Procedures).
- 2.) After an application for a special land use approval is filed, the County Zoning Administrator shall determine the special land use permit application is administratively complete within 14 business days of its receipt.
- 3.) The Planning Commission shall approve or deny the application not more than 90 days after the application is considered to be administratively complete.

c. Replacement of Existing WCSS. An existing WCSS which was lawful at the time of its construction may be replaced for purposes of accommodating collocation of additional WCE, or otherwise, provided that the replacement WCSS does not exceed the original

approved height, will be located within the same zoning lot as the existing WCSS, and will be located so as to maximize compliance with existing minimum yard requirements. Such installation shall be considered to be a permitted use of property, not subject to special land use permit approval. Further, the existing WCSS shall be removed within 180 days of the County's final construction inspection of the replacement WCSS.

1.) The County Zoning Administrator shall determine that the application is administratively complete within 14 business days of its receipt. The County Zoning Administrator shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the County Zoning Administrator shall be without notice.

d. Installation of Wireless Communication Equipment (WCE). The installation of WCE, not part of a proposed collocation activity, is permitted within existing and approved equipment compounds without a zoning permit.

1.) Plans for such installation shall be administratively reviewed by the County Zoning Administrator to verify compliance with the requirements herein. The County Zoning Administrator shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.

4. WCSS Standards for All Zoning Districts.

a. WCSS shall not exceed one-hundred fifty (150) feet in height.

b. WCSS shall be set back not less than a distance equal to the height of the tower measured from the base of the tower to all points on each property line.

c. In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all WCSS shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity.

d. No antenna or similar sending/receiving devices appended to the WCSS, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the WCSS thereby jeopardizing the WCSS's structural integrity.

e. The design plans for the WCSS shall be prepared by a Michigan registered professional structural engineer.

5. WCSS Standards for Non-Residential Zoning Districts.

a. WCSS may be permitted by the Planning Commission to locate within non-residential zoning districts (F, AG, RE, C-1, and I Districts), subject to the following conditions and findings:

1.) All reasonable measures to collocate must be documented, and such collocation proves infeasible.

- 2.) The proposed height meets FCC, FAA, Michigan Tall Structure (MDOT), and Mason County Airport Overlay Zone regulations.
 - 3.) WCSS must be equipped with devices to prevent unauthorized climbing including but not limited to “No Trespassing” signs and/or fencing.
 - 4.) All reasonable measures are taken to blend the WCSS into the landscape, including greenbelt planting and/or screening, if appropriate, and painting.
 - 5.) WCSS over 100 feet in height shall be designed for collocation.
 - 6.) Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - 7.) The WCSS shall be of monopole design, unless it can be demonstrated that such design is not feasible to accommodate the user or collocation.
6. **WCSS Standards for Residential Zoning Districts.**
- a. WCSS may be permitted by the Planning Commission to locate within the RR Zoning District, subject to the following conditions and findings:
 - 1.) All reasonable measures to collocate must be documented, and such collocation proves infeasible.
 - 2.) The WCSS shall be of monopole design, unless it can be demonstrated that such design is not feasible to accommodate the user or collocation.
 - 3.) All reasonable efforts to locate in non-residential zoning districts have been made and are proven to be infeasible, unavailable, or not a compatible land use as determined by the Planning Commission.
 - 4.) The WCSS shall not exceed a height of one-hundred fifteen (115) feet, including the antenna, and no lights are used or required.
 - 5.) The applicant must find a location, and/or use construction materials that will blend the WCSS into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline.
 - 6.) The Planning Commission finds that a location in a residential district is the best overall alternative considering all factors of land use, visibility, and satisfactory signal coverage.
7. **Abandonment.**

- a. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within 90 days of being abandoned. For the purposes of this section, abandoned shall mean that no WCE or other commercial antenna has been operational and located on the WCSS for 180 days or more.

Sign Regulations (Sections 2.01, 20.01 through 20.16)

Section 2.01 Statement of Purpose.

~~Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.~~

~~Sign Area: Sign area is the total sum of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters or symbols), the sign area shall be measured by multiplying the height of the individual letters or symbols or combination of letters or symbols by the width of the individual letters or symbols or combination thereof. In broken signs of two or more lines, the sign area shall be the distance in feet between the furthestmost horizontal letters or symbols multiplied by the distance in feet between the furthestmost vertical letters or symbols.~~

~~Sign Height: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.~~

Wade Trim Note: There are conflicting definitions for sign, sign area and sign height within the Zoning Ordinance. These definitions come from Article II, Section 2.01. Yet these same terms are defined in Article XX (Signs). We are proposing to delete the definitions found in Article II, Section 2.01.

Section 20.01 Statement of Purpose.

Wade Trim Note: No proposed changes

Section 20.02 General Standards and Requirements.

Wade Trim Note: No proposed changes

Section 20.03 Sign Measurements.

Wade Trim Note: No proposed changes

Section 20.04 Sign Definitions.

1. A sign is a name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. Signs include, but are not limited to, figures, devices, objects, pennants, emblems, and pictures. Any of the above which is not placed out-of-doors, when placed inside near the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign. Signs shall include the following types:

- a. Abandoned Sign:

- i. A sign which advertises a bona fide business, lease holder, owner, product, or activity no longer conducted or available upon the premises where such sign is displayed.
- ii. Any sign that does not display a well maintained message for a consecutive 1-year period.
- iii. Any sign no longer fully supported, by the structure designed to support the sign, for a consecutive 1-year period.

- b. Animated Sign: Any sign that uses movement or change of lighting or lettering to depict action or create a special effect or scene.

- ~~e. Balloon Sign: A sign that is lighter than air or gas filled attached by means of a rope or tether or other device to a definite or fixed location.~~

Wade Trim Note: This definition is proposed to be moved under the definition for "temporary signs."

- ~~d. Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames that promotes an on-premises business, product or service.~~

Wade Trim Note: This definition is proposed to be moved under the definition for "temporary signs."

- c. Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) 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.

- d. Billboard: A sign that directs attention to commercial or noncommercial goods, services uses/ideas not located on site.

- ~~g. Bulletin Board/Announcement Sign: A sign related to a public school, parochial school, private school, public park or recreation facility, or church or other religious institution, which identifies activities or events to take place involving the patrons of such specific use.~~

Wade Trim Note: Although defined, "bulletin board/announcement signs" are not mentioned anywhere else in the zoning ordinance. Therefore, we suggest deleting this provision.

- e. Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- f. Changeable Copy Sign: A sign or portion thereof with characters or letters, that can be changed or rearranged without altering the face or the surface of the sign, ~~and not including an Electronic Message Board Sign.~~ **A changeable copy sign also includes an electronic changeable copy sign.**
- ~~j. Direction Sign: A sign on private property with or without commercial message that gives direction such as entrances, exits, or street numbers.~~

Wade Trim Note: This definition is proposed to be deleted, as it is no longer necessary given the proposed amendments to this Article XX.

- g. ~~Electronic Message Board~~ **Changeable Copy Sign:** A sign with a fixed or changing display or message, including time, temperature, or gas prices, composed of a series of lights that may be changed through electric means, ~~but not including a changeable copy sign.~~
- h. Flag: For the purposes of this Article, a flag shall include both a non-commercial flag and a commercial flag, as defined below:**
 - i. ~~Flag, Public Non-Commercial:~~ A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or non-commercial organization, **or displaying non-commercial messages, opinions, or ideas.**
 - ii. ~~Flag, Commercial:~~ A flag with or without lettering designed to attract attention toward a commercial product, place of business, or entry point.
- i. Flashing Sign: An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
- j. Freestanding Sign/Ground Sign: **A permanent** sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.
- ~~p. Identification Sign: A sign stating the name or description of the use of the premises on which the sign is located.~~

Wade Trim Note: Although defined, "identification signs" are not mentioned anywhere else in the zoning ordinance. Therefore, we suggest deleting this provision.

- ~~q. Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.~~

Wade Trim Note: Although defined, "incidental signs" are not mentioned anywhere else in the zoning ordinance. Therefore, we suggest deleting this provision.

- k. Marquee:** Any permanent roof-like 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.
- l. Marquee Sign:** Any sign attached to, in any manner, or made a part of a marquee.
- m. Monument Sign:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
- n. Nonconforming Sign:** A non-conforming sign is a sign that was lawfully erected and maintained prior to the adoption of this ordinance, and which by reason of such adoption fails to conform to all applicable regulation and restrictions of this ordinance.
- o. Off-premises sign:** A permanent advertising device that advertises goods, products, services or facilities or displays information not related to the site on which it is located or that directs persons to a different location from where the sign is located.
- p. On-premises sign:** An advertising device relating in its subject matter to the property on which it is located or to products, accommodations, services or activities on the property.
- q. Permanent Sign:** **A sign other than an exempt sign, as listed in Section 20.07, or a temporary sign, as defined herein. Such signs are intended to be used indefinitely, or used indefinitely without change, in the same state or place, and include freestanding signs, monument signs, canopy signs, projection signs and wall signs.**
- ~~x. Pennant:~~ Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, chain, wire, or string, usually in series, designed to move in the wind.

Wade Trim Note: This definition is proposed to be moved under the definition for "temporary signs."

- ~~y. Portable Sign:~~ Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a or t frames; menu and sandwich board signs; or umbrellas used for advertising.

Wade Trim Note: This definition is proposed to be moved under the definition for "temporary signs."

- r. Projection Sign:** A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward, including marquee signs.
- ~~aa. Promotional Event Sign:~~ A sign used to temporarily advertise an event.

Wade Trim Note: This definition is proposed to be moved under the definition for "temporary signs."

~~bb. Real Estate Sign: A sign placed upon a property advertising that particular property for sale, rent, or lease.~~

Wade Trim Note: This definition is proposed to be moved under the definition for “temporary signs.”

~~cc. Residential Development Sign: A sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.), and relative date of availability.~~

Wade Trim Note: This definition is proposed to be deleted, as it is no longer necessary given the proposed amendments to this Article XX.

s. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure.

~~ee. Sidewalk Sandwich “A frame” Sign: A two-sided sign hinged or attached at the top of the sign panels.~~

Wade Trim Note: This definition is proposed to be moved under the definition for “temporary signs.”

~~ff. Special Event Sign: A sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund raisers, festivals, and other limited term events.~~

Wade Trim Note: This definition is proposed to be moved under the definition for “temporary signs.”

~~gg. Structure, outdoor advertising: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.~~

Wade Trim Note: Although defined, the term “outdoor advertising structure” is not used anywhere else in the zoning ordinance. Therefore, we suggest deleting this provision.

t. Suspended Sign: Any sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

u. Temporary Sign: ~~Any sign that is used only temporarily and is not permanently mounted.~~ **Any sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame. Temporary signs may include the following:**

- i. **Balloon Sign: A sign that is lighter-than-air or gas-filled attached by means of a rope or tether or other device to a definite or fixed location.**
- ii. **Banner: Any sign of lightweight fabric or similar material that is attached to a building or other structure.**

- iii. **Ideological Sign:** A temporary sign used to communicate a message, opinion or idea for non-commercial purposes.
- iii. **Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, chain, wire, or string, usually in series, designed to move in the wind.
- iv. **Political Sign:** A temporary sign used in connection with an expression of a political opinion or message or an official municipal, school district, county, state, or federal election or referendum.
- iv. **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menu and sandwich board signs; or umbrellas used for advertising.
- v. **Promotional Event Sign:** A sign used to temporarily advertise an event.
- vi. **Real Estate Sign:** A sign placed upon a property advertising that particular property for sale, rent, or lease.
- vii. **Sidewalk Sandwich “A-frame” Sign:** A two-sided sign hinged or attached at the top of the sign panels.
- viii. **Special Event Sign:** A sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events.
- ix. **Tear Drop Flag:** A sign with or without characters, letters, illustrations, or ornamentalions applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Tear drop flags are generally a single sign attached to a support post and typically having a dimensional ratio of at least 4 high to 1 wide. Such signs are also known as feather flags, windfeather flags, or bow flags.
- v. **Vehicle Sign:** A sign located on the side of a motor vehicle (automobile, semi-truck or other) advertising goods and services that may or may not be located on the premises in which the vehicle is temporarily located.
- w. **Wall Sign:** A sign erected or fastened against the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall.
- x. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

Section 20.05 Permitted Signs in the **Agricultural**/Residential Districts

1. **Home Occupation, Class II.** One (1) unlighted sign ~~announcing a~~ **on the property of a Class II** home occupation **permitted by Section 3.10 of this Ordinance**, not-to-exceed four (4) square feet in area. Wall signs shall be attached flat against the front wall of the building. No freestanding sign shall exceed four (4) feet in height from finished grade and the front edge of such sign shall not be placed within the road right-of-way.

2. **Home Occupation, Class III, Based Business or Bed and Breakfast.** One (1) unlighted wall or one (1) **unlighted** freestanding sign ~~announcing on the property of a Class III home occupation home based business permitted by Section 3.10 of this Ordinance~~ **on the property of a Class III home occupation home based business permitted by Section 3.10 of this Ordinance** or **on the property of a bed and breakfast permitted by Section 17.09 of this Ordinance**, not to exceed nine (9) square feet in area. Wall signs shall be attached flat against the front wall of the building. No freestanding sign shall exceed ~~four (4)~~ **five (5)** feet in height from finished grade and the front edge of such sign shall not be placed within the road right-of-way.

~~3. Recorded Subdivision or Development “For Sale” Sign.~~

- ~~a. One (1) freestanding sign advertising a recorded subdivision or development not to exceed twenty (20) square feet in area and six (6) feet in height and placed no closer to any street right-of-way than one third the minimum authorized front yard depth.~~
- ~~b. Such sign shall be removed within one (1) year after the sale of ninety (90) percent of all lots or units within said subdivision or development.~~
- ~~c. Residential development signs indicating only the name of the development and the management/developer thereof.~~
- ~~d. There shall not be more than two (2) residential development signs for each major point of vehicular access to development.~~

Wade Trim Note: These “real estate” signs would now be covered under the revised Section 20.08 (Permitted Temporary Signs).

~~4. 3. Residential Development Signs.~~ **One (1) freestanding sign may be permitted for each separate street frontage occupied by a subdivision, apartment, multi-family development or condominium complex or for each means of entrance to the subdivision, apartment, multi-family development or condominium complex from a public road. Such signs shall be subject to the following:**

- ~~a. Residential development~~ **Such** signs at any location shall not exceed thirty two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty-four (64) square feet for the combined surface of all sign faces.
- ~~b. Residential development~~ **Such** signs shall not exceed six (6) feet in height, measured from grade.
- ~~c. Residential development~~ **Such** signs shall not be located closer than twenty (20) feet from a public right-of-way.

~~5. 4. Other Authorized Uses.~~

- ~~a. One (1) wall and one (1) freestanding signs, or combination thereof, may be permitted for any other permitted non-residential use or lawful nonconforming use within a residential district identifying a park, school, church or other place of religious assembly, public building, other authorized use or a lawful nonconforming use, subject to the following:~~
- 1.) Each sign shall not-to-exceed thirty-two (32) square feet and shall be placed a minimum of twenty (20) feet from the street right-of-way line.**

- 2.) No freestanding sign shall exceed six (6) feet in height. Flat wall signs may not project more than one (1) foot beyond the face of the building.

Section 20.06 Permitted Signs in the Nonresidential Districts.

1. Wall Signs.

- a. Flat wall signs may not project more than one (1) foot beyond the face of the wall of the building.
- b. The total of all wall signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over ~~one~~ **two** hundred feet (200') from the nearest public right-of-way, the size allotment may be 15% of the front face of the storefront. In the case where the building is over ~~three~~ **four** hundred feet (400') from the nearest public right-of-way, this allotment may be 20% of the front face of the storefront. A sign attached to a mansard shall be considered a wall sign.
- c. Permanent lettering installed on the windows of a business, usually within the interior of the establishment, shall be considered as a wall sign. ~~Lettering indicating business hours are exempt from this provision.~~

Wade Trim Note: "Open" signs would be allowed under proposed Section 20.07,(8).

2. Freestanding Signs.

- a. A maximum of one (1) freestanding or one (1) ground supported sign shall be permitted per parcel regardless of the number of businesses on the premises. Signs must be a minimum of twenty feet (20') from a neighboring sign. Ground clearance of a freestanding sign shall not be less than 10' measured from the bottom of the sign to the ground. Size and height limitations shall comply with table 20.01.

Wade Trim Note: No proposed changes to table 20.01.

3. Shopping Center or Industrial Park Signs.

- a. One (1) freestanding ~~identification sign stating the name of a business center and major tenants therein~~ may be erected for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings, providing that such centers have multiple tenants and/or uses, and further provided that the site contains a minimum of two (2) acres of land. Such freestanding signs shall not be permitted for individual tenants located in an approved business center development.

i) Freestanding-pole Signs

(1)The allowable height for a freestanding signs shall not be over twenty five (25) feet measured from grade.

(2)The maximum sign area for a freestanding shall be one-hundred fifty (150) square feet per side.

(3)The leading edge of the sign shall be no closer than **fifty** (50) feet from the right of way.

ii) Monument Signs

(1)The maximum sign area for a monument sign shall be one-hundred (100) square feet per side.

(2)Height of the sign shall not exceed fourteen (14) feet measured from grade.

(3)The leading edge of the sign shall be located no closer than twenty (20) feet to the right-of-way.

b. Shopping centers having frontage on two (2) major thoroughfares or collector streets shall be permitted a second freestanding sign.

c. The area beneath a shopping center sign shall be landscaped with low-maintenance plants and material so as to complement the site and integrate the sign with buildings, parking areas, and natural site features.

Section 20.07 Exempt Signs.

1. ~~Highway signs~~ **Signs within a right-of-way or located on publicly-owned properties** erected by the U.S. Government, State of Michigan, ~~or~~ Mason County Road Commission, **Mason County or other governmental entities.**

~~2. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.~~

Wade Trim Note: Most governmental entities are already exempted from local zoning provisions.

~~3. 2. Directional signs in conjunction with drives or off street parking areas, provided any such sign does not exceed four (4) square feet in area, and four (4) feet in height measured from grade. Signs not exceeding four (4) square feet in area and four (4) feet in height, measured from grade, when located along the edge of a driveway and intended to be visible from a public road. Only one such sign may be allowed at each driveway access to a public road and no such sign shall be allowed within the public right-of-way.~~

3. **Signs not exceeding two (2) square feet in area and six (6) feet in height, measured from grade, when located along the edge of, and intended to be visible from, an internal access driveway, internal pedestrian walkway, or off-street parking space.**

~~4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.~~

4. **Signs located on properties recognized by the State Historical Commission as Centennial Farms, when in compliance with the Commission's standards for the design of Centennial Farm signage.**

5. Signs located on properties registered as a National or State Historic Site, when in compliance with the Michigan State Historic Preservation Office's standards for National or State Historic Site plaques.
- ~~5.~~ 6. Signs located on properties owned or controlled by essential service providers and generally required by federal or state laws or for public safety purposes. ~~Essential service signs denoting utility lines, railroad lines, hazards, and precautions.~~
7. Signs required to be erected to meet federal or state laws when in compliance with the sign design and placement specifications of such federal or state laws.
- ~~6.~~ 8. Memorial signs or tablets which are either: (1) cut into the face of a masonry surface; or (2) constructed of bronze or other noncombustible material when located flat on the face of a building.
- ~~7.~~ ~~Non illuminated temporary signs advertising real estate for sale or promoting political parties, candidates, or proposals so long as such signs are removed within three (3) days after the completion of the election or real estate transaction. Signs in place beyond three (3) days are declared to be a nuisance. Signs in residential areas shall not exceed six (6) square feet. Signs in nonresidential districts shall not exceed thirty two (32) square feet.~~

Wade Trim Note: Political, ideological and real estate signs are covered under the revised Section 20.08.

- ~~8.~~ 9. Flag poles, **not exceeding** ~~shall not exceed~~ fifty (50) feet in height, measured from grade, **provided no portion of the flag pole or flag extends beyond any property line or right-of-way line.**
- ~~9.~~ ~~Not more than two (2) noncommercial flags shall be permitted on any lot, exclusive of the display of public flags. Noncommercial flags shall not exceed 32 square feet.~~

Wade Trim Note: To achieve content neutrality, it is advised that any type of flag is allowed, not just noncommercial or public flags.

- ~~10.~~ 10. Signs located on property containing a farm, farm market or stable which is engaged in the accessory sale of farm products, **provided such signs** ~~Accessory signs on farms or stables advertising stock, produce and/or other farm products produced or raised on the premises~~ shall not exceed sixteen (16) square feet and 5 feet in height measured from grade.

11. Non illuminated wall signs, not exceeding four (4) square feet in display area and not exceeding one (1) per street frontage.

Wade Trim Note: This provision would allow for a residential nameplate, address number or similar sign.

12. Non illuminated window signs, not exceeding four (4) square feet in display area. The total of all window signs shall not cover more than twenty-five (25) percent of the area of any single window.

Wade Trim Note: This provision would allow for an "open" sign or other window signage.

- 13. Non illuminated signs, not exceeding two (2) square feet in display area, which are attached to fences or trees.**

Wade Trim Note: This provision would allow for "warning" or "no trespassing" signs on fences.

Section 20.08 Permitted Temporary Signs in All Districts.

~~1. Construction and Other Temporary Signs.~~

- ~~a. Construction Signs. Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction not to exceed thirty two (32) square feet in area and eight (8) feet in height and not located nearer than ten (10) feet to a public right of way. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the use of the project.~~
- ~~b. On site "No Hunting", "No Trespassing", and on premise "Garage Sale" signs not exceeding four (4) square feet in display area.~~

- 1. Temporary signs, as defined herein, may be allowed within agricultural/residential zoning districts, provided the following requirements are met:**

- a. No more than one (1) such sign may be allowed per street frontage. Additional temporary signs are allowed during certain time periods, as follows:**

- 1.) During the time period starting when an election ballot has been certified by the County Clerk and extending seven (7) days after an election, any number of additional signs may be allowed.**
- 2.) During the time period noted on a building permit issued by Mason County allowing for construction activities to occur on the site, one (1) additional temporary sign per street frontage is allowed.**
- 3.) During the time period where the property is actively listed for sale, one (1) additional temporary sign per street frontage is allowed.**

- b. Temporary signs shall not exceed sixteen (16) square feet of display area and six (6) feet in height. For signs fronting a Federal highway, State highway or County primary road, signs may not exceed thirty-two (32) square feet of display area and eight (8) feet in height.**

Wade Trim Note: This provision would allow for any type of temporary sign, along with extra allowances for political signs, construction signs and real estate signs during specific time periods.

- c. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.**

- d. The location of any sign permitted by this section shall not interfere with pedestrian traffic, driver safety, or handicap access.**

2. Temporary signs, as defined herein, may be allowed within non-residential zoning districts, provided the following requirements are met:
 - a. No more than one (1) temporary sign may be allowed per street frontage. Additional temporary signs are allowed during certain time periods, as follows:
 - 1.) During the time period starting when an election ballot has been certified by the County Clerk and extending seven (7) days after an election, any number of additional signs may be allowed.
 - 2.) During the time period noted on a building permit issued by Mason County allowing for construction activities to occur on the site, one (1) additional temporary sign per street frontage is allowed.
 - 3.) During the time period where the property is actively listed for sale, one (1) additional temporary sign per street frontage is allowed.
 - b. Temporary signs shall not exceed thirty-two (32) square feet of display area and eight (8) feet in height.
 - c. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
 - d. The location of any sign permitted by this section shall not interfere with pedestrian traffic, driver safety, or handicap access.
 - e. Additional requirements for specific temporary sign types:
 - 1.) Banners. Banners are allowed on a temporary basis provided they are affixed to a building wall, over a permanent sign, or by other means necessary so long as the banner is stationary and safely supported. In no case shall more than one (1) banner sign be allowed per street frontage.
 - 3.) Balloon Sign. In no case shall more than one (1) balloon sign be allowed per street frontage.
 - 4.) Sidewalk Sandwich “A-frame” Signs. Sandwich board, tent, or “A” shaped signs shall not exceed thirty two (32) square feet per side or sixty-four square feet total. Sidewalk A-frame signs located within a shopping center or coordinated development must be located adjacent to the building, on the premises of the business, or on a sidewalk. In no case shall more than one (1) such sign be allowed per street frontage.
 - 5.) Tear Drop Flags. Tear drop flags may be permitted to a height not exceeding twelve (12) feet in height measured from grade. In no case shall more than one (1) tear drop flag be allowed per street frontage.

~~2. Promotional Event Signs.~~

~~Promotional event signs shall be permitted for a period not to exceed thirty (30) days. Permitted promotional signs include:~~

- a. ~~Banners. Banners are allowed on a temporary basis provided they are affixed to a building wall, over a permanent sign, or by other means necessary so long as the banner is safely supported.~~
- b. ~~Pennants, Spinners, and Streamers. Pennants, spinners, and streamers, and similar temporary display devices are permitted so long as they are properly maintained, safely affixed, do not impede internal circulation within the site, are not located in the right of way, and do not become unsightly through disrepair of action of the elements.~~
- c. ~~Balloons.~~
- d. ~~Sidewalk Sandwich “A frame” Signs. Sandwich board, tent, or “A” shaped signs shall not exceed thirty two (32) square feet per side or sixty four square feet total. Sidewalk A frame signs located within a shopping center or coordinated development must be located adjacent to the building, on the premises of the business, or on a sidewalk.~~
- e. ~~Businesses are limited to two types of promotional signs per establishment at any given time.~~
- f. ~~The location of the sign shall not interfere with pedestrian traffic, driver safety, or handicap access.~~

Section 20.09 Prohibited Signs.

1. Signs with animated or moving parts (inflatable, moving pictures, or other).
2. Beacons and signs displaying moving or animated parts, images, and/or words or which incorporate, in any manner or are illuminated by, any flashing or moving lights ~~other than for the conveyance of noncommercial information which requires periodic change, such as temperature and time., except for electronic changeable copy signs as regulated by Section 20.14.~~

Wade Trim Note: A new section with regulations specifically for changeable copy signs, including electronic changeable copy signs, is included toward the end of this Article.

3. Signs illuminated by light other than continuous white light.
4. Exterior string lights used in the connection with a commercial premise, other than holiday decorations.
5. Benches with signs and/or advertising attached.
6. Inverted “T” signs with spider legs, with or without wheels with interchangeable lettering. ~~Signs with interchangeable lettering that are permanently attached to the ground by pylon, monument, or other sign type shall meet the required sign setbacks.~~

Wade Trim Note: A new section with regulations specifically for changeable copy signs is included toward the end of this Article.

7. Illuminated signs in which the lights are directed in such a manner that interferes with the vision of persons on adjacent roadways or neighboring properties. Every external artificial light source shall be directed solely to, and concentrated sharply on, the sign.
8. Signs erected, constructed, or maintained upon, or which project above, the **peak** roof line of a building.
9. Signs affixed to trees, shrubs or similar natural features.
10. Signs on parked vehicles where the sign is the primary use of the vehicle. For example, if the sign is too large to reasonably operate the vehicle or if the vehicle is non-operational and is used primarily as a support for a sign.

~~11. Electronic Message Board Signs.~~

Wade Trim Note: A new section with regulations specifically for changeable copy signs, including electronic changeable copy signs, is included toward the end of this Article. Therefore, this provision should be deleted.

Section 20.10 Nonconforming Signs.

Wade Trim Note: No proposed changes

Section 20.11 Signs for Planned Unit Developments (PUD).

Wade Trim Note: No proposed changes

Section 20.12 Billboards.

Wade Trim Note: No proposed changes

Section 20.13 Construction and Maintenance Requirements.

Wade Trim Note: No proposed changes

Section 20.14 Changeable Copy Signs.

- 1. Within the C-1 and C-2 Districts, changeable copy signs, including electronic changeable copy signs, shall be permitted when incorporated into a permitted freestanding, wall or ground sign, provided that the area devoted to changeable copy does not exceed eighty percent (80%) of the freestanding, wall or ground sign area.**
- 2. Electronic changeable copy signs shall be further subject to the following:**

- a. Sign displays shall contain static messages only, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels. Full animation or video broadcasting is expressly prohibited.
- b. Each message must be displayed for a minimum of twelve (12) seconds, with no more than one (1) second of message change interval or "off-time" between messages.
- c. The level of illumination produced by an electronic changeable copy sign shall not exceed 0.3 footcandles over ambient (i.e., naturally illuminated environment) lighting conditions. Measurement of sign brightness shall be in accordance with the then-current methodology, sign area, and measurement distances recommended by the International Sign Association.
- d. The sign shall be equipped with, and shall use, photocell technology, a programmable dimmer or a similar mechanism to automatically adjust brightness and contrast based on ambient light conditions. The sign shall also incorporate security technology or devices to prevent unintended changes to sign messages or images by other than the sign operator.
- e. Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section. Any electronic changeable copy sign found to be in violation of the operational and performance requirements shall be turned off until such time as the Zoning Administrator determines the sign is in full compliance with such requirements.
- f. All electronic changeable copy signs shall be designed to achieve a default status during periods of sign malfunction that will turn off the sign entirely.
- g. Electronic changeable copy signs shall be installed in a manner that does not unreasonably interfere with the use and enjoyment of neighboring residentially zoned property. No electronic changeable copy sign shall be located closer than 100 feet to any property zoned RR, R-E, R or MHP District or used for residential purposes.

Section 20.15 Substitution Clause.

The owner of any sign which is otherwise allowed under this Article XX may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a lot or allow the substitution of an off-site commercial message in place of an on-site commercial message.

Wade Trim Note: This new section is a "catch-all" section help ensure content neutrality within the Article.

Section 20.16 Severability Clause.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Article XX is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of Article XX.

Wade Trim Note: This new section will ensure that if one portion of the Article is invalidated by a court of law, the other sections will remain valid.

Minor/Housekeeping Amendments (Sections 3.01, 3.32, 10.02a, 10.03a, 17.41, 17.59 and 25.02)

Section 3.01 Accessory Buildings, Structures, and Uses.

9. By definition an accessory building is clearly incidental to the principal structure housing the main use; therefore **no accessory building, regardless of whether a Zoning Permit is required, shall be located on a property which does not include a main or principal structure. Further,** the Zoning Administrator shall not issue a Zoning Permit for an accessory building prior to the issuance of a Zoning Permit for the main or principal structure.

Section 3.32 Repair and Clean up of Damaged or Destroyed Buildings.

The owner of any building or structure which has been damaged or destroyed by fire, windstorm, or other casualty shall repair such damage within one (1) year after its occurrence **to meet current Building Code Standards.** In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be razed pursuant to a **Building demolition** permit therefore to be granted pursuant to this Ordinance. **For the purposes of this Section, a casualty shall not include damage or disrepair caused by a lack of maintenance.**

Section 10.02a Principal Permitted Uses. (C-2, Neighborhood Commercial District)

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

13. **Temporary outdoor commercial use, if permitted by the Zoning Administrator under Section 3.36.**

[re-number all subsequent uses accordingly]

Section 10.03a Special Land Uses. (C-2, Neighborhood Commercial District)

The following Special Land Uses shall be permitted subject to review by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

25. Truck Terminal or Distribution Center.

26. Truck Trailer Drop Yard.

[re-number all subsequent uses accordingly]

Section 17.41 Migrant Labor Housing

B. Migrant Labor Housing Standards.

1. One or more dwellings proposed for use by migrant laborers may be permitted as a special land use provided it meets the requirements of the Michigan Department of Agriculture, Agricultural Labor Camp Rules and the following standards:
 - e. **Minimum** dwelling area for migrant labor housing shall be the following: ~~eight hundred forty (840)~~ **seven-hundred twenty (720)** square feet for single family dwellings, and six hundred sixty (660) square feet per unit in a two-unit or three-unit structure.

Section 17.59 Sand and Gravel Extraction Operations

C. REVIEW STANDARDS FOR APPROVAL. ~~The Planning Commission may consider the following factors in their review of the permit application~~ **In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, an application shall not be denied by the Planning Commission unless very serious consequences would result from the extraction operation. In determining whether very serious consequences would result from the extraction operation, the Planning Commission shall consider all of the following factors, if applicable:**

- ~~1.) The need for the removal, and alternate solutions not requiring removal.~~
- ~~2.) The impact of the removal process and methods of removal on adjoining areas.~~
- ~~3.) The extent and amount of removal of valuable surface topsoil, and destruction of land uses by the removal.~~
- ~~4.) The increased hazards to neighbors, water, land, or air.~~
- ~~5.) The proposed plan complies with existing applicable County and State waste management plans and standards.~~
- ~~6.) Whether the spirit and intent of the objectives of this Zoning Ordinance would be preserved or promoted.~~

- 1.) The relationship of extraction and associated activities with existing land uses
- 2.) The impact on existing land uses in the vicinity of the property
- 3.) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence
- 4.) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property
- 5.) The impact on other identifiable health, safety, and welfare interests in the local unit of government
- 6.) The overall public interest in the extraction of the specific natural resources on the property.

Section 25.02 Permits Required.

1. General Provisions. The following shall apply in the issuance of any permits:
 - a. Permits Not to be Issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance. Zoning permits shall not be issued until any and all additional state or local permits have been obtained. This shall include but not necessarily be limited to MDEQ, County Road Commission, County Health Department and state health department permits.
 - b. Permits for New Use of Land. No vacant land shall be developed or used or an existing use of land be changed to a use of a different class or type of use unless a ~~certificate of occupancy~~ **zoning permit** is first obtained.
 - c. Permits for New Use of Building. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a ~~certificate of occupancy~~ **zoning permit** and site plan approval is first obtained for the new or different use.
 - d. Permits Required. ~~No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairway type of construction, type, class, or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the County of Mason Building Code, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.~~ **No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a zoning permit and site plan approval is first obtained for the new or different use.**
 - e. All zoning permits shall be valid for one (1) year. ~~Building permits may be renewable on an annual basis.~~
2. Zoning Compliance. To determine satisfactory compliance with requirements of the Zoning Ordinance the application shall be accompanied by ~~two (2)~~ **one (1)** sets of plans and specifications conforming to the requirements of this Article. ~~as hereinafter set forth and the County Building Code.~~

~~No permit shall be required for alterations or repairs for roofing repairs, siding or painting, or interior repairs, provided that such repairs shall not be construed to include the cutting away of any stone or masonry wall, the addition or removal of any beam or support, or the removal, change or closing of any staircase, means of ingress or egress, or of any chimney or window.~~

3. **Certificates of Occupancy Zoning Permits.** It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a ~~certificate of occupancy and zoning compliance~~ **zoning permit** has been issued therefore by the Zoning Administrator.

~~a. No occupancy permit shall be granted until the water and sewer facilities are approved by the County or State.~~

~~b. No change of use shall be made in any building, or premise or land or part thereof now or hereafter erected, altered or used that is not consistent with the provisions of this Ordinance and no such change of use or occupancy shall be made without the issuance of a certificate of occupancy and compliance for such new use.~~

~~c. A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued after the erection or alteration of such building shall have been completed in such a manner as to meet or exceed the Building Code. Where a certificate of use and occupancy is required not in conjunction with the issuance of a building permit, the same shall be issued on forms furnished by the Zoning Administrator. Every change of use shall require the issuance of a certificate of use.~~

~~d. A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations for partial occupancy of a structure pending completion of such alterations, provided that such temporary certificate may include such conditions and safeguards as will protect the safety and health of the occupants and the public.~~

~~e. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.~~

~~f. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.~~

a. No change of use shall be made in any building, or premise or land or part thereof now or hereafter erected, altered or used that is not consistent with the provisions of this Ordinance and no such change of use or occupancy shall be made without the issuance of a zoning permit demonstrating compliance for such new use.

b. The Zoning Administrator shall maintain a record of all zoning permits issued, canceled, or denied.

c. The Zoning Administrator, or designated staff, shall verify compliance with a zoning permit within one year from the date of issuance or when the project is completed. Zoning permits that do not proceed under conditions of the permit and/or approved site plan shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.

Farm Market Amendments

(Sections 2.02, 3.07, 3.36, 5.02, 5.03, 6.02, 6.03, 7.02, 7.03 and 17.23)

Section 2.02 Definitions.

Farm Market: A building or other enclosure, including incidental outdoor sales area and off street parking area, place or an area designed and used for the seasonal display and sale of vegetables, fruit, plants, flowers and other produce from farms and other agricultural enterprises, including the display and sale of other incidental merchandise generally associated with or related to farm produce and products, small arts and crafts items and other permitted merchandise. **A farm market may operate seasonally or year-round. This definition includes roadside stands.**

Farm Stand: A temporary commercial establishment primarily engaged in the sale of agricultural produce (seeds, fruits, vegetables) grown on the premises or on property owned by the Farm Stand operator.

Roadside Stand: A temporary structure designed and used for the seasonal display and sale of agricultural products produced on the lands where the roadside stand is located, and the display and sale of other permitted agriculturally related items. **See Farm Market**

Section 3.07 Roadside Stands. Farm Markets.

~~Roadside stands~~ **Farm markets** shall be permitted in the AG, ~~and RE and RR~~ Districts in accordance with the terms of this section.

- ~~1. A roadside stand shall sell only produce grown on the premises, and incidental merchandise generally associated or related to farm produce and products. Such incidental goods and items may include, though are not limited to, jams and jellies, eggs, breads and other baked goods, small arts and crafts items and other incidental farm goods and products.~~
- ~~2. A roadside stand shall be operated on a seasonal basis only. It shall be operated and used only by the owner, manager or tenant of the land on which the roadside stand is located.~~
- ~~3. The roadside stand shall be located at least 15 feet away from the street right of way, and such additional distance as may be required to assure a safe distance between the roadside stand and motor vehicles using the adjacent street.~~
- ~~4. A roadside stand shall include adequate off street vehicle parking area, arranged and located so that no traffic hazard or other potentially harmful condition will arise.~~
- ~~5. The structure comprising the roadside stand shall have no more than 200 square feet of sales and display area.~~
- ~~6. The driveway or other means of access to the roadside stand shall be located at least 60 feet away from any street intersection, as measured from the right of way lines of intersecting streets.~~

~~7. There shall be no more than two temporary signs, neither of which shall exceed 9 square feet in area.~~

~~1. The farm market shall comply with the Generally Accepted Agricultural and Management Practices for Farm Markets, as developed by, and may be revised by, the Michigan Department of Agriculture & Rural Development (MDARD).~~

1. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.

a. For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used, as follows:

1.) At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main "namesake" ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

2. No more than fifty (50) percent of the products offered for sale at a farm market may be non-farm products, which shall be limited to dried flower arrangements, small arts and crafts items, cook books, live plants, seeds, small implements for food preparation and other small items substantially related to farm produce and products.

3. On-site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.

4. Farm market buildings equal to or less than two-hundred (200) square feet in size shall be located not closer than fifteen (15) feet from the street right of way line or any other property line. Farm market buildings greater than two-hundred (200) square feet in size shall comply with the minimum required setback distances for the district in which such building is located.

5. Signs shall comply with the requirements of Article XX.

6. Farm markets may include Class I Agritourism Enterprises, if allowed by the zoning district in which the property is located and approved in accordance with Section 3.41. Farm markets may include Class II Agritourism Enterprises, if allowed by the zoning district in which the property is located and approved in accordance with Section 17.06.

7. A zoning permit is not required for a farm market with a sales area equal to or less than one hundred (100) square feet and which does not include permanent structures. Such farm

markets may be allowed in any zoning district and must adhere to all other requirements of this Section.

Section 3.36 Temporary Outdoor Commercial Uses.

2. The provisions of this section do not apply to the following:

~~i. a.~~ Farm markets, which are regulated by Section 3.07 ~~and which are permitted as special land uses in the AG, RE and RR Districts;~~

~~j. Roadside stands, which are regulated by Section 3.07A and which are permitted uses in the AG, RE and RR Districts;~~

~~k. b.~~ Open air businesses, which are regulated as special land uses in the C-1 and C-2 Districts; and

~~l. c.~~ Other lawful outdoor displays and sales of merchandise by principal permitted uses or special land uses in the C-1 or C-2 Districts.

~~m. d.~~ A temporary outdoor commercial use shall not include a restaurant, a store building or other type of building.

Section 5.02 Principal Permitted Uses. (AG, Agricultural District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

6. ~~Roadside stands.~~ **Farm markets, if permitted by the Zoning Administrator under Section 3.07.**

[re-number all subsequent uses accordingly]

Section 5.03 Special Land Uses. (AG, Agricultural District)

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance **with** the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

~~12. Farm markets.~~

[re-number all subsequent uses accordingly]

Section 6.02 Principal Permitted Uses. (RE, Rural Estates District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

4. ~~Roadside stands.~~ **Farm markets, if permitted by the Zoning Administrator under Section 3.07.**

Section 6.03 Special Land Uses. (RE, Rural Estates District)

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

13. ~~Farm markets.~~

[re-number all subsequent uses accordingly]

Section 7.02 Principal Permitted Uses. (RR Recreational Residential District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

3. ~~Roadside stands.~~

[re-number all subsequent uses accordingly]

Section 7.03 Special Land Uses. (RR Recreational Residential District)

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

19. ~~Farm markets.~~

[re-number all subsequent uses accordingly]

Section 17.23 ~~Farm Market~~ **Reserved.**

~~A farm market, when approved as a special land use in the AG, RE & RR Districts, shall comply with all of the following requirements:~~

- ~~1. The farm market may be established and used for the seasonal display and sale of vegetables, fruit, plants, flowers and other produce from farms and other agricultural enterprises, including the display and sale of other incidental merchandise generally associated or related to farm produce and products, small arts and crafts items and other merchandise.~~
- ~~2. The farm market shall be owned and operated by the owner or tenant of the farm market property.~~
- ~~3. The operation of the farm market shall be incidental and subordinate to the existing and principal~~

~~use of the farm market property for permitted planting, cultivation, harvesting and sale of agricultural products, including fruits, vegetables, grains, flowers or herbs.~~

- ~~4. The maximum floor area of any building or other enclosure used for sales and display purposes shall be 800 square feet.~~
- ~~5. The operation of the farm market may include the retail sale of unprocessed fruits, vegetables, flowers and herbs and also the retail sale of eggs, baked goods and fruit beverages, such as cider.~~
- ~~6. The operation of a farm market may also include the display and retail sale of non-food items limited to dried flower arrangements, small arts and crafts items, cook books, live plants, seeds, small implements for food preparation and other small items substantially related to farm produce and products.~~
- ~~7. On site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets.~~
- ~~8. All farm market buildings and activities, including off-street parking, shall be located at least 100 feet away from any adjacent lot line of property used for residential purposes.~~
- ~~9. A farm market shall be operated on a seasonal basis only.~~
- ~~10. The driveway or other means of access to the farm market site shall be located at least 100 feet away from the right of way of any intersecting street.~~
- ~~11. A farm market shall have no more than two temporary signs, neither of which shall exceed 24 square feet, unless a greater number of signs and/or a greater amount of sign area is permitted by the terms of the special land use.~~
- ~~12. Other aspects of the design, placement and operation of a farm market shall be as specified in the terms of the special land use, including but not limited to off-street parking area, months and hours of operation, additional or larger signage, display and sale of specified agriculturally related items or merchandise, buffering of the use from adjacent or nearby residential uses, outdoor lighting, outdoor sales area and other aspects of the farm market use.~~

Agribusiness and Agritourism Amendments

(Sections 3.31, 3.41, 5.02, 5.03, 6.02, 6.03, 10.02, 10.02a, 17.03, 17.06 and 17.68)

Section 2.02 Definitions.

Agribusiness: Businesses catering exclusively to the agricultural community. They may include, but not necessarily be limited to, the **commercial production, processing, packaging or sale of farm products, the sale of seed and feed, and livestock auctioning, wineries, micro-breweries and micro-distilleries, but shall not include meat processing facilities or tanneries.** For the purposes of this ordinance, an agribusiness shall not include a farm market, as defined herein.

Agritourism Enterprise: A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products ~~and whose proprietor resides on the site in a single-family dwelling unit.~~ Agritourism enterprises are further classified as follows:

1. **Agritourism Enterprise, Class I:** An agritourism enterprise, limited to u-pick fruits and vegetable operations.
2. **Agritourism Enterprise, Class II:** An agritourism enterprise, including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for special events; and, other similar uses. Overnight sleeping accommodations, except for a bed and breakfast, are specifically excluded from this classification.

Micro-brewery: A facility in which a total of less than 30,000 barrels per calendar year of beer, mead or other alcoholic beverages are brewed, fermented, or distilled for distribution and on or off-site consumption, and which possesses the appropriate license from the State of Michigan. Brew-pubs and/or tasting rooms for the consumption of on-site produced beer, ciders/vinegars, mead, brandy, spirits, or distilled products are permitted on the premises in compliance with Michigan's Liquor Control Code.

Micro-distillery: A facility in which a total of less than 60,000 gallons per calendar year of hard cider, brandy, spirits, or other alcoholic beverages are fermented or distilled for distribution and on or off-site consumption, and which possesses the appropriate license from the State of Michigan. Tasting rooms for the consumption of on-site produced cider/vinegar, brandy, spirits, or distilled products are permitted on the premises in compliance with Michigan's Liquor Control Code.

Winery: An establishment for the processing, bottling, and selling of wine or other fermented fruit beverage.

Section 5.02 Principal Permitted Uses. (AG, Agricultural District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

15. **Agribusiness uses, not exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use, if permitted by the Zoning Administrator under Section 3.31.**
16. **Agritourism Enterprise, Class I, if permitted by the Zoning Administrator under Section 3.41.**

[re-number all subsequent uses accordingly]

Section 5.03 Special Land Uses. (AG, Agricultural District)

The following Special Land Uses shall be permitted subject to review and approval by the Planning

Commission and further subject to any and all reasonable conditions which may be imposed in accordance the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

1. Agribusiness uses exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use.

22. Agritourism Enterprise, Class II.

[re-number all subsequent uses accordingly]

Section 6.02 Principal Permitted Uses. (RE, Rural Estates District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- 14. Agribusiness uses, not exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use, if permitted by the Zoning Administrator under Section 3.31.**

- 15. Agritourism Enterprise, Class I, if permitted by the Zoning Administrator under Section 3.41.**

[re-number all subsequent uses accordingly]

Section 6.03 Special Land Uses. (RE, Rural Estates District)

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

- 21. Agribusiness uses exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use.**

22. Agritourism Enterprise, Class II.

[re-number all subsequent uses accordingly]

Section 10.02 Principal Permitted Uses. (C-1, Highway Commercial District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- 7. ~~Winery.~~ Wineries, micro-breweries and micro-distilleries, provided all of the required licenses and approvals have been obtained from the appropriate state and federal agencies, subject to the following:**

- a. The on-premise consumption of alcoholic beverages shall be limited to tasting room**

quantities. The facility shall not function as a bar.

- b. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing wines, beer or liquors; glassware for serving alcoholic beverages; and wine bottle openers. Specifically prohibited are unrelated merchandize such as clothing, coffee cups, and bumper stickers. The retail sales area shall be no more than twenty five (25) percent of the floor area devoted to the winery, micro-brewery or micro-distillery, but in no case shall it occupy more than two thousand (2,000) square feet of floor area.
- c. Adjunct food services, consisting of snacks, sandwiches, luncheons, or pre-arranged dinners provided on the premises in connection with the operation of wineries, micro-breweries and micro-distilleries may be provided.

Section 10.02a Principal Permitted Uses. (C-2, Neighborhood Commercial District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- 10. ~~Winery.~~ Wineries, micro-breweries and micro-distilleries, provided all of the required licenses and approvals have been obtained from the appropriate state and federal agencies, subject to the following:
 - a. The on-premise consumption of alcoholic beverages shall be limited to tasting room quantities. The facility shall not function as a bar.
 - b. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing wines, beer or liquors; glassware for serving alcoholic beverages; and wine bottle openers. Specifically prohibited are unrelated merchandize such as clothing, coffee cups, and bumper stickers. The retail sales area shall be no more than twenty five (25) percent of the floor area devoted to the winery, micro-brewery or micro-distillery, but in no case shall it occupy more than two thousand (2,000) square feet of floor area.
 - c. Adjunct food services, consisting of snacks, sandwiches, luncheons, or pre-arranged dinners provided on the premises in connection with the operation of wineries, micro-breweries and micro-distilleries may be provided.

Section 3.31 ~~RESERVED~~ Agribusiness Uses

Agribusiness uses, not exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use, may be permitted by the Zoning Administrator in the AG, ~~Agricultural District~~ and RE Districts subject to the following requirements:

- 1. The maximum portion of any building used for agribusiness sales shall be five-hundred (500) square feet.
- 2. There shall be no more than one (1) freestanding or ground sign, not to exceed sixteen (16) square feet of sign area.

3. All ingress and egress to the site shall comply with the applicable regulations of the County Road Commission or the Michigan Department of Transportation.
4. On-site vehicle parking shall be provided on agribusiness property in an amount sufficient to accommodate the reasonably anticipated number of agribusiness patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
5. The application shall be administratively reviewed by the Zoning Administrator. In lieu of a complete site **plan** required by Article XVIII, the application shall include:
 - a. A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Zoning Administrator.
 - b. A written narrative describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the Zoning Administrator in determining whether the application should be approved.
6. If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Zoning Administrator, review and approval by the Planning Commission as a Special Land Use in accordance with Article XVI and Section 17.03 shall be required.
7. **Wineries, micro-breweries or micro-distilleries shall not be allowed as an agribusiness under this Section 3.31.**

Section 3.41 Agritourism Enterprise, Class I

A Class I Agritourism Enterprise, as defined in this ordinance, may be permitted by the Zoning Administrator in the AG and RE Districts, subject to the following requirements:

1. There shall be no more than one (1) freestanding or ground sign, not to exceed sixteen (16) square feet of sign area.
2. All ingress and egress to the site shall comply with the applicable regulations of the County Road Commission or the Michigan Department of Transportation.
3. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface..

4. The application shall be administratively reviewed by the Zoning Administrator. In lieu of a complete site **plan** required by Article XVIII, the application shall include:
 - a. A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Zoning Administrator.
 - b. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the Zoning Administrator in determining whether the application should be approved.
5. If the proposed Class I Agritourism Enterprise would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Zoning Administrator, review and approval by the Planning Commission as a Special Land Use in accordance with Article XVI and Section 17.06 shall be required.

Section 17.03 Agribusiness Uses

~~Agribusiness uses include the commercial production, processing, packaging or sale of fruit, vegetables, eggs, cider, and similar farm products. All uses~~ **Agribusiness uses exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use** are subject to the following requirements:

1. The maximum ~~portion floor area~~ of any building used for agribusiness sales shall be five-hundred (500) square feet.
2. All buildings shall have a front setback of at least fifty (50) feet from the edge of the proposed road right-of-way.
3. At least eighty (80) percent of all sales shall be farm products ~~indigenous to~~ **capable of being grown in** Mason County.
4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
5. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed sixteen (16) square feet of sign area.
6. All ingress and egress to the site shall comply with the applicable regulations of the County Road Commission or the Michigan Department of Transportation.
7. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers. The Planning Commission shall determine the number of additional parking spaces necessary based on each individual use and the anticipated traffic that will be generated.
8. **Wineries, micro-breweries or micro-distilleries may be allowed as an agribusiness use**

subject to the requirements above and as follows:

- a. All required licenses and approvals shall be obtained from the appropriate state and federal agencies.
- b. A minimum parcel size of twenty (20) acres shall be required.
- c. At least ten (10) acres of the parcel on which any of the foregoing facilities are located or, alternatively, at least ten (10) acres that are owned or operated by the owner or operator of the winery, micro-brewery, or micro-distillery must be in active production of a fruit, grain, vegetable or other principal ingredient of the beverage to be produced.
- d. The on-premise consumption of alcoholic beverages shall be limited to tasting room quantities. The facility shall not function as a bar.
- e. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing wines, beer or liquors; glassware for serving alcoholic beverages; and wine bottle openers. Specifically prohibited are unrelated merchandize such as clothing, coffee cups, and bumper stickers. The retail sales area shall be no more than twenty five (25) percent of the floor area devoted to the winery, micro-brewery or micro-distillery, but in no case shall it occupy more than two thousand (2,000) square feet of floor area.
- f. Adjunct food services, consisting of snacks, sandwiches, luncheons, or pre-arranged dinners provided on the premises in connection with the operation of wineries, micro-breweries and micro-distilleries may be provided.
- g. Parking, buildings, and processing areas shall be set back a minimum of fifty (50) feet from all property lines. Screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided on those sides abutting or adjacent to a residential use. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that no good purpose would be served by the screening requirement.

Section 17.06 ~~RESERVED~~ Agritourism Enterprise, Class II

A Class II Agritourism Enterprise, as defined in this ordinance, shall be subject to the following requirements:

1. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
2. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed sixteen (16) square feet of sign area.
3. The parcel or parcels on which the use is located shall be owned and operated by a single proprietor or entity. The proprietor or an owner of the entity shall reside on the site in a

single family dwelling unit.

4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
5. Screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided on those sides abutting or adjacent to a residential use. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
6. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
7. The Planning Commission may establish hours of operation for Class II Agritourism Enterprises, or specific elements thereof, consistent with the character of the land uses in the vicinity, and may further approve an enforcement mechanism to ensure that the established hours of operation are adhered to.
8. All ingress and egress to the site shall comply with the applicable regulations of the County Road Commission or the Michigan Department of Transportation.
9. The applicant shall secure and maintain all required state and local permits, including but not limited to, public health and building code requirements.
10. A Class II Agritourism Enterprise may include a bed and breakfast, if allowed by the zoning district in which the property is located and approved in accordance with Section 17.09.

Section 17.68 **Wineries** **RESERVED**

1. ~~A winery shall include an on-site vineyard that is at least five (5) acres in land area.~~
2. ~~A wine-tasting/retail room shall not exceed 30% of the total square footage of the wine production structure.~~
3. ~~The Planning Commission may place restrictions on the number of special events that can occur in any given year and the time of day those events can occur, to protect the integrity of adjacent neighborhoods and lands. The Planning Commission may also limit the number of people who can attend any special event and may request a traffic analysis.~~

Sidewalks in the C-1 District
(Section 10.04)

Section 10.04 Area and Size Requirements (C-1 District)

11. Sidewalks. Any request for site plan approval, including new construction or redevelopment, shall

include a minimum six (6) foot sidewalk located ~~outside of the greenbelt,~~ **within the public right-of-way** for the purpose of traversing the subject site from side lot line to side lot line. Precise sidewalk location shall be determined with the Zoning Administrator, Planning Commission, MDOT and others as right-of-way widths are not consistent. Sidewalks shall be constructed of concrete or asphalt at least two (2) inches thick, with a four (4) inch gravel base. Sidewalks shall be constructed prior to certificate of occupancy, weather permitting, in which case, the applicant shall provide to the County a performance guarantee in accordance with section 18.09. The applicant shall provide a maintenance agreement satisfactory to the County prior to final approval. **Where an obstruction prevents sidewalk placement within the public right-of-way, placement of such sidewalk may occur within the site through the recording of a dedicated easement satisfactory to the County.**

Signs along U.S. 10 (Sections 20.05 and 20.06)

Section 20.05 Permitted Signs in the Residential Districts.

4. Residential Development Signs.

- a. Residential development signs at any location shall not exceed thirty two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty-four (64) square feet for the combined surface of all sign faces.
- b. Residential development signs shall not exceed six (6) feet in height, measured from grade.
- c. Residential development signs shall not be located closer than twenty (20) feet from a public right-of-way. **On properties fronting U.S. 10, signs shall be located a minimum of seventy-five (75) feet from the centerline of U.S. 10.**

5. Other Authorized Uses.

One (1) wall and one (1) freestanding signs or combination thereof identifying a park, school, church or other place of religious assembly, public building, other authorized use or a lawful nonconforming use, each not-to-exceed thirty-two (32) square feet and be placed a minimum of twenty (20) feet from the street right-of-way line. **On properties fronting U.S. 10, signs shall be located a minimum of seventy-five (75) feet from the centerline of U.S. 10.** No freestanding sign shall exceed six (6) feet in height. Flat wall signs may not project more than one (1) foot beyond the face of the building.

Section 20.06 Permitted Signs in the Nonresidential Districts.

2. Freestanding Signs.

- a. A maximum of one (1) freestanding or one (1) ground supported sign shall be permitted per parcel regardless of the number of businesses on the premises. Signs must be a minimum of twenty feet (20') from a neighboring sign. Ground clearance of a freestanding sign shall not be

less than 10' measured from the bottom of the sign to the ground. Size and height limitations shall comply with table 20.01.

Table 20.01
Sign Size for Freestanding or Ground Supported Signs

Sign Type/Frontage	Allowable Size Height	Height	Location
Freestanding-pole Up to or equal to 200 ft. of frontage	Up to 32 square feet	20 feet	20 feet from ROW or 75 feet from the centerline of U.S. 10
Freestanding-pole More than 200 ft. of frontage	32 sf of signage for the first 200 sf of frontage. Plus 2.0 sf for every additional 10 feet of frontage up to a maximum of 100 sf.	20 feet	20 feet from ROW or 75 feet from the centerline of U.S. 10
Monument (Ground Supported) Up to or equal to 200 ft. of frontage.	Up to 40 square feet	10 feet	20 feet from ROW or 75 feet from the centerline of U.S. 10
Monument (Ground Supported) More than 200 ft. of frontage	40 sf of signage for the first 200 feet of frontage. Plus 2 sf for every additional 10 feet of frontage. No sign shall exceed 120 sf.	10 feet	20 feet from ROW or 75 feet from the centerline of U.S. 10

3. Shopping Center or Industrial Park Signs.

- a. One (1) freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings, providing that such centers have multiple tenants and/or uses, and further provided that the site contains a minimum of two (2) acres of land. Such freestanding signs shall not be permitted for individual tenants located in an approved business center development.

i) Freestanding-pole Signs

- (1) The allowable height for a freestanding signs shall not be over twenty five (25) feet measured from grade.
- (2) The maximum sign area for a freestanding shall be one-hundred fifty (150) square feet per side.
- (3) The leading edge of the sign shall be no closer than (50) feet from the right of way. **On properties fronting U.S. 10, signs shall be located a minimum of seventy-five (75) feet from the centerline of U.S. 10.**

ii) Monument Signs

- (1) The maximum sign area for a monument sign shall be one-hundred (100) square feet per side.

- (2) Height of the sign shall not exceed fourteen (14) feet measured from grade.
- (3) The leading edge of the sign shall be located no closer than twenty (20) feet to the right-of-way. **On properties fronting U.S. 10, signs shall be located a minimum of seventy-five (75) feet from the centerline of U.S. 10.**

Places of Religious Assembly (Section 5.02)

Section 5.02 Principal Permitted Uses. (AG, Agricultural District)

No building or structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

17. Churches or other place of religious assembly.

[re-number all subsequent uses accordingly]

Expansion of Nonconforming Structures (Section 3.27)

Section 3.27 Nonconformities.

3. Nonconforming Buildings and Structures

- b. Expansion and Modification. Nonconforming structures shall not be extended or enlarged except after approval of the Zoning Administrator provided that:
 - (1) Maintenance or remodeling, including a new basement or increasing the height of the building, not to exceed the height allowed in the district in which the property is located, is allowed within the existing footprint of livable floor area of a nonconforming building.
 - (2) Additions, up to ~~40%~~ **fifty percent (50%)** of the existing gross floor area **at the time the building or structure became nonconforming** may be made where all of the requirements of this ordinance are met except the basis for the existing nonconformity.
 - (3) Any portion of the building may be replaced where the entire footprint is more conforming than the existing nonconforming footprint.
 - (4) All other expansions, modifications, or improvements shall require approval from

the Zoning Board of Appeals provided that:

- i. The enlargement, alteration, or extension will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.
- ii. That the enlargement, alteration, or extension is, to the maximum extent possible, consistent with the dimensional regulations and character of those uses permitted within the district.

Small Accessory Buildings on Properties without a Principal Building (Section 3.01)

Section 3.01 Accessory Buildings, Structures, and Uses.

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

9. By definition an accessory building is clearly incidental to the principal structure housing the main use; therefore the Zoning Administrator shall not issue a Zoning Permit for an accessory building prior to the issuance of a Zoning Permit for the main or principal structure, **except as allowed under subsection 13, below.**
13. No accessory building is permitted on a parcel without a main or principal structure, except for the following:
 - a. One detached accessory building may be located on a lot that has no principal building, in the following circumstances **only**:
 - i. If the lot is directly across a public or private street from a lot improved with a dwelling to which the building is accessory and such lot is not a waterfront lot; or
 - ii. If the lot on which the detached accessory building is located is adjacent to either side lot line of a lot directly across a public or private street from a lot improved with a dwelling to which the building is accessory. See Illustration 3-01.
 - b. In the circumstances described in **this subsection as to accessory buildings on lots that have no principal building subsection a**, not more than one detached accessory building may be located on an unimproved lot across a public or private street, as described **above in subsection a**. The lot upon which the accessory building is constructed and the improved lot to which it is accessory shall be held in common ownership. A restrictive covenant confirming such common ownership and prohibiting the separate conveyance of either lot shall be recorded with the Mason County Register of Deeds prior to the issuance of a building permit or installation of any accessory building.

- c. In the circumstances described in this subsection as to accessory buildings on lots that have no principal building subsection a, such accessory buildings shall have a maximum area of nine hundred sixty (960) square feet in area.
- d. On a lot or parcel containing at least twenty (20) acres which has no principal building, an accessory building that has a total floor area (being the entire area within the exterior walls) of less than two hundred (200) square feet may be constructed. Any such accessory building shall not be erected in any required yard and shall not exceed fourteen (14) feet in height. Further, there shall be not more than three (3) such accessory buildings on any one lot or parcel and such accessory buildings shall be located not closer than ten (10) feet from each other.

Hunters Turned Farmers (Section 3.41)

Section 3.41 Non-Commercial Cultivation for Recreational Hunting

The non-commercial planting, cultivating and harvesting of grains, rye, oats, fruits, or other crops for recreational hunting purposes may be allowed in any district on a lot or parcel containing at least twenty (20) acres.

Keeping of Animals – Zoning Districts Allowed (Section 3.19)

Section 3.19 Keeping of Animals.

The keeping of animals, other than those associated with farming operations in the Agricultural District, shall be permitted on property zoned AG, RE and RR, provided:

1. The parcel on which the animals are located is not within a recorded plat.
2. The minimum area for the keeping of domesticated pets or recreation animals, except as otherwise provided, shall be three (3) acres. One (1) horse, mule, donkey, or cow, or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to forty (40) acres.
3. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be three (3) acres. Twenty-five (25) chickens, ten (10) turkeys, geese, or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first three (3) acres. Additional

animals, in the quantity described above, shall be permitted for each additional acre of land up to forty (40) acres.

4. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be one (1) acre. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to forty (40) acres.
5. The keeping of animals, as described above, shall further be subject to any applicable State and Mason County health regulations.