Proposed Mason County Zoning Ordinance Update Summary
Prepared by Wade Trim Associates, Inc.

Summary Refers to Public Hearing DRAFT, dated February 15, 2018

PROJECT BACKGROUND AND PUBLIC ENGAGEMENT

The Mason County Planning Commission is nearing the end of a process of preparing amendments to the Mason County Zoning Ordinance and Map. Historically, the Planning Commission has undertaken these "zoning ordinance updates" approximately once every five years to address contemporary issues and concerns. In 2015, the Planning Commission began their initial review of the currently adopted Zoning Ordinance and Map to determine the topics that would be addressed in the zoning ordinance update. This resulted in a ranked list of topics that would need to be addressed in the update.

In early 2016, the Planning Commission retained Wade Trim Associates, Inc. to provide professional planning assistance in the zoning ordinance update. One of the first tasks of the planning process was to seek input from the community regarding the zoning ordinance update and the specific topics to be addressed in the update. This survey was made available to the public in the Summer of 2016, with nearly 250 responses received. In the end, the results provided valuable insight to the Planning Commission as they worked through the various amendments. For example, the survey asked whether "agritourism" (i.e., corn mazes, hay rides, barn weddings) should be allowed within the rural agricultural areas of the County. The overwhelming response of "yes" (84%) gave support to the Planning Commission's proposed amendments, which would allow and regulate such agritourism enterprises.

SUMMARY OF AMENDMENTS

The specific proposed zoning ordinance amendment language is included in a 80-page report dated February 15, 2018. In the detailed amendments report, the proposed amendments are listed by topic. This summary report, to be used as a companion to the detailed report, provides an overview of each topic covered and the rationale behind the amendments proposed.

1. Home Occupation Amendments (pages 1-15 of detailed report)

The current zoning ordinance regulations for home occupations do not adequately address the scale of various types of home occupations. The Planning Commission believes that a less intensive home occupation, such as the home office of an internet salesperson, should be regulated differently than a more intensive home occupation, such as the home office of a tree cutting service.

The proposed amendment establishes three "classes" of home occupations (refer to the table on pages 2-4 of the detailed report). Class I home occupations would be allowed by right in any residential district, with no permit required. Class II home occupations would be permitted by right in any residential district, after approval by the Zoning Administrator. Class III home occupations would be permitted in any residential district, but only after receiving special land use approval from the Planning Commission (this would require a public hearing). For all classes of home occupations, specific ordinance standards would need to be met. However, Class III

home occupations would be held to the most stringent operational standards.

Lastly, a minor change to the current regulations for medical marihuana primary caregiver home occupations is proposed to comply with recent changes that the State Legislature enacted in the Michigan Medical Marihuana Act.

2. Accessory Dwelling Units (pages 15-17 of detailed report)

The current Mason County Zoning Ordinance does not address or allow "accessory dwelling units" such as guest houses or granny flats. Those who completed the opinion survey indicated that such accessory dwelling units would be appropriate under certain conditions. Therefore, the proposed amendment would define and allow accessory dwelling units on the same lot as a principal dwelling unit. A permit would first be required, and various standards would need to be met, such a requirement that the property owner must occupy either the principal dwelling unit or the accessory dwelling unit, and a maximum floor area requirement of 1,000 square feet.

3. Smaller Dwelling Units (pages 17-18 of detailed report)

The current zoning ordinance stipulates a minimum size for dwelling units of 840 square feet. Following a nationwide movement popularizing smaller dwelling units, the proposed amendment would allow slightly smaller dwelling units within the County, with a minimum of 720 square feet in area.

4. Wireless Communication Support Facilities (pages 18-28 of detailed report)

Evolving Federal and State regulations pertaining to wireless communication facilities are the primary driver of this proposed amendment. For example, the Michigan Zoning Enabling Act was recently amended to define the different types of wireless communication facilities and specify the local approval process for such facilities. Included in the Act are "shot-clock" provisions that stipulate the maximum number of days that a local entity has to review and decide upon the approval of such facilities.

The proposed wireless communications section outlines separate approval processes for collocation activities (most can be approved administratively by the Zoning Administrator), replacement of existing wireless towers and/or equipment (most can be approved administratively), and installation of new wireless towers (requires special land use approval, after public hearing, by the Planning Commission). Standards and requirements for all types of facilities are specified in the proposed language.

5. Sign Regulations (pages 28-43 of detailed report)

The proposed amendments to the County's current sign regulations are being driven by a recent U.S. Supreme Court ruling (Reed v. Town of Gilbert). In that ruling, the Supreme Court decided that a municipal code subjecting signs to different regulations depending on the sign's content, and ultimately purpose, is unconstitutional. As an example, a local sign ordinance that bans temporary political signs but allows temporary for-sale signs would likely be considered unconstitutional. This type of provision is deemed "content-based," as it requires a reading of the content of the sign to determine whether it is prohibited or allowed.

Consistent with the Supreme Court decision, the proposed sign amendments aim to establish "content-neutral" provisions that do not require the reading of the sign to determine the regulations that would apply. This new approach has led to various amendments throughout the sign ordinance, with the most significant changes related to "temporary" signs. For temporary signs, the new language would typically allow 1 temporary sign per property, with allowance for additional temporary signs during certain time periods, such as during a political election or during the time that the property is actively listed for sale. However, different standards for temporary signs are applicable depending on whether the property is located within a residential zoning district or a non-residential zoning district.

Not currently allowed under the Mason County zoning ordinance, the proposed sign amendments would now allow for electronic changeable copy signs (see pages 41-42 of the detailed report). Such signage would only be allowed within the C-1 and C-2 Districts, and would need to meet a variety of standards. For example, full video and/or animated messages are prohibited, and the electronic message on each sign would need to be displayed for at least 12 seconds. Additionally, such sign would need to be located at least 100 feet from any residentially zoned property.

6. Minor Housekeeping Amendments (pages 43-47 of detailed report)

This series of proposed amendments are included to address small changes, errors, poorly worded/unclear language, ordinance discrepancies, and/or changes to comply with Federal or State laws. For example, Section 3.32, which requires buildings damaged by fire, windstorm, or other "casualty" to be rebuilt to code standards, is proposed to be revised to clarify that a casualty does not include damage or disrepair caused by a lack of maintenance. Pertaining to sand and gravel extraction operations, Section 17.59 is proposed to be revised to comply with new review standards outlined in the Michigan Zoning Enabling Act.

7. Farm Market Amendments (pages 47-52 of detailed report)

The current zoning ordinance utilized two terms related to farm markets ("farm market" and "roadside stand") and outlined unique approval processes/standards for each. In addition to finding the two terms difficult to differentiate, the County researched and found the distinction to be inconsistent with standards for farm markets as adopted by the Michigan Department of Agriculture. To eliminate this confusion, the proposed amendments would define and regulate "farm markets" using a definition consistent with the State's definition. New standards for farm markets, consistent with State standards, are also included in the language. For example, the standards would require at least 50% of the products offered for sale to have been grown or produced on and by the affiliated farm. Zoning permits would be required for most farm markets; however, small farm markets (less than 100 square feet in area) not requiring permanent structures would not require a zoning permit.

8. Agribusiness and Agritourism Amendments (pages 52-60 of detailed report)

This proposed amendment outlines reworked standards pertaining to agribusinesses and agritourism enterprises, with the overall desire to allow and promote such agriculturally-related activities within Mason County. Although both agribusinesses and agritourism enterprises are addressed in the current zoning ordinance, the proposed language would better define, differentiate, and regulate such enterprises based on their scale/intensity.

Agritourism enterprises have been divided into two classes, with Class I (such as u-pick operations) being allowed by right and Class II (such as petting farms) being allowed by special land use approval (after a public hearing) in rural/agricultural zoning districts.

Agribusiness enterprises are better defined in the proposed amendment, with small scale operations (less than 1,500 square feet in area) generally being allowed by-right in rural/agricultural zoning districts and other agribusinesses being allowed by special land use approval (after a public hearing) in rural/agricultural zoning districts. Generally not addressed in the current ordinance, new agribusiness use types such as wineries, micro-breweries, micro-distilleries, tanneries and slaughter houses are now defined and allowed in appropriate districts with appropriate regulations.

9. Sidewalks in the C-1 District (page 60 of detailed report)

Minor changes to this section better clarify the requirement to construct sidewalks for new development or redevelopment projects located within the C-1 District.

10. Signs along U.S. 10 (pages 60-62 of detailed report)

For new signs, the current zoning ordinance requires a minimum setback which is measured from the public right-of-way line. Measuring from the public right-of-way line is problematic along U.S. 10, which has a variable right-of-way width. This variable width right-of-way results in inconsistent sign setbacks within the U.S. 10 corridor. Therefore, this amendment would now require the setback to be measured from the centerline of U.S. 10, which would result in the consistent application of sign setbacks regardless of the right-of-way width.

11. Places of Religious Assembly (page 62 of detailed report)

The Federal Religious Land Use and Institutionalized Persons Act generally dictates that any zoning district where secular assembly is allowed must also allow religious assembly. Because the Mason County ordinance is proposed to be revised to allow assembly uses as part of agritourism (i.e., a barn wedding) within the Agricultural District, it must be amended to also allow churches or other places of religious assembly within the Agricultural District.

12. Expansion of Nonconforming Structures (page 63 of detailed report)

Seeking to make current regulations pertaining to non-conforming structures less stringent, the proposed amendment would allow for building additions of up to 50% of the size of the current building (the current limitation is 10%).

13. Keeping of Animals – Zoning Districts Allowed (pages 63-64 of detailed report)

As it relates to the keeping of animals for recreational purposes (other than those associated with farming operations), the current Section 3.19 of the zoning ordinance outlines use standards but does not specify the districts where such keeping of animals would be allowed. This amendment clarifies that the keeping of animals for recreational use is allowed in the Agricultural District

with no restrictions, and in the Rural Estates District and Recreational Residential District as long as the listed standards are met.

14. Natural River District/Greenbelt District (page 64 of detailed report)

As shown in the ***Natural River District/Greenbelt District Exhibit*** (attached to this summary report), there are several rivers/creeks which are listed under Section 12.02 in the Zoning Ordinance text as being part of the Natural Rivers District. However, these are indicated as being part of the Greenbelt District on the Zoning Map. The Zoning Map is proposed to be changed to show these rivers as Natural Rivers District.

As shown in the Exhibit, there are two rivers/creeks which are listed under Section 12.02 in the Zoning Ordinance text as being part of the Natural Rivers District. However, these are not indicated as being part of the Natural Rivers District on the Zoning Map. The Zoning Map is proposed to be changed to show these rivers as Natural Rivers District.

15. Campgrounds and Outdoor Recreation (pages 65-67 of detailed report)

The purpose behind this amendment is two-fold. First, there is a discrepancy in the current ordinance in that the term "campground" is included in the definition for "outdoor recreation." However, the current ordinance does not regulate campgrounds and outdoor recreation uniformly. To address this, the proposed language provides separate and distinct definitions for each. Second, it was determined that there are inconsistencies in Mason County's local regulations for campgrounds and the State of Michigan's regulations for campgrounds. Where local regulations conflict with State regulations, they are proposed to either be deleted or revised.

16. Hospice, Palliative and Convalescent Care (pages 67-70 of detailed report)

This amendment was specifically driven by the need to better define and regulate hospice care and palliative care, with the desire to provide a distinction from another term defined in the ordinance: convalescent care. To avoid confusion, and because the State does not define or license convalescent homes (the State does define and license hospice and palliative care facilities), it was determined that the term convalescent care should be eliminated from the zoning ordinance.

This exercise led to the Planning Commission's broader review of all types of care uses, to make sure that they are all properly defined and allowed in the various zoning districts, as may be appropriate. The ***Care Facilities Use Matrix*** (attached to this summary report) provides a snapshot of the various types of care facilities, their definitions, and the zoning districts where they are allowed. The proposed changes to the current zoning ordinance are highlighted in the matrix.

17. Site Plan and Special Land Use Review Procedures (pages 70-71 of detailed report)

From an administrative standpoint, the County is looking for clarity related to the process for approving certain minor amendments to site plans, including minor amendments to site plans associated with special land uses. For minor changes to a site plan associated with a special land use, the proposed amendment makes reference to specifically eligible minor changes, and

clarifies that a public hearing is not required. The proposed amendment also establishes an administrative site plan review option for minor site changes.

18. Bunk House, Studio or Hobby Areas (pages 71-72 of detailed report)

The current ordinance is unclear as to whether a bunk house, studio or hobby area is an allowable accessory use to a principal dwelling unit. This amendment clarifies that bunk houses, studios or hobby areas would be an allowable accessory use, provided they are used only by the occupants of the residence or their non-paying guests and do not include independent living quarters.

19. Accessory Buildings – Maximum Size / Waterfront Lots / Allowed on Vacant Land (pages 72-75 of detailed report)

Several amendments relating to accessory structures are proposed. First, the maximum size allowed for the total of all accessory buildings on a single parcel is proposed to be increased slightly, depending on the size of the parcel (refer to the table in Section 3.01,(6)).

Changes related to the allowance of accessory buildings on vacant land are also proposed. The current ordinance does not allow accessory buildings to be located on a parcel without a principal structure, except for specified lots that are directly across the street from a waterfront lot and owned by the waterfront lot owner. In this case (across from waterfront lots), such accessory structures are limited in area to 960 square feet. The proposed language would allow for slightly larger accessory structures, up to 1,200 square feet in area, if the lot is greater than 0.7 acre in size.

The proposed language would also result in the allowance for a single accessory building on vacant land which is 10 acres in size or larger. Such accessory building would be limited in size to no more than 3,000 square feet and in height to no more than 30 feet, and would need to meet required yard setbacks.

20. Zero-Lot Line Side Yard Setbacks (pages 75-77 of detailed report)

The current ordinance allows for zero-lot line side yard setbacks within the C-1 and C-2 Districts. This language was originally instituted to allow for a commercial building to immediately abut another commercial building along the side in a strip-mall configuration. Driven by a recent case from the County's Zoning Board of Appeals, the proposed amendment would clarify the language to ensure that the zero-lot line side setback option could only be applied to commercial strip-mall configurations, as it was originally intended, and not in other unintended situations.

21. Building Grades (page 77 of detailed report)

Section 3.02 of the current ordinance generally applies to smaller projects, such as the construction/expansion of a dwelling, which do not require site plan review. For these smaller projects, the current ordinance language pertaining to building grades was deemed by the Planning Commission to be cumbersome for several reasons: it does not allow flexibility to take the natural topography of a property into consideration; it is overly restrictive, requiring new construction to contain all runoff on the site, as opposed to containing only new runoff resulting from the construction activity; and, it is overly burdensome, requiring property owners to obtain

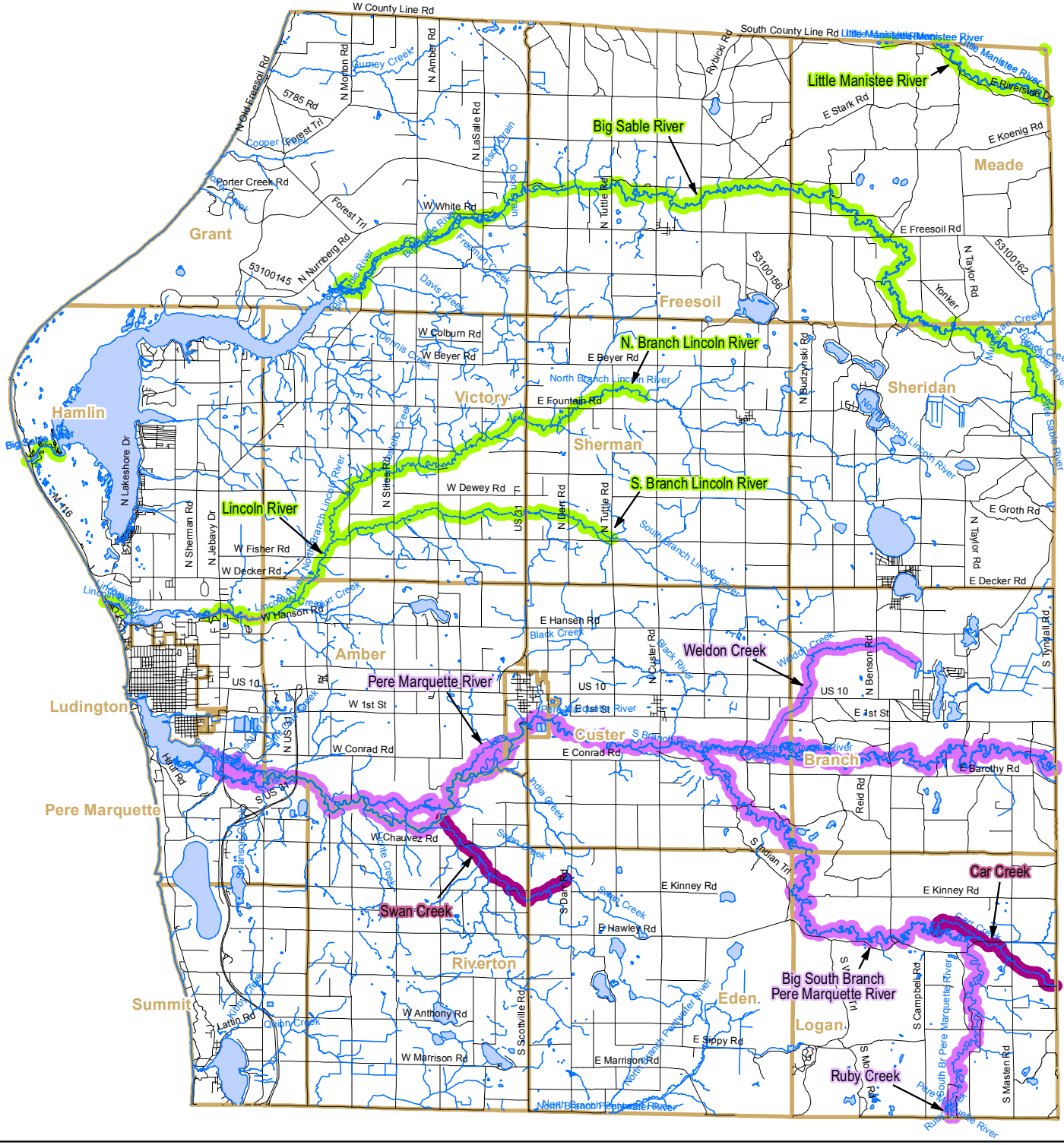
professional design assistance for virtually any construction activity. The proposed language seeks a more reasonable and flexible approach, while still ensuring that proper site grading occurs in conjunction with construction activities. It should be noted that larger projects, such as the construction of a new commercial building, are subject to heightened site grading standards as part of the County's site plan review and approval process.

22. Dwelling Standards – Building Code References (pages 78-79 of detailed report)

Amendments are proposed in this section to clarify/correct the building codes that are applicable to one- and two-family dwellings.

23. Temporary Use of Campers as Living Quarters (pages 79-80 of detailed report)

Presently, the zoning ordinance allows for the temporary use of recreational vehicles, trailer coaches, camper-trailers or similar vehicles as living quarters. Where such vehicles are proposed to be used as living quarters for more than 30 days, a permit is required from the County and such use as living quarters cannot occur for a period of more than 90 days, whether consecutive or nonconsecutive, in any calendar year. This proposed amendment would extend the allowable period from 90 days to 120 days. Additionally, the County Planning Commission is seeking to eliminate the permit fee (currently, it is a $50 permit fee).



Mason County Zoning Ordinance

Natural River District / Greenbelt District Exhibit

Legend

- Rivers, Streams and Creeks
- Water Bodies
- Roads
- Municipal Civil Divisions
- Listed in Zoning Text as Greenbelt District (see Section 13.01) and shown as Greenbelt District on Zoning Map
- Listed in Zoning Text as Natural River District (see Section 12.02) but not shown as Natural River District on Zoning Map
- Listed in Zoning Text as Natural River District (see Section 12.02) but shown as Greenbelt District on Zoning Map

June 19, 2017

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