

**ARTICLE III  
GENERAL PROVISIONS**

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The following regulations shall apply to all Zoning Districts established within this Ordinance.

**Section 3.01 Accessory Buildings, Structures, and Uses.**

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

1. Buildings and structures used in active farm operations are not considered accessory buildings and shall not be subject to this section 3.01, except that no buildings or structures shall be located within a required yard. The building or structures must be located on a parcel of land that contains an active farm operation.
2. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building. Structurally attached buildings are exempted from the maximum allowable square footage requirements in Section 3.01 (6).
3. Accessory buildings or structures shall not be erected in any front yard nor in any required side yard or required rear yard except when the principal building is located at least 200 feet from the front lot line, in which case, accessory buildings and structures shall be at least 200 feet from the front lot line.
4. Accessory buildings on a waterfront lot used for personal storage of items such as travel trailers, boats, and automobiles are permitted in the front yard only in instances where there is not adequate space in either side yard that is not within the required side yard.
5. No detached accessory building shall be located closer than ten (10) feet to any main building. In no instance shall an accessory building be located within a dedicated easement right-of-way.
6. An accessory building may occupy not more than fifty (50) percent of a rear yard area; provided, however, that the total floor area (being the entire area enclosed within the exterior walls) of all detached accessory buildings on a parcel of land, shall be limited as follows :

<b>If the area of the parcel of land is:</b>	<b>Then the maximum total floor area of all detached accessory buildings shall be:</b>
Less than .70 acre	960 sf
At least .70 acre but less than 1 acre	1200 sf
At least 1 acre but less than 2 acres	1600 sf
At least 2 acres but less than 3 acres	2400 sf
At least 3 acres but less than 5 acres	3200 sf
At least 5 acres but less than 8 acres	4000 sf
At least 8 acres but less than 10 acres	4800 sf
10 acres or more*	5600 sf plus 200 square feet for each acre increment above 10 acres up to a maximum of 8000 square feet. By way of example, a property containing 12 acres of land may have 6000 square feet of detached accessory buildings.

\*When the total of all detached accessory buildings exceeds 5600 square feet in area, the applicant shall provide to the Mason County Zoning Administrator a restrictive covenant, such as a deed restriction, as recorded with the Mason County Register of Deeds indicating that any future division of the subject lot or parcel shall meet the above limits for lot area and accessory building ground floor area provided in this

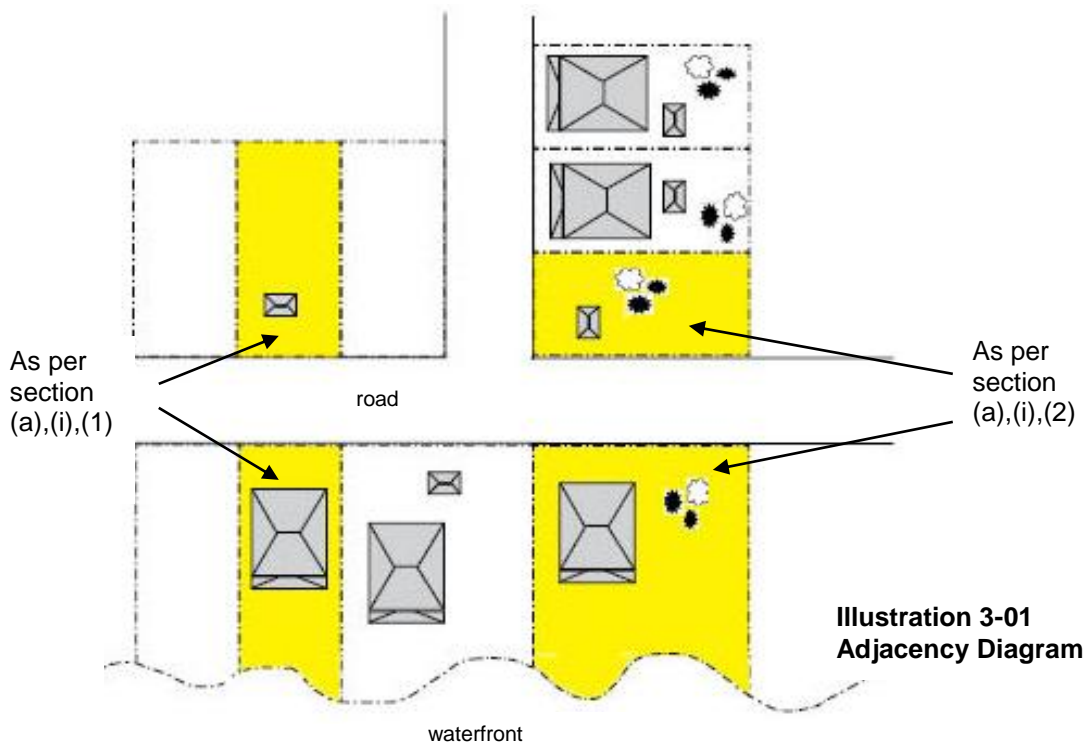
Section 3.01. Such instrument shall be provided to the Mason County Zoning Administrator prior to the issuance of a Building Permit.

7. Maximum building height for accessory buildings shall be as follows:
  - a. AG, R-E, GB, F, and RR districts: 30 feet.
  - b. R or MHP districts: 20 feet
  - c. Height of accessory buildings located in districts other than A, R-E, RR, R, or MHP shall be subject to the building height standards of the subject zoning district. For buildings and structures used in active farm operations, see section 3.01.
8. When an accessory building is located on a corner lot, it shall not extend into either required front yard.
9. 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, except as allowed under subsection 13, below.
10. In all residential districts, the seasonal storage of boats shall be considered an accessory use subject to the provisions of Section 3.01.
11. 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 shall not be subject to the issuance of a zoning permit, but the total floor area of such an accessory building shall nevertheless be included in determining the maximum total floor area of all accessory buildings on a parcel of land. Any such accessory building shall be located a minimum of five (5) feet from the property line and shall adhere to Section 3.34. There shall be no more than three (3) accessory buildings of less than two hundred (200) square feet on any one lot or parcel.
12. The area of an accessory building shall include the area within a lean-to or other sheltered attachment to an accessory building, in those cases where the lean-to has a roof which is supported by posts, columns, partial walls or other means. The area of the lean-to for the purpose of calculating the area thereof shall be that area covered or sheltered by the roof of the lean-to.
13. No accessory building is permitted on a parcel without a main or principal structure, except for the following:
  - a. Across from Waterfront Lots.
    - i. One detached accessory building may be located on a lot that has no principal building, in the following circumstances only:
      - 1) 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
      - 2) 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.
    - ii. In the circumstances described in this subsection as to accessory buildings on lots that have no principal building, not more than one detached accessory building may be located on an unimproved lot across a public or private street, as described above. 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.

iii. In the circumstances described in this subsection as to accessory buildings on lots that have no principal building, the following shall apply:

- 1) For parcels less than 0.7 acre in size, such accessory buildings shall have a maximum area of nine hundred sixty (960) square feet.
- 2) For parcels 0.7 acre in size or greater, such accessory buildings shall have a maximum area of twelve hundred (1,200) square feet.



**Illustration 3-01  
Adjacency Diagram**

b. Lots Containing 10 or More Acres.

i. On a lot or parcel containing ten (10) or more acres which has no principal building, one (1) detached accessory building may be allowed, provided:

- 1) The combined total area of the accessory building shall not exceed 3,000 square feet in size.
- 2) Any such accessory building shall not exceed thirty (30) feet in height, except within the R District which shall not exceed twenty (20) feet in height.

### **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 seven-hundred twenty (720) 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.

### **Section 3.02 Building Grades.**

Special attention shall be given to proper site grading and drainage so that runoff of storm water will not adversely affect neighboring properties or the surface water quality of the county's lakes and streams. The following conditions shall control:

1. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.
2. Grades on any lot upon which new construction or earth movement is to be carried out shall not increase the natural runoff of surface water onto adjacent properties.
3. It shall be the responsibility of the property owner to ensure that any grading or earth moving on any property is performed in compliance with this section. The issuance of a permit by the county shall not be construed to mean that the county has determined that the proposed grading or earth movement will not increase the natural runoff of surface water onto adjacent properties.

### **Section 3.02a Breezeways.**

A breezeway shall be at least eight (8) feet in width and shall not exceed twenty four (24) feet in length. Breezeways shall be structurally connected to the principal building or structure on the lot.

### **Section 3.03 Buildings To Be Moved.**

The term "moving of buildings" includes any site-built buildings or structures being relocated within the County, being moved out of the County, or being moved into the County. A Zoning Permit is needed when the building is being moved within or to the property lines of a lot intended for reuse.

Movement of buildings into, within, and/or out of the County shall be approved by the County Zoning Administrator prior to such moving. Approval shall be contingent upon the Administrator determining that the following conditions have been met.

1. Any person desiring to move a building within or into Mason County shall file an application for a Zoning Permit with the Zoning Administrator. Such moving of building application shall contain among other things, the following information:
  - a. Name, description, and address of applicant.
  - b. A completed Zoning Permit Application including site plan and building plans.
  - c. Length of time for the anticipated move.
  - d. Evidence that adequate insurance is provided to protect any improvements in the public right-of-way.
  - e. Evidence that adequate police protection has been arranged for with the appropriate agency.
  - f. Emergency telephone number for applicant and/or property owner.
  - g. A detailed description of the route and time of the move.
2. Where a structure is moved into the County, the structure must comply completely with all codes and ordinances prior to obtaining a certificate of occupancy.
3. The County Treasurer must be in receipt of any necessary fee, licenses, and bonds.
4. A cash bond may be required by the County Board of Commissioners to insure that the ultimate moving, erection, or construction of the building and the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the construction and the site improvements. The bond will not be returned until an occupancy permit has been granted.

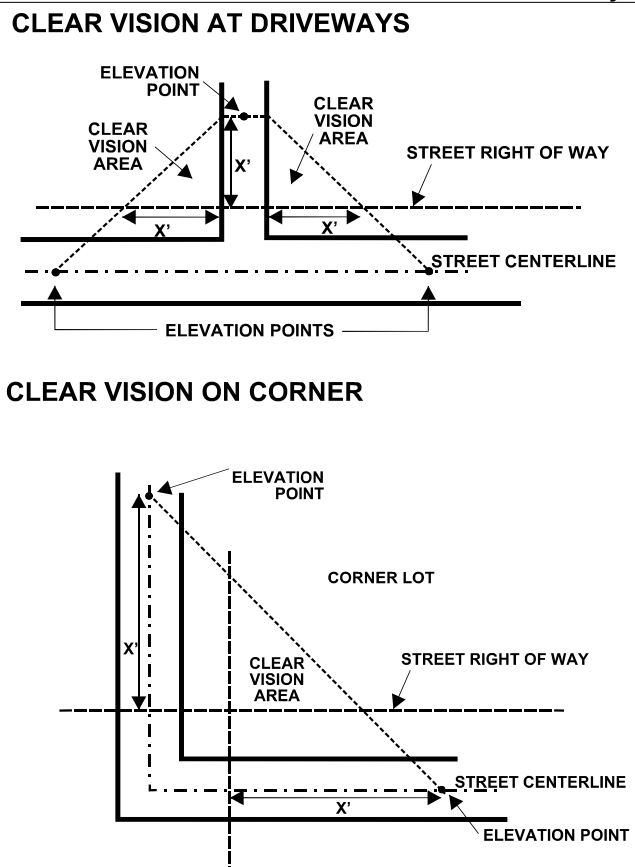
- Any structure moved to a new location must be permanently installed on a foundation, slab, and/or footings as required by the Building Code, within 1 year from the date of initial placement.

### Section 3.04 Corner Clearance and Visibility.

No fence, wall, structure, or planting shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, except that shade trees would be permitted where all branches are not less than eight (8') feet above the road level. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two (2) feet above the pavement grade at the edge of the pavement. Landscaping shall conform to the requirements of Section 3.13.

- When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility.
- In the case of a street intersection, such unobstructed corner shall mean a triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded property corner from the intersection of the right-of-way lines extended. In the case of a driveway/street intersection, the aforementioned technique shall also be used, however a twenty (20) foot dimension situated along the driveway and property line shall be utilized.

**Illustration 3-02 Corner Clearance and Visibility**



### Section 3.05 Cross-District Averaging.

When two (2) or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of single-family residential use pursuant to Act 288 of 1967, as amended, known as the Land Division Act of 1967, the Planning Commission, upon application from the property owner, may grant a change from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

In the case where cross-district averaging is permitted, the following conditions shall be met:

- The relocation of lot lines shall generally conform to the existing topography, vegetation, and other natural or manmade features.
- No single lot in any individual zoning district shall have an area or width which is less than the minimum required for the higher density zoning district part of the cross district development project.
- All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.

4. The submittal shall be reviewed and approved in accordance with the terms, conditions, and standards of the Land Division Act, PA 288 of 1967, as amended.

### **Section 3.06 Essential Services.**

Essential services and public utility facilities as defined by this Ordinance shall be permitted as authorized in any district under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the County. It is the intention hereof to exempt such essential services, excluding buildings or other structures, from the application of this Ordinance.

### **Section 3.07 Farm Markets.**

Farm markets shall be permitted in the AG and RE Districts in accordance with the terms of this section.

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 grown or 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 grown or 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. Retail sales subordinate and related to the farm market may be allowed, provided such sales comprise no more than fifty (50) percent of the products offered.
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 3.08 Fences.**

1. Residential Fences. Residential fences are permitted, subject to the following:
  - a. Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height. This distance shall be measured from the grade to the highest point of the fence. No fence, wall, or hedge shall rise over three (3) feet in height in the front setback; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. Fences shall not contain barbed wire, electric current, or charge of electricity.
  - b. All fences shall comply with the requirements of the Building Code.
  - c. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.
  - d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
2. Nonresidential Fences.
  - a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
  - b. Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
  - c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway.
  - d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
  - e. Fences not used for farm operations shall not contain barbed wire, electric current. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
  - f. All fences shall comply with the requirements of the Building Code.

### **Section 3.09 Highway Intersections.**

1. Highway Intersections, noncommercial properties.
  - a. At the intersection of any Mason County Primary Road or any Michigan State Highway Trunk line that is not located in the Access Management overlay (Article XXI), said connection points shall be located one-hundred seventy-five (175) feet from the intersections of the highway center lines. At the intersection of any other roadway driveway entry points shall be located one-hundred twenty-five (125) feet distant from the intersection of the highway center lines.
2. Buildings and Structures Relative to Setback Areas.
  - a. No building or structure of any kind, except necessary highway and traffic signs and open fences through which there shall be clear vision, shall hereafter be constructed, erected, or moved into



the space within such setback lines. Except necessary highway and traffic signs, presently existing within such setback lines, may be renewed or replaced.

3. Change in Highway Designation.

- a. When any highway or portion thereof is officially adopted into the Mason County Primary Road system or the Michigan State Trunk line system, such road or portion thereof shall automatically be subject to the appropriate provisions of this ordinance.

**Section 3.10 Home Occupations.**

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

- 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 upholstery.		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:
  - 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 plot plan 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 issuing a home occupation permit, the Zoning Administrator may include reasonable terms and conditions consistent with the requirements of this section.
  - 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.
  - f. Upon the cessation of a home occupation for a period of 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 site 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 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 occupation. The site 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 site 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.
- 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.
  - 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. An exterior sign may only be permitted for a Class II or Class III 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 10% of the total lot area, or 1 acre 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.
- 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.
- 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.
- 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.
- h. 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.
- 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.

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.
11. A Medical Marijuana Primary Caregiver Home Occupation shall be subject to the following 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.
  - 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.
  - c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.
  - 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.
  - e. All medical marijuana must be grown and contained within an enclosed, locked facility, as defined and provided by the MMMA.
  - 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.
  - 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.
  - 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 marijuana are located.
  - 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.

- 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.
- 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.
- 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.
- 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.
- n. To the extent that the provisions of Section 3.10(11) conflict with other provisions of this Ordinance, the provisions of Section 3.10(11) shall control.

**Section 3.11 Setback Measurement.**

The dimension of the minimum required setback shall be measured between the property line and the nearest portion of a building or structure, including any stoops, steps, overhangs, eaves, trim, or appurtenances; but not including ramps intended and used for wheelchair access, fences, or at-grade structures such as concrete sidewalks or stepping stones.

**Section 3.12 Funneling (Key Hole Development).**

- 1. It is hereby found that funneling, as defined in this ordinance, is inimical to the Public Health, Safety, and Welfare, and constitutes an improper use of land and natural resources because it causes overcrowding of lakes, streams, and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties located near funnel developments.
- 2. It is the declared purpose of this section to protect the health, safety, and general welfare of the citizens of Mason County by prohibiting funneling, as hereinafter defined, on bodies of water and waterways in the unincorporated areas of the County. It is the intent of this section to:
  - a. Carry out the purposes of the Michigan Zoning Enabling Act (Act 110 of 2006, as amended) Environmental Protection Act (Act 127 of Public Acts of 1970, as amended), and to regulate the proper use of natural resources within the County.
  - b. Prevent the overuse and misuse of water resources within the County, particularly by boating traffic and similar impacts on inland waters.
  - c. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
- 3. Nothing in this section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
- 4. Funneling is prohibited in all areas of this Ordinance's jurisdiction. If any proposed use involves funneling or proposed funneling, said use shall not be permitted.



### **Section 3.13 Landscaping.**

1. Intent.
  - a. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the County. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening for commercial, industrial, and special uses as permitted in this ordinance.
2. Scope of Application.
  - a. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted.
  - b. In cases where the use of an existing building changes and requires administrative or commission site plan review, all of the standards set forth herein shall be met.
  - c. The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the County from agreeing to more plantings than the minimum required.
3. Landscaping Design Standards.

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:

- a. General Landscaping.

All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:

- 1.) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
- 2.) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each one-thousand (1,000) square feet or portion thereof of landscaped open-space area.
- 3.) On sites which are two (2) acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten (10) foot width, located and continually maintained along a public right-of-way.
- 4.) The Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance.

5.) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

6.) The use of plant species native to Michigan shall be encouraged.

b. Parking lot landscaping.

Off-street parking areas shall be landscaped as follows:

1.) In off-street parking areas containing twenty (20) or more parking spaces, an area equal to at least five (5) percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.

2.) Parking lot landscaping shall be in units not less than five (5) feet in any single dimension and not less than one-hundred fifty (150) square feet in any single island area. Not more than two (2) landscaped units of one-hundred fifty (150) square feet may be combined in plans designed to meet the minimum requirements.

3.) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.

4.) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

5.) A minimum of one (1) deciduous tree shall be planted in each landscaped unit.

c. Greenbelt Buffer.

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

1.) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular or pedestrian access.

2.) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.

3.) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length.

4.) Two (2) shrubs shall be required for each fifteen (15) linear feet of greenbelt area.

5.) For the purpose of determining required plant material, required greenbelt area length shall be measured along the lot lines adjacent to the greenbelt area inclusive of all driveways.

d. Berms.

Where required, earth berms or landscaped berms shall conform to the following standards:

1.) The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal, and shall provide a two (2) foot minimum crest. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- 2.) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
  - 3.) A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
  - 4.) Eight (8) shrubs per tree may be planted as a substitute for trees (see item 3 above).
  - 5.) For the purpose of determining required plant material, required berm length shall be measured along the length of the berm.
  - 6.) The Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance.
- e. Evergreen Screening.
- 1.) Where required, evergreen screening shall consist of closely-spaced plantings which form a visual barrier that is at least eight (8) feet above ground level within five (5) years of planting.
  - 2.) The Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance.
- f. Landscaping of Rights-of-Way and Other Adjacent Public Open-Space Areas.
- 1.) Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- g. Regulations Pertaining to Landscaping Areas Used for Sight Distance. Landscaping shall conform to the requirements of Section 3.04.
- h. Maintenance of Landscaping.
- 1.) All required landscape areas shall be planted and maintained with living plant materials. All landscaping which is located more than fifty (50) feet from a building site shall have an irrigation (water sprinkler) system installed to assist in maintaining plant materials in a healthy condition.
  - 2.) Upon completion of the installation of the landscaping, the owner shall implement a seasonal maintenance program to replace all diseased, dead, or damaged plants, replenish mulch, control weeds, fertilize, and prune all plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
- i. Existing Plant Material.
- 1.) In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of this Ordinance. All such material "to be saved" shall be so indicated on the landscape plan.
  - 2.) All existing plant materials must first be verified by the Zoning Administrator, prior to issuance of a Building Permit, to determine the health and desirability of such materials. The property owner or applicant may enlist the services of a registered landscape architect or registered forester to verify existing plant materials and may submit a site plan and/or report. The Planning Commission may require the above information when deemed necessary.

- 3.) If such existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.
- 4.) In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, said trees shall be replaced with trees of comparable type, prior to issuance of a Certificate of Occupancy.

**Section 3.14 Plant Materials.**

Whenever in this Ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other non-organic, non-living plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.

1. Plant Material Spacing.

- a. Trees shall not be planted closer than four (4) feet from the fence line or property line, and shrubs shall not be planted closer than two (2) feet from the fence or property line.

2. Suggested Plant Materials

Minimum Size

- |    |  |   |
|----|--|---|
| a. | <ul style="list-style-type: none"> <li>Deciduous Trees</li> <li>1.) Oaks</li> <li>2.) Hard Maple</li> <li>3.) Hackberry</li> <li>4.) Birch</li> <li>5.) Planetree (Sycamore)</li> <li>6.) Ginkgo (male)</li> <li>7.) Beech</li> <li>8.) Sweet-Gum</li> <li>9.) Honey Locust</li> <li>10.) Hop Hornbeam</li> <li>11.) Linden</li> </ul> | Two (2) inch Caliper and ten (10) feet in height        |
| b. | <ul style="list-style-type: none"> <li>Ornamental Trees</li> <li>1.) Flowering Crab</li> <li>2.) Mountain Ash</li> <li>3.) Dogwood</li> <li>4.) Redbud</li> <li>5.) Rose of Sharon</li> <li>6.) Hornbeam</li> <li>7.) Hawthorn</li> <li>8.) Magnolia</li> <li>9.) Bradford Pear</li> </ul>   | One and a half inch caliper and five (5) feet in height |
| c. | <ul style="list-style-type: none"> <li>Evergreen Trees</li> <li>1.) Hemlock</li> <li>2.) Fir</li> <li>3.) Pine</li> <li>4.) Spruce</li> <li>5.) Douglas-Fir</li> </ul>   | Five (5) feet in height                                 |

- d.           Narrow Upright Evergreens                           Four (4) feet in height
  - 1.) Column Honoki Cypress
  - 2.) Blue Columnar Chinese Juniper
  - 3.) Pyramidal Red-Cedar
  - 4.) Irish Yew
  - 5.) Douglas Arborvitae
  - 6.) Columnar Giant Arborvitae
  
- e.           Ornamental Shrubs                                       Twenty-four (24) inches in height or width
  - 1.) Honeysuckle
  - 2.) Viburnum
  - 3.) Mock-Orange
  - 4.) Forsythia
  - 5.) Lilac
  - 6.) Cottoneaster
  - 7.) Hazelnut
  - 8.) Euonymus
  - 9.) Privet
  - 10.) Buckthorn
  - 11.) Sumac
  
- f.           Evergreen Shrubs   Twenty-four (24) inch in height or width
  - 1.) Globe Arborvitae
  - 2.) Dwarf Mugo Pine
  - 3.) Andorra Juniper
  - 4.) Broadmoor Juniper
  - 5.) Tamarix Juniper

3. Trees Not Permitted

- a. Box Elder
- b. Soft Maples
- c. Slippery Elms
- d. Poplars
- e. Willows
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa
- i. Ginkgo (female)
- j. Basswood
- k. Chinese Elm
- l. Cottonwood

**Section 3.15 Screening Walls.**

- 1. For the Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall. The height of the wall shall be constructed and measured from the surface of the parking area or land on the nonresidential side of the wall:

	MINIMUM HEIGHT REQUIREMENTS
a.	Off-street Parking Area 4'-6" high wall
b.	Commercial and Industrial Districts 4'-6" high wall
c.	Mobile Home Parks Multiple Family 4'-6" high wall
d.	Open Storage Areas and Loading and Unloading Zones 4'-6" to 8'-0" high wall or fence
e.	Trash Receptacles 6'-0" high wall
f.	Utility Buildings, Stations, and Substations 6'-0" high wall or fence

2. In the case of the variable wall height requirement in "d" above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or fence shall be less than the above required minimum, nor greater than the above required maximum height.
3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen. The Planning Commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
4. Required walls shall have no openings for vehicular traffic except as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, and easily maintained.
5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two-hundred (200) feet distant from abutting residential district(s).

**Section 3.16 Lot Size Averaging.**

Lot size averaging may be permitted by the Planning Commission, upon application from the property owner, if it determines that it will provide a better relationship of lots to the topography, vegetation, or other natural or man-made features. Lot size averaging is the allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required for the particular zoning district.

In the case where lot size averaging is permitted, the following conditions shall be met:

1. Reduction of lot area or width below the minimum required for the zoning district shall not be permitted for more than one-third of the total number of lots in the development.
2. No lot shall have an area or width more than ten (10) percent below that area or width required in the district.

3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
4. The submittal shall be reviewed and approved in accordance with terms, conditions, and standards of the Land Division Act, PA 288 of 1967, as amended.

**Section 3.17 Supplemental Setbacks for Properties Along Railroad Rights-of-Way.**

1. Any lot created or recorded after the adoption of this Ordinance, that is adjacent to or along a railroad right-of-way, shall not be used for any residential purpose unless it has a depth of at least two-hundred and fifty (250) feet. In no case, on a lot created, transferred, or recorded after the adoption of this Ordinance, shall any dwelling unit be closer than one-hundred seventy-five (175) feet from the railroad right-of-way.

**Section 3.18 Ponds.**

1. Ponds created for livestock watering, irrigation, fish or aquatic life, or for recreational or aesthetic purposes are a permitted use subject to the approval of the Zoning Administrator upon the finding that the plans meet the following requirements:
2. Site Requirements.
  - a. All approved ponds shall be on a contiguous parcel of at least five (5) acres.
  - b. Ponds shall only be of an excavation type as defined by the Soil Conservation Service engineering standard, and all ponds shall be constructed to the NRCS standards. (See Standard 378 of the Natural Resource Conservation Services, as amended.)
  - c. No commercial activities including public fishing shall be allowed unless approved by the Planning Commission as a home business.
3. Yard and Placement Requirements.
  - a. The pond shall be a minimum distance of fifty (50) feet from any property line.
  - b. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage.
  - c. Ponds shall be located a minimum of one-hundred (100) feet from the septic tank or field.
  - d. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another person.
  - e. Ponds shall have warning signs and lifesaving equipment as required by the State of Michigan.
4. Permit Requirements.
  - a. A site layout shall be submitted to the Zoning Administrator for his or her determination that it meets the requirements of this Section prior to the issuance of a Zoning Permit.
  - b. No Zoning Permit shall be issued, and no pond shall be constructed without first obtaining a permit from the Department of Environmental Quality (MDEQ) if such pond would be:
    - 1.) Five (5) acres or greater in area, or
    - 2.) Connected to an existing lake or stream, or

- 3.) Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream, or
  - 4.) Located within a regulated wetland.
5. The obtaining of the permit from the Department of Environmental Quality (MDEQ) shall not relieve a person from also complying with the requirements of this Section.

### **Section 3.19 Keeping of Animals.**

The keeping of animals in the AG District is allowed with no restrictions. The keeping of animals in the RE and RR Districts, other than those associated with farming operations, shall be permitted provided:

1. The parcel on which the animals are located is not within a recorded plat.
2. The minimum area for the keeping of 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 twenty (20) 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 twenty (20) 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 twenty (20) acres.
5. The keeping of animals, as described above, shall further be subject to any applicable State and Mason County health regulations.
6. Any person being owner of, in possession of or control of any animal regulated by this Section shall provide and maintain a yard, pen, shelter or building for the confinement of such animals. All parts of any yard, pen, shelter or building shall not be less than: three-hundred (300) feet from the shoreline of a public body of water, river or stream; one-hundred (100) feet from the property line of any recorded plat; and, fifty (50) feet from any other property line.

### **Section 3.20 One- and Two-Family Dwelling Standards.**

1. A Zoning Permit issued by Mason County shall be required before any dwelling unit is constructed, relocated, or moved into Mason County. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of Michigan Building Codes. In addition, the following regulations shall apply:
  - a. The use of an unfinished basement or garage as a temporary or permanent dwelling is hereby declared to be undesirable and in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure which has not been completed.
  - b. Mobile homes shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280, and as from time to time such standards may be amended).



- c. All single-family dwelling units shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet at the time of construction or placement.
- d. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with Michigan Building Codes and shall have skirting of the same perimeter dimensions of the dwelling and additions thereto and constructed of the same or similar materials and type as the dwelling.
- e. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or Michigan Building Codes and shall have a continuous perimeter wall as required above.
- f. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits shall be obtained from the Mason County Road Commission and/or MDOT.
- g. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance pertaining to such parks.
- h. When a new dwelling is constructed on a parcel where a dwelling exists, the existing dwelling must be removed within 60 days from the date the building Certificate of Occupancy is issued. See Section 1.05, Lot Use Limitation.

### **Section 3.21 Single-Family Cluster Housing.**

The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.

- 1. The Planning Commission may approve the clustering and/or attaching of single-family dwelling units on parcels of land ten (10) acres or more in size, under single ownership and control.
- 2. The Planning Commission shall convene a public hearing held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, as part of its review, study, and approval of an area for the cluster housing option.
- 3. In the design of clustered developments, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:
  - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the R, Single-family Residential District in which the cluster is to be constructed.
  - b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
    - 1.) Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
    - 2.) By means of an architectural wall detail which does not form interior room space.

- 3.) Through a common party wall in only the garage portion of an abutting structure.
  - c. The attachment of more than four (4) units in the above-described manner shall not be permitted.
  - d. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for each single-family district under the Schedule of Regulations.
4. Yard requirements shall be provided as follows:
- a. Spacing between any grouping of four (4) or less single-family units and another grouping of such structures shall be equal to at least twenty (20) feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.
  - b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
  - c. That side of a building adjacent to a dedicated street shall not be nearer to said street than twenty-five (25) feet; however, this yard setback requirement shall be increased to fifty (50) feet if the street is a quarter section line or section line road.
  - d. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
  - e. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
7. The building height shall not exceed two and one-half stories or twenty-five (25) feet, whichever is less. In computing the building height of an individual unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of the height of the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.
6. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require a landscaped berm, at least five (5) feet high, or a ten (10) foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that it conforms with corner clearance visibility regulations, see Section 3.04
7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt, and any other details which will assist in reviewing the proposed plan.
8. Site plans submitted under this option shall be accompanied by information regarding the following:
- a. The proposed manner of holding title to open land.
  - b. The proposed method of regulating the use of open land.
  - c. The proposed method of maintenance of property and financing thereof.

9. Fifty (50) percent of land in the proposed development shall be set-aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the County Attorney to assure the following:
  - a. That title to the open space is held in common by the owners of all dwelling units in the detached single family cluster development.
  - b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

**Section 3.22 Outdoor Storage on Residential Properties.**

1. The provisions of this Section shall apply in RE, RR, R, GB, and F districts, and on property used for residential purposes in the C-1, C-2, and C-3 districts.
2. Storage on a residential property shall be permitted only when it is accessory to the principal use of the parcel or adjacent parcel when owned by the same person.
3. The storage of fully erected tents, travel trailers, recreation vehicles, campers, and similar items shall not be permitted within the required front yard.
4. No storage shall be permitted closer than five (5) feet to any dwelling unit, nor closer than three (3) feet to any side lot line.
5. Licensed motor homes, recreational vehicles, travel trailers, campers and other similar items shall not be stored or parked in the required front yard for a period exceeding seven days within a calendar year.
- 5a. Outside storage of a moveable structure for more than one (1) year from the date of placement is prohibited; examples of a moveable structure include, but are not limited to, a dwelling, double-wide mobile home, modular home, portable classroom, or deck.
6. The storage or parking of trucks of more than one and one-half (1-½) tons and semi trailers on residential properties is governed by this Section.
  - a. The storage or parking of trucks of more than one and one-half (1-½) tons and semi trailers is prohibited in the RR, R, C-2, C-3, GB, and F Districts, except as herein provided.
  - b. The storage or parking of trucks of more than one and one-half (1-½) tons and semi trailers is permitted in the AG and RE Districts, subject to the following requirements:
    - 1.) Trucks and semi trailers shall not be stored or parked within the front yard.
  - c. Trucks accessory to an active, commercial, farm operation in the AG or RE district shall be exempt from these regulations.
  - d. One (1) truck of more than one and one-half (1-½) tons and semi trailers may be parked in the side or rear yard on a residential property in any zone if a resident of the dwelling drives the vehicle for employment, except in the R and RR districts on parcels less than one (1) acre.
  - e. Storage or parking of trucks of more than one and one-half (1-½) tons and semi trailers is entirely prohibited within a public right-of-way.
  - f. Excessive noise, operating trucks outside of regular business hours (such as letting a truck idle for several hours during the night or early morning), performing major repairs, loading and unloading, or any other activity that disrupts the residential character of the area is prohibited.

### **Section 3.23 Swimming Pools.**

1. All swimming pools erected in the County greater than thirty-six (36) inches in depth shall comply with the following requirements:
  - a. Pool Location: The pool or its fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall not be less than ten (10) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot.
  - b. Fence: For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control. Above ground pools may have gates, removable or swing up steps, or other means to limit entry in lieu of a fence.
  - c. Electrical Installations: All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the electrical code applicable in the State of Michigan. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. A no fault ground unit should be provided to protect against electrical shock.
  - d. Zoning Permit: A Zoning Permit is required prior to the construction of the pool or the installation of electrical service.

### **Section 3.24 Temporary Dwelling Structures.**

1. A temporary permit may be issued by the Zoning Administrator for a commercial or residential building to be occupied for a period up to six (6) months while either a permanent building or related construction is being completed, subject to the following provisions:
  - a. Compliance with the County Health Code shall precede occupancy of any such temporary dwelling.
  - b. The location of the temporary dwelling shall conform to all yard and setback limitations of the district.
  - c. The use of the dwelling and premises shall not be harmful to health, safety, or the public welfare.
  - d. The use of the temporary dwelling structure shall be limited to twelve (12) months, beginning with the issuance of the permit therefore, and the permit may be renewed for one (1) year, at the discretion of the Zoning Administrator.
  - e. A mobile home may be utilized as temporary housing provided the mobile home is located on the same lot or parcel of land where a single-family dwelling is to be constructed or rebuilt due to a natural disaster, fire, flood, windstorm or tornado.
  - f. The Zoning Administrator may recommend to the County Board of Commissioners that a performance guarantee be issued prior to the mobile home being delivered. The performance guarantee will be in the form of a surety bond, cash deposit, irrevocable bank letter of credit, or certified check (as determined by the County Board of Commissioners) in an amount that will guarantee the removal of the mobile home upon receiving the occupancy permit for the residence.
  - g. Application for the erection or use of such a temporary dwelling structure shall be made in writing to the Zoning Administrator. Applicant must certify that the use of the dwelling and premises will conform to the Mason County Zoning Ordinance and do agree that if construction of the permanent dwelling is not begun within 30 days of the issuance of this permit and diligently pursued thereafter, that permit for such temporary dwelling will be declared void. When the temporary occupancy permit has expired, the mobile home shall be removed from the lot or parcel.

### **Section 3.25 Satellite Dish Antennas (greater than one (1) meter in diameter).**

1. No satellite dish antenna shall be constructed, installed, maintained, or operated in any district except in conformance with the following requirements.
  - a. The satellite dish antenna shall comply with all setback requirements for the zoning district in which it is located.
  - b. The satellite dish antenna shall be permanently attached to a foundation in accordance with the Michigan State Construction Code.
  - c. No part of the satellite dish antenna or its foundation, equipment, or devices connected with that antenna shall exhibit or display any name, message, symbol, graphic representation, or other writing visible from adjoining properties or access road.

### **Section 3.26 Keeping of Pets.**

1. The keeping, raising, and breeding of pet animals, including dogs, for show purposes, protection of property, or for personal enjoyment is allowed in any zoning district, subject to the following conditions:
  - a. The keeping of two (2) or fewer dogs is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.
2. The keeping of more than two (2) but less than six (6) dogs four (4) months old or older requires the following site improvements and housing requirements:
  - a. In the event said pets are housed outside the principal structure on the site, the structure housing the pets shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
  - b. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fenced enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.

### **Section 3.27 Nonconformities.**

#### **1. General Provisions**

- a. **Violations not permitted nonconforming status.** Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
- b. **Preexisting legal lots, structures and uses.** An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.

- c. **Under construction.** A lawful use of land or structure which is legally under construction at the time of adoption of this Ordinance may continue to establish the building or structure as it was approved before the enactment of this Ordinance provided construction has been diligently pursued within thirty (30) days after the passage of this ordinance, and the construction of which shall be completed within twelve (12) months after said date of adoption.
- d. **Maintenance and repairs.** Normal maintenance and incidental repairs limited to the following may be performed on any nonconforming structure or structure containing a nonconforming use:
  - (1) Repair or replacement of existing non-bearing walls in their current location and configuration.
  - (2) Replacement of lighting fixtures.
  - (3) Replacement of electrical wiring or electrical service.
  - (4) Replacement of plumbing fixtures such as sinks, toilets, showers, etc.
  - (5) Replacement of mechanical systems such as a water heater, furnace, or air conditioner.

## 2. Nonconforming Uses

- a. **Moving.** No part of any nonconforming use shall be moved unless the movement is in connection with a change to a use permitted in the district in which it is located or the nonconformity is reduced.
- b. **Abandonment.** If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - (1) Utilities, such as water, gas and electricity to the property, have been disconnected.
  - (2) The property, buildings, and grounds, have fallen into disrepair.
  - (3) Signs or other indications of the existence of the nonconforming use have been removed.
  - (4) Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
  - (5) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- c. **Substitution.** A nonconforming use shall not be changed to another nonconforming use unless the proposed use is more conforming than the previous use (e.g., a less intense use), as determined by the Zoning Board of Appeals. Once a conforming use is established the prior nonconforming use may not be reestablished.
- d. **Enlargement (non-single family).** A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:

- (1) Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
  - (2) Complies with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area.
  - (3) Complies with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
  - (4) Is not larger than twenty percent (20%) of the original nonconforming area including parking and outdoor storage areas.
- e. **Nonconforming Single Family Uses:** A nonconforming single family use on a single lot may be expanded or enlarged as follows:
- (1) The principal structure may be enlarged by a maximum of twenty percent (20%) percent of the total square footage which existed when the use became nonconforming, provided that all applicable dimensional standards and other zoning restrictions are met.
  - (2) An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.
- f. **Acquisition.** The Zoning Administrator may, after approval of the County Board of Commissioners, acquire by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion of the cost and expense, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements. Procedures under the provisions of Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws, will be followed.
- g. **Destruction.** Should a structure housing a nonconforming use be destroyed by any means to an extent of more than fifty (50) percent of the replacement value of the structure at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance unless approval is granted by the Zoning Board of Appeals. In deciding requests for replacement of a structure housing a nonconforming use, the Zoning Board of Appeals shall consider the following:
- (1) Whether the reconstruction will substantially extend the probable duration of such a nonconforming use, and
  - (2) Whether the reconstruction will interfere with the use of other properties in the surrounding neighborhood for the uses for which they are zoned, or with the use of such other properties in compliance with the Ordinance.

### 3. **Nonconforming Buildings and Structures.**

- a. **Moving.** If a nonconforming structure is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 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 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.
- c. **Destruction.** Should a nonconforming structure be destroyed by any means to an extent of more than fifty (50) percent of the replacement value of the structure at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance unless approval is granted by the Zoning Board of Appeals. In deciding requests for replacement of a nonconforming structure, the Zoning Board of Appeals shall consider the following:
- (1) The replacement of the nonconforming structure will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned or with the current use of such other properties in compliance with this Ordinance.
  - (2) That the replacement structure, to the maximum extent possible, is consistent with the dimensional regulations and character of those structures permitted within the district.

#### 4. Nonconforming Lots of Record

- a. **Use.** A principal structure and customary accessory buildings may be erected on a nonconforming lot provided that all applicable zoning requirements are met.
- b. **Combination of Nonconforming Lots.** In the event that two (2) or more nonconforming lots of record or portions of lots of record are in common ownership and are adjacent or have continuous frontage, these lots shall be combined to create a conforming lot. Two (2) or more lots that are adjacent or have continuous frontage may be combined to create a more conforming lot if a variance is granted by the Zoning Board of Appeals.



### **Section 3.28 Height Exceptions.**

Except as herein provided, no structure shall be erected or altered to exceed the height limit established by this Ordinance for the district in which such structure is located.

1. Chimneys; church towers and steeples; roof structures for the housing of elevators; stairways; tanks or ventilating equipment; firewalls; skylights; electrical transmission and communication poles; towers and antennas; theater screens; flag poles; smokestacks; chimneys; water tanks; silos; conveyors, or similar structures may be erected above the height limits established for the district in which such structure is located provided the requirements of this section are met.
2. If the height of any building, structure, or tower exceeds the height allowed in the district wherein the building or structure is located, then all required side-yard dimensions shall be increased by not less than one (1) foot for each one (1) foot each building exceeds the height allowed in the district concerned.

### **Section 3.29 Adult Foster Care Family Homes.**

In accordance with the State of Michigan regulations, Adult Foster Care Family Homes shall be permitted within all the residential zoning districts and shall comply with all applicable Local Health Department and State Department of Health regulations.

### **Section 3.30 Day Care Family Homes.**

In accordance with the State of Michigan regulations, Day Care Family Homes and Day Care Centers providing supervision or care, or both, to six (6) or fewer children shall be permitted within all the residential zoning districts and shall comply with applicable Local Health Department and State Department of Health regulations.

### **Section 3.31 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 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. Agribusiness uses shall have frontage on a public road.
4. All ingress and egress to the site shall comply with the applicable regulations of the County Road Commission or the Michigan Department of Transportation.
5. 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.
6. 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.
7. 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.
8. Wineries, micro-breweries or micro-distilleries shall not be allowed as an agribusiness under this Section 3.31.

### **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 3.33 Trailer Coaches.**

The occupancy, for temporary living quarters, of a recreational vehicle, trailer coach, camper-trailer or similar vehicle or conveyance shall be subject to the provisions of this section.

1. No person shall locate, place, use, occupy or permit the use of any recreational vehicle, trailer coach, camper-trailer or similar vehicle or conveyance on any parcel of land other than within a licensed mobile or manufactured home park, a state licensed campground or other licensed land use in compliance with this ordinance, for more than 30 days, whether consecutive or non-consecutive, in any calendar year except as follows:
  - a. A licensed and safely operable recreational vehicle, trailer coach or camper-trailer may be placed or stored, but not used or occupied as living quarters, in the side yard or in the rear yard on a parcel of land on which the owner of the recreational vehicle, trailer coach or camper-trailer has a dwelling.
  - b. A mobile home may be used as a temporary dwelling, as regulated under Section 3.24.
2. A recreational vehicle, trailer coach or camper-trailer may be located, used and occupied as living quarters for more than 30 consecutive days only in compliance with the following requirements.
  - a. The recreational vehicle, trailer coach or camper-trailer shall have a current valid registration and state license, if required by law.
  - b. The placement, use and occupancy of the recreational vehicle, trailer coach or camper-trailer shall comply with the County Sanitary Code if used as living quarters or if otherwise regulated by the Code.

The location, use and occupancy of the recreational vehicle, trailer coach or camper-trailer shall be permitted only under the terms of a temporary land use and occupancy permit issued by the

Zoning Administrator for a period not to exceed 120 days, whether consecutive or non-consecutive, in any calendar year. The temporary land use and occupancy permit shall be issued only in the discretion of the Zoning Administrator and upon a determination that the use shall comply with the provisions of this section and other applicable provisions of this ordinance. Once issued, the permit shall be displayed by the applicant in a window or in an otherwise prominent place on the recreational vehicle, trailer coach or camper-trailer, in such a manner that the date of issuance of the permit and the required date of removal of the recreational vehicle, trailer coach or camper-trailer shall be readily visible.

The permitted number of recreational vehicles, trailer coaches or camper-trailers on a parcel of land shall be subject to subsection 3 of this section.

3. No more than four (4) recreational vehicles, trailer coaches or camper-trailers or similar vehicles or conveyances shall be placed, located, used or occupied on a parcel of land for more than 30 days, whether consecutive or non-consecutive, in any calendar year unless they are lawfully located in a mobile or manufactured home park, a state-licensed and county-approved campground or other licensed land use in compliance with this ordinance; provided, however, that this provision shall not apply to a licensed dealer of such recreational vehicles, trailer coaches or camper-trailers or similar vehicles or conveyances where such use is permitted by the terms of the zone district in which the parcel of land is located or where the use is otherwise permitted by the terms of this ordinance.
4. This section does not regulate cabins, which are permitted as a special land use in the F Forestry District, under the terms of Section 14.03 and as a special land use in the RR Recreational Residential District, under the terms of Section 7.03.
5. This section does not regulate outdoor recreation uses, which are regulated as special land uses in the RE, RR, C-1, C-2, C-3, GB and F Districts.

### **Section 3.34 Supplementary Setback Provisions for Waterfront Lots in All Districts.**

On waterfront lots in any district, no part of any building or structure other than one (1) boat dock may be within forty (40) feet of the high waterline.

### **Section 3.35 Supplementary Provisions for Single Wide Mobile Home Uses.**

1. No mobile home will be allowed for purposes other than a permanent or temporary dwelling. Mobile homes will not be allowed as storage buildings or any accessory use to the principal dwelling.
2. Combining two mobile homes for use as one single family dwelling is prohibited.

### **Section 3.36 Temporary Outdoor Commercial Uses.**

Temporary outdoor commercial uses shall be permitted only in accordance with the provisions of this section. For purposes of this section, temporary outdoor commercial uses are defined as the retail display and sale of vegetables and other produce, baked goods, ice cream and other foodstuffs, lawful fireworks, non-alcoholic beverages such as coffee and soft drinks, and other similar food items and merchandise at and from temporary stands, wagons, tents and other temporary devices, shelters and structures located out of doors.

1. The provisions of this section are intended to permit, on a short-term basis and under specific regulations, limited temporary commercial uses that may provide desired goods and merchandise, on a seasonal or other basis, for the benefit of the local or traveling public. Such uses are deemed, however, to be in the nature of exceptional uses, which must be carefully regulated and monitored so as to assure that they operate in a safe and convenient manner and that they will not result in serious adverse effects on adjacent or other lands or the public streets.

2. The provisions of this section do not apply to the following:
  - a. Farm markets, which are regulated by Section 3.07;
  - b. Open air businesses, which are regulated as special land uses in the C-1 and C-2 Districts; and
  - 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.
  - d. A temporary outdoor commercial use shall not include a restaurant, a store building or other type of building.
3. A temporary outdoor commercial use shall be located only in the AG, RE, RR, C-1, and C-2 Districts.
4. A temporary outdoor commercial use shall be permitted only under the terms of a written permit, which may be issued for such purpose by the Zoning Administrator, in the Administrator's reasonable discretion and if all of the provisions of this section are complied with.
  - a. The applicant shall apply for such a permit on an application form provided by the Building and Zoning Department. The applicant shall pay the application fee or other charge established by the County.
  - b. The application shall include 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, including wagons, stands, tents, and other features; the location, size, height and appearance of any sign, whether on-site or off-site; and other information required by the Zoning Administrator.
  - c. The application shall include 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; the duration of the proposed use, listing the beginning date and the ending date; and other information describing the use and which will assist the Zoning Administrator in determining whether the application should be granted.
  - d. The permit shall be applied for at least three business days prior to the expected commencement of the temporary use.
  - e. A permit for a temporary outdoor commercial use may include terms and conditions imposed by the Zoning Administrator. An applicant shall comply with all of such terms and conditions, as well as the provisions of this section and other applicable provisions of the zoning ordinance.
  - f. In considering whether to issue a permit for a temporary outdoor commercial use, the Zoning Administrator shall consider the following criteria:
    - i. Whether the use, if located and operated as stated in the application, will be in compliance with this section.
    - ii. Whether the use would have serious adverse effects on adjacent or nearby lands or the public streets.
    - iii. Whether the use would pose an unreasonable risk of an unsafe condition, in the nature of traffic hazard, potential danger to pedestrians or otherwise.

- iv. Whether the use would assist in satisfying a likely commercial need for seasonal produce, warm-weather refreshment, Independence Day fireworks or other temporary or seasonal commercial need.
5. The minimum requirements of a temporary outdoor commercial use are the following:
  - a. The maximum area to be occupied by all sales and display areas, including the area of any stands, wagons, tents, and other sales and display areas, shall be 500 square feet, unless a greater area is authorized by the permit.
  - b. All sales and display areas, off-street parking area, and other major components of the use shall be located at least 20 feet away from the street right-of-way lines and at least 20 feet away from any side lot line.
  - c. The produce, foodstuffs, and merchandise to be displayed or sold shall be only those authorized by the terms of the permit.
  - d. At least four off-street parking spaces shall be provided; parking spaces shall be of sufficient size and shall be so located that they can be used in a safe and convenient manner. Sufficient space for the backing up of vehicles shall be provided, outside of any street right-of-way, so that no traffic hazard will result from the circulation of motor vehicles on the site or entering or leaving the site.
  - e. Any driveway or other means of ingress to and egress from the use, from the adjacent street, shall be located at least 100 feet away from any intersecting street, as measured from the nearest right-of-way line of the intersecting street.
  - f. Only one on-site sign shall be permitted. It shall be only for the purpose of identifying the temporary use and/or the types of items offered for sale. The sign shall not be larger than 50 square feet, nor higher than eight feet. Off-site signs shall be permitted only if authorized by the permit and shall be subject to the terms thereof.
  - g. All signs shall be removed at the time the temporary use ends.
  - h. No spinners, balloons, streamers, strings of lights, inflatable signs, or similar devices shall be permitted. No more than two flags shall be permitted, and the size and height thereof shall be subject to the terms of the permit. Banners may be permitted, under the terms of the permit, but the size of the banners shall be included in the total area of the signage of the temporary outdoor commercial use, for the purpose of determining whether the total area of the signage complies with the maximum signage area permitted for the use.
  - i. The use shall not be operated after dusk, unless illumination is addressed by the terms of the permit.
  - j. The temporary use shall be operated no longer than 35 days during any calendar year.
  - k. During any time of operation of the use, the applicant shall permit the Zoning Administrator to inspect the use to determine compliance with the permit and this section.
6. If at any time the use is not in compliance with the permit or with the terms of this section or other applicable provisions of the Zoning Ordinance, or if the use is being operated in a manner which in the opinion of the Zoning Administrator is unsafe or excessively inconvenient for the public, or where there is risk of an unsafe condition, the Zoning Administrator may issue a stop work order.
7. The stop work order may be posted at the site, handed to the applicant or other person who may be operating the use, or it may be forwarded to the applicant by U. S. mail. The use shall be terminated

as of the date required for such termination in the stop work order. The stop work order shall state the reason or reasons for which it is being issued.

8. If after the issuance of the stop work order, the applicant corrects the violations noted in the order, and thereafter so notifies the Zoning Administrator, the Zoning Administrator shall then perform a re-inspection of the site and the use, and shall determine whether to withdraw the stop work order. If the order is withdrawn, the applicant may again operate the use under the terms of the original permit and under the terms of any amended or supplemental permit that may be issued by the Zoning Administrator.
9. In the case of two or more violations of the permit, the Zoning Administrator may determine that the operation of the use poses a sufficient risk of additional violations, such that the permit should be permanently revoked, in which case the applicant may not continue the use until a new application has been submitted, considered and approved.
10. The stop work order shall be only one of the available remedies, in the event of alleged violations. Other remedies set forth in Article XXV and otherwise permitted by law shall be available to the County.

### **Section 3.37 Wind Energy Systems, On-Site Use**

- 1) An On Site Use Wind Energy System with a tower height greater than 66.0 feet shall be considered a Special Land Use, refer to Section 17.71.
- 2) **Setbacks:** The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- 3) **Sound Pressure Level:** Sound pressure level shall not exceed 55 dB (A) at adjacent property lines to the wind energy system. The sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB(A) plus 5 dB(A).
- 4) **Sound Pressure Mediation.** Should an aggrieved property owner call into question the sound pressure level of a wind tower, the aggrieved property owner shall follow the following procedure:
  - a) Notify the County in writing regarding concerns about sound pressure and ask the County to perform a sound pressure test at the aggrieved owner's property line.
  - b) The County will request the aggrieved property owner deposit funds in an amount sufficient to pay for a sound measurement test according to the specifications of 17.71, 17.a.
  - c) If the sound test indicates that the sound pressure level is within ordinance guidelines, the County will use the deposit to pay for the sound pressure test.
  - d) If the wind tower owner is in violation of the ordinance sound standards, the tower owner shall reimburse the County for the sound pressure test and take immediate action to bring the wind tower into greater compliance which may include ceasing operation of the wind turbine until ordinance violations are corrected. The County will refund the deposit to the aggrieved property owner.
- 5) **Ground Clearance:** The minimum vertical blade tip clearance with the ground shall be 20 feet.
- 6) **Construction Codes and Other Standards:** On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and airport overlay zone regulations.

- 7) **Safety:** An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have an automatic transfer switch. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly marked with brightly colored tubing to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- 8) **Visual Impact:** Visual impact will be limited by using muted colors, industry standards that minimize visibility, and by using turbines that are consistent in the appearance. No advertising of any kind shall be allowed on the wind turbine with the exception of the manufacturer's name or logo.
- 9) **Abandonment.** If a wind tower has been abandoned for over 1 year and poses an immediate risk to health and safety due to lack of maintenance, poor structural integrity, noise, or vibration it shall be considered a nuisance and a violation of this ordinance.
- 10) **Lack of Maintenance.** If at any time the wind tower poses an immediate risk to health and safety due to lack of maintenance, poor structural integrity, noise, or vibration it shall be considered a nuisance and a violation of this ordinance.
- 11) **Anemometers (up to 66 feet in height)**
  - i) Anemometer towers greater than 66 feet in height shall be considered a Special Land Use (See Section 17.48a).
  - ii) The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower.
  - iii) No part of the anemometer, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
  - iv) If a tower is supported by guy wires, the wires shall be clearly marked with brightly colored tubing to a height of at least six feet above the guy wire anchors.
- 12) **Applications:** Applications for On Site wind energy systems and anemometers less than 66 feet in height shall include:
  - a) A site plan, drawn to scale, indicating property lines, dimension and location of all structures, and structures within 100 feet of the applicant's property lines.
  - b) Tower height and turbine blade length.
  - c) Manufacturer's modeling and analysis confirming that the wind energy system will not exceed the maximum permitted sound pressure levels.
  - d) The location of the wind turbine, anemometer, guy wires, and/or related accessory structures.
  - e) Documentation that construction code, electrical code, tower interconnection (if applicable), airport overlay zoning, and safety requirements have been met.
  - f) If applicable, a copy of that portion of the applicant's lease with the land owner granting authority to install a Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment.

### **Section 3.38 Single-Family Dwellings in AG District and F District**

1. A single-family dwelling shall require approval by the Zoning Administrator prior to issuance of any permits in the AG District or F District.
2. The Zoning Administrator may require an applicant to sign a form that acknowledges receipt of information pertaining to the intent of the zoning district.

### **Section 3.39 Unclassified Uses**

1. The Planning Commission may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special uses. In that event, such unclassified uses may be reviewed and treated as similar classified

uses within the district. In reaching such a finding, the Zoning Administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with the intent of the district and other permitted and special land uses. If the Zoning Administrator determines that such use is similar to the uses permitted by right or by special use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation to consider such use as sufficiently similar to permitted or special land uses within the district and the approval standards that should be used to evaluate the proposed use. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use, which, although permitted, involves other features, which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features, which were not contemplated or specified herein, such use shall be prohibited. Nothing in this Section shall be construed to prohibit a future amendment of this ordinance pursuant to Section 25.04 to provide standards to regulate a land use that may be currently excluded.

### **Section 3.40 On-Site Use Temporary Met Towers.**

1. A Met tower (also known as a Meteorological tower), as defined in Section 2.02, erected on a temporary basis only, and for temporary use on and for the site where the Met tower is located, may be permitted in accordance with this Section.
2. A temporary on-site use Met tower (“temporary Met tower”) shall be erected and used for not longer than one year. It shall be entirely removed promptly after it is no longer in use or, in any event, shall be entirely removed promptly after one year.
3. A temporary Met tower shall be located in only the AG, RR, RE, C-1, C-2, C-3, I, GB and F Districts. It shall be used only to measure or evaluate wind and other relevant conditions on and as to the land or site on which the tower is located.
4. A temporary Met tower shall be permitted only under the terms of a written permit which may be issued for such purpose by the Zoning Administrator if all of the provisions of this Section are complied with.
  - a. The application shall include a site plan or plot plan, drawn to scale, showing the location of the temporary Met tower and all other features of the proposed use, including but not limited to accurate dimensions of the setbacks of the tower from street right-of-way lines, property lines and buildings on the site; accurate setback dimensions from buildings off the site, if any, that would be located any distance from the proposed tower that is equal to or less than the height of the tower; the height of the temporary Met tower; a description and drawing or photograph of the tower, showing its various elements and features; and other information required by the Zoning Administrator.
  - b. The application shall include a written narrative describing the temporary Met tower use in detail; the projected duration of the use, stating the beginning date and ending date; the location of any tower guy wires and accessory structures; and a statement of measures to be taken to assure that the operation of the use will not result in serious adverse effects on other lands.
  - c. The application shall include information demonstrating that applicable county construction code requirements will be complied with, including applicable requirements of the electrical code and other applicable code provisions, including airport overlay zoning.



- d. A permit for a temporary Met tower may include terms and conditions imposed by the Zoning Administrator. The applicant shall comply with all of such terms and conditions, the provisions of this Section and other applicable provisions of this Ordinance.
5. A temporary Met tower shall comply with all of the following minimum requirements:
    - a. A temporary Met tower shall be located a distance from all property lines that is equal to at least one and a half times the height of the tower as measured from the grade at the base of the tower.
    - b. The temporary Met tower shall not exceed a height of 150 feet, unless a greater height is permitted by the Zoning Administrator under the terms of the permit.
    - c. Guy wire anchors or any other part of the Met tower shall be located a minimum of 25' from any property line.
    - d. No sign or similar object or device shall be located on the tower.
    - e. The tower shall be located and at all times shall be operated so as to have no serious adverse effect on adjacent or other lands or the public streets.
    - f. The applicant shall submit proof of liability insurance payable in the event of harm or injury resulting from the presence or operation of the temporary Met tower, in such reasonable coverage amount as is approved by the Administrator.
    - g. All applicable County construction codes and other applicable codes shall be complied with.
    - h. During the period of operation of the temporary use, the applicant shall permit the Zoning Administrator to enter the property for the purpose of determining compliance with the permit, this Section and other applicable requirements.
    - i. The tower shall be constructed of materials using muted colors and finishes so as to minimize visual impact.
    - j. There shall be no advertising of any kind on the temporary tower.
    - k. The tower shall not be lighted unless required by the FAA. All required lighting shall be the lowest intensity and of the slowest pulse allowed.
  6. If at any time the temporary use is not in compliance with the permit, the terms of this Section or other applicable provisions of this Ordinance, the Zoning Administrator may issue a stop work order.

### **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. Agritourism enterprises shall have frontage on a public road.
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 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.
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 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 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.

**ARTICLE IV  
ZONING DISTRICTS AND MAP**

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**Section 4.01 Districts Established.**

For the purposes of this Ordinance, Mason County is hereby divided into the following districts:

AG	Agricultural District
RE	Rural Estates District
RR	Recreational Residential District
R	Residential
MHP	Manufactured Home Park District
C-1	Highway Commercial District
C-2	Neighborhood Commercial District
C-3	Mixed-use Transitional District
I	Light Industrial District
F	Forestry
GB	Green Belt
HO	Highway Overlay

**Section 4.02 District Boundaries.**

The boundaries of these districts are hereby established as shown on the Zoning Map, Mason County Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of the Ordinance as if fully described herein. [See Appendix for copy of Zoning Map.] The Official Zoning Map shall be identified by the signature of the County Planning Commission Chair, attested by the County Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.02 of the Zoning Ordinance of Mason County (include date of adoption)." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the County together with an entry on the Official Zoning Map as follows: amended        date        , amendment no. (    ).

Two (2) copies of the Official Zoning Ordinance and Map are to be maintained and kept up-to-date. One copy shall be filed in the Zoning Administrator's Office and the other shall be filed with the County Clerk which shall be the final authority as to the current zoning status of lands, buildings, and other structures in the County.

**Section 4.03 District Boundaries Interpreted.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets or highways, shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the County Limits shall be construed as following the County Limits;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

5. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 4 above shall be so construed;
6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map;
7. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries;
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

#### **Section 4.04 Zoning of Vacated Areas.**

Whenever any street, alley, or other public way within Mason County shall have been vacated by action of the County Board, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action by the County Board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

#### **Section 4.05 Division of County.**

Mason County shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as "permitted uses" under each separate zoning district classification, or hereinafter set forth as "special land uses" under each such zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the Planning Commission for such special land uses.

#### **Section 4.06 Access Management.**

All lands in the Highway Overlay District are also subject to the requirements of Article 21.

**ARTICLE V**  
**AG, AGRICULTURAL DISTRICT**

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**Section 5.01 Statement of Purpose.**

Agricultural districts are those open areas of the County where farming, dairying, forestry operations, and other such rural-type activities exist and should be preserved and encouraged. Large vacant areas, fallow land, and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the County, State and Nation.

**Section 5.02 Principal Permitted Uses.**

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:

1. Farming.
2. Farm dwellings.
3. Boarding stables.
4. Green houses.
5. Public utility facilities (not including service or storage yards), when operating requirements necessitate the location of such facilities within the district.
6. Farm markets, if permitted by the Zoning Administrator under Section 3.07.
7. Wireless communication antennas.
8. Public uses.
9. Private Kennels.
10. Temporary Outdoor Commercial Uses, if permitted by the Zoning Administrator under Section 3.36.
11. Home Occupations if permitted by the Zoning Administrator under Section 3.10.
12. On Site Use Wind Energy Systems.
13. Single Family Dwellings, if permitted by the Zoning Administrator under Section 3.38.
14. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
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.
17. Churches or other place of religious assembly.
18. Accessory buildings and uses customarily incidental to any of the above uses.

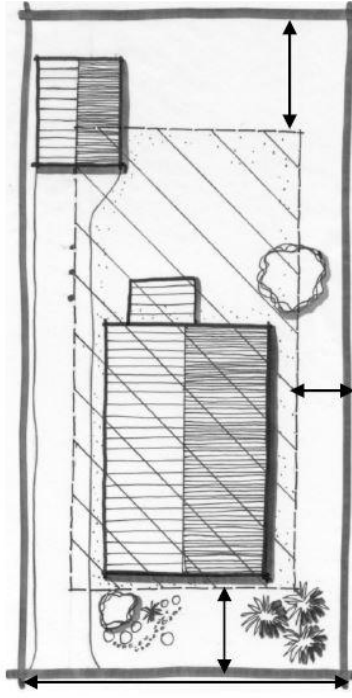
### **Section 5.03 Special Land Uses.**

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.

1. Agribusiness uses exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use.
2. Migrant labor housing.
3. Cemeteries.
4. Airports.
5. Wineries.
6. Forest industries.
7. Utility grid wind energy systems.
8. Agricultural equipment sales and service.
9. Veterinary clinics.
10. Commercial or boarding kennels.
11. Wireless communication support facilities.
12. On Site Use Wind Energy Systems (over 66 feet).
13. Golf course driving ranges.
14. Sand and gravel extraction operations.
15. Golf courses.
16. Transitional or emergency housing.
17. Meteorological or Met towers.
18. Agricultural storage facilities.
19. Mud bogging pit.
20. Agritourism Enterprise, Class II.
21. Accessory buildings and uses customarily incidental to the above uses.

#### **Section 5.04 Area and Size Requirements.**

1. Minimum size per zoning lot (not including public road right-of-way or private road easement) shall be one (1) acre. This minimum shall be contingent on the issuance of required Mason County Health Department permits.
2. Minimum frontage on a public street shall be one hundred fifty (150) feet.
3. Minimum width per zoning lot shall be one-hundred and fifty (150) feet. See Section 3.16, Lot Size Averaging, Section 3.05, Cross-District Averaging, Section 3.21, Single-family Cluster Housing, and Article XXIII, Planned Unit Developments, for flexibility allowances. Minimum frontage shall be one-hundred and fifty (150) contiguous feet of public road frontage.
4. Maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
5. Maximum building lot coverage shall be thirty-five (35) percent. In-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. Minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. The front yard setback requirement includes and applies to main and accessory buildings and structures.
7. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, fences, or vehicle access drives.
8. Minimum side yard setback per zoning lot shall be twenty-five (25) feet. The side yard setback requirement includes and applies to main and accessory buildings and structures.
9. Minimum rear yard setback per zoning lot shall be twenty-five (25) feet. The rear yard setback requirement includes and applies to main and accessory buildings and structures. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one (1) rear yard.
10. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.
11. An accessory building used exclusively for farm use is permitted to exceed the square footage limitations in Section 3.01, 4.
12. An accessory building used exclusively for farm use is permitted on a parcel in which there is no principal dwelling.



Min. rear yard setback:  
25'

Min. side yard setback:  
25'

Min. front yard setback:  
50'

Min. lot width 150'



**ARTICLE VI  
RE, RURAL ESTATES DISTRICT**

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**Section 6.01 Statement of Purpose.**

The specific intent of the Rural Estates District is to provide open land area for orderly residential growth; to permit continued agricultural use and residential activities of a rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time; to protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life; and to maintain and preserve the rural character of the County.

**Section 6.02 Principal Permitted Uses.**

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:

1. Single-family detached dwellings.
2. Crop farming and keeping of animals as provided in Section 3.19.
3. Farm equipment sales and service.
4. Farm markets, if permitted by the Zoning Administrator under Section 3.07.
5. Schools.
6. Public uses.
7. Wireless communication antennas.
8. Temporary outdoor commercial uses, if permitted by the Zoning Administrator under Section 3.36.
9. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
10. On Site Use Wind Energy Systems.
11. Private Kennels.
12. Churches or other place of religious assembly.
13. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
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.
16. Accessory buildings and uses customarily incidental to any of the above permitted uses.

### **Section 6.03 Special Land Uses.**

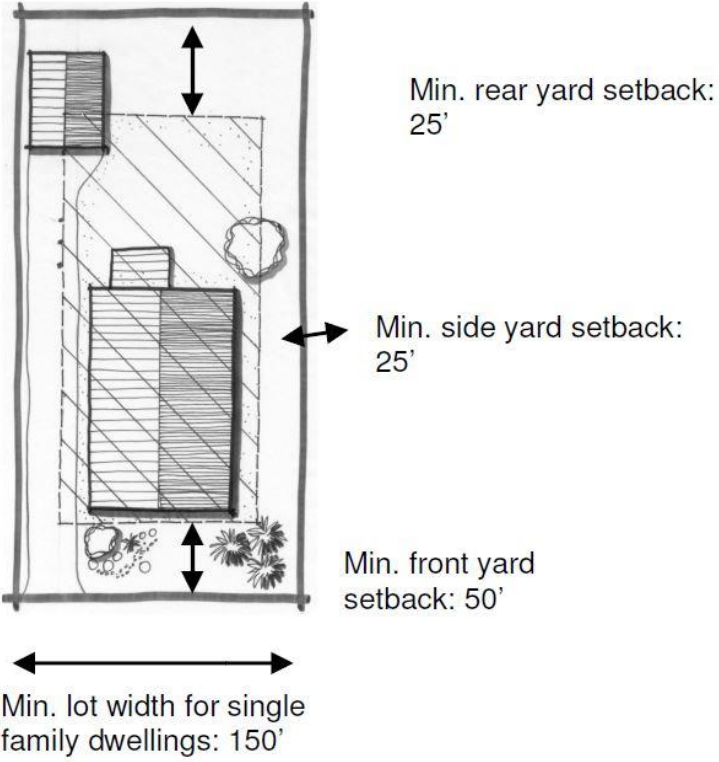
The following Special Land Uses shall be permitted subject to review by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act; Article XVI, "Special Land Use Conditions, Review, and Approval," and Article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

1. Forest industries.
2. Bed and breakfast operations.
3. Boarding stables.
4. Public facilities.
5. Wineries.
6. Outdoor recreation.
7. Cluster housing (refer to Section 3.21).
8. Greenhouses.
9. Farm Labor Housing
10. Commercial or boarding kennels.
11. Wireless communication support facilities.
12. On Site Use Wind Energy Systems (over 66 feet).
13. Golf courses.
14. Golf course driving ranges.
15. Airports.
16. Cemeteries.
17. Hospice or palliative care facilities.
18. Transitional or Emergency Housing.
19. Agribusiness uses exceeding one thousand five hundred (1,500) square feet in total floor space dedicated to such use.
20. Agritourism Enterprise, Class II.
21. Campgrounds
22. Group day care homes.
23. Accessory buildings and uses customarily incidental to any of the above uses.

#### **Section 6.04 Area and Size Requirements.**

1. Minimum size per zoning lot (not including public road right-of-way or private road easement) shall be one (1) acre. See Section 3.16, Lot Size Averaging, Section 3.05, Cross-District Averaging, Section 3.21, Single-family Cluster Housing, and Article XXIII, Planned Unit Developments, for flexibility allowances.
2. Minimum width per zoning lot shall be one-hundred-fifty (150) feet. See Section 3.16, Lot Size Averaging, Section 3.05, Cross-District Averaging, Section 3.21, Single-family Cluster Housing, and Article XXIII, Planned Unit Developments, for flexibility allowances. Minimum frontage shall be one-hundred and fifty (150) contiguous feet of public road frontage.
3. Maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
4. Maximum building lot coverage shall be thirty-five (35) percent. Building lot coverage applies only to special land use structures and special land use accessory buildings. In-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. Minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
6. Front yard setback requirement includes and applies to main and accessory buildings and structures. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, fences, or vehicle access drives.
7. Minimum side yard setback per zoning lot shall be twenty-five (25) feet. The side yard setback requirement includes and applies to main and accessory buildings and structures.
8. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.
9. Minimum rear yard setback per zoning lot shall be twenty-five (25) feet. The rear yard setback requirement includes and applies to main and accessory buildings and structures. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.
10. On farms devoted to the housing or breeding of cattle, horses, swine, sheep or goats, no pens, corrals, or barns shall be closer than one-hundred (100) feet to any side property line or less than one-hundred fifty (150) feet to any existing public road right-of-way; provided further that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen, or corral is set back from the existing right-of-way over one-hundred fifty (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet.
11. No parcel created after the adoption of this Ordinance shall have a depth more than four (4) times the width.
12. Accessory buildings used exclusively for farm use are permitted to exceed the square footage of the principal dwelling.

13. An accessory building used exclusively for farm use is permitted on a parcel in which there is no principal dwelling.



**ARTICLE VII**  
**RR, RECREATIONAL RESIDENTIAL DISTRICT**

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**Section 7.01 Statement of Purpose.**

This district is designed for the orderly development of areas bordering on or adjacent to publicly owned recreation lands and/or inland lakes of the County. The primary uses of these lands shall be for recreational or residential use with limited other compatible uses permitted. In addition to areas identified on the Mason County Zoning Map, the RR District also encompasses an area within 300 feet of the edge of Oxbow Lake.

**Section 7.02 Principal Permitted Uses.**

In a Residential Single-family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.
2. Churches or other place of religious assembly.
3. Schools.
4. Wireless communication antennas.
5. Public uses.
6. Temporary Outdoor Commercial Uses, if permitted by the Zoning Administrator under Section 3.36.
7. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
8. On Site Use Wind Energy Systems.
9. On-site temporary Met towers, if permitted by the Zoning Administrator under Section 3.40.
10. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

**Section 7.03 Special Land Uses.**

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.

1. Two-family dwellings.
2. Bed and breakfast operations.
3. Commercial Cottages or Cabins.
4. Veterinary clinics.
5. Cemeteries.
6. Adult foster care large group homes.
7. Group day care homes.

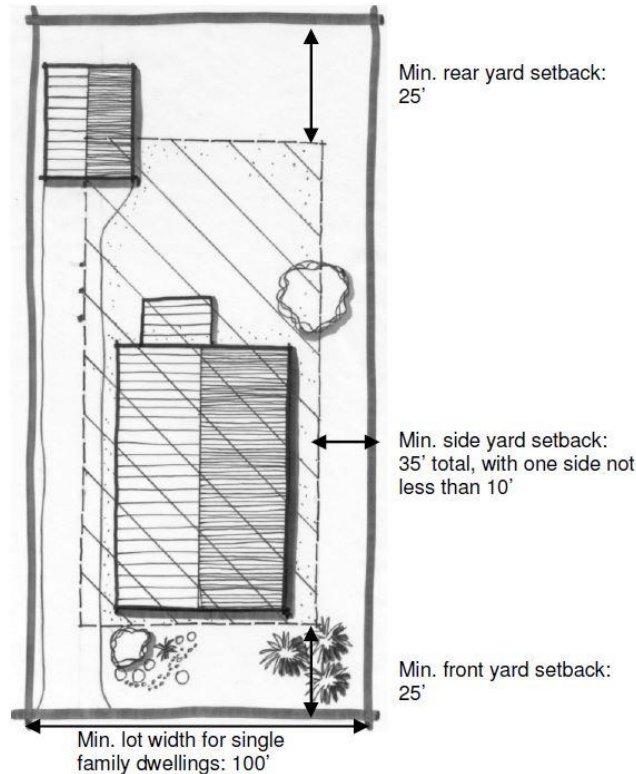
8. Funeral homes.
9. Airports.
10. Hospice or palliative care facilities.
11. Recreational Vehicle Campsite Condominiums.
12. Clubs.
13. Clinics.
14. Cluster housing (refer to Section 3.21).
15. Hospitals.
16. Commercial or boarding kennels.
17. Outdoor recreation.
18. On Site Use Wind Energy Systems (over 66 feet).
19. Sand and gravel extraction operations.
20. Golf courses.
21. Golf course driving ranges.
22. Transitional or Emergency Housing
23. Campgrounds
24. Accessory buildings and uses customarily incidental to any of the above uses.

**Section 7.04 Area and Size Requirements.**

1. Minimum Lot Size.
  - a. Fifteen-thousand (15,000) square feet for single-family dwellings, provided that existing separately owned, nonconforming lots and platted lots which are noncontiguous with other similar lots may be excepted from this restriction.
  - b. Ten-thousand (10,000) square feet for two-family dwellings per unit.
  - c. Fifteen thousand (15,000) square feet for all other special uses.
2. Minimum Street Frontage.
  - a. One-hundred (100) feet for single-family dwellings.
  - b. One-hundred and fifty (150) feet for two-family dwellings.
  - c. One-hundred and fifty (150) feet for all other special uses.
3. Minimum front yard setback per zoning lot shall be twenty-five (25) feet. With the exception of fences, minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road

Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.

4. The front yard setback requirement includes and applies to main and accessory buildings and structures. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Minimum side yard setback per zoning lot shall be thirty-five (35) feet with one side not less than ten (10) feet. The side yard setback requirement includes and applies to main and accessory buildings and structures.
- 5a. Setback Reductions for Nonconforming Platted Lots. Side yards for nonconforming platted lots that do not meet the zoning district requirements may be reduced by the same percentage that the area of such lot bears to its own district requirements, provided each side yard in no instance shall be less than ten (10) feet measured to the eave of the building. All other setbacks shall conform to district regulations unless a variance is granted by the Zoning Board of Appeals.
6. Maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
7. Minimum rear yard setback per zoning lot shall be twenty-five (25) feet. The rear yard setback requirement includes and applies to main and accessory buildings and structures. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one (1) rear yard.
8. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.



**ARTICLE VIII**  
**R, SINGLE-FAMILY RESIDENTIAL DISTRICT**

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**Section 8.01 Statement of Purpose.**

The R, Residential Single-family District is established as a district in which the principal use of land is for single-family dwellings. The specific intent is to encourage the construction of, and the continued use of the land for single-family dwellings; to discourage business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district; to not encourage the continuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; to discourage any land use which would generate traffic on local (minor) streets other than normal traffic to serve the residences on those streets; and to discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

**Section 8.02 Principal Permitted Uses.**

In a Residential Single-family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.
2. Day care group homes.
3. Churches or other place of religious assembly.
4. Schools.
5. Public uses.
6. Wireless communication antennas.
7. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
8. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

**Section 8.03 Special Land Uses.**

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.

1. Two-family dwellings.
2. Multiple family dwellings.
3. Adult foster care large group homes.
4. Funeral homes.
5. Golf courses.
6. Golf course driving ranges.

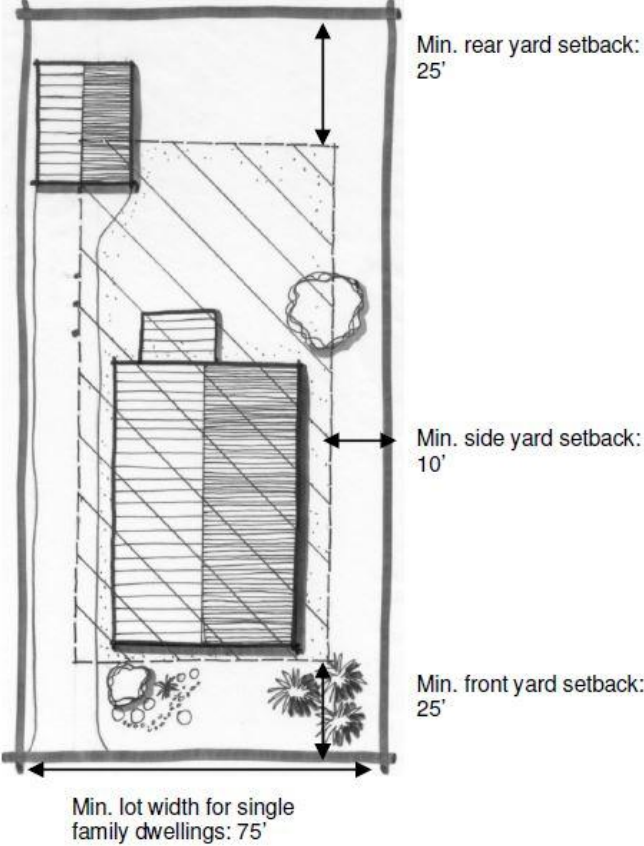


7. Accessory buildings and uses customarily incidental to any of the above uses.

#### **Section 8.04 Area and Size Requirements.**

1. Minimum Lot Size.
  - a. Twelve-thousand (12,000) square feet for single-family dwellings, provided that existing separately owned, nonconforming lots and platted lots which are noncontiguous with other similar lots may be excepted from this restriction.
  - b. Seven-thousand five-hundred (7,500) square feet per dwelling unit for two-family or multi-family dwelling.
  - c. Fifteen-thousand (15,000) square feet for special uses.
2. Minimum Street Frontage.
  - a. Seventy-five (75) feet for single-family dwellings.
  - b. One-hundred (100) feet for two-family dwellings.
  - c. One-hundred and fifty (150) feet for all other special uses.
3. Minimum front yard setback per zoning lot shall be twenty-five (25) feet. With the exception of fences, the minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
4. Maximum height shall be two and one-half stories or thirty (30) feet, whichever is less. Maximum height of accessory buildings shall be twenty (20) feet.
5. Front yard setback requirement includes and applies to main and accessory buildings and structures. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
6. Minimum side yard setback per zoning lot shall be ten (10) feet. The side yard setback requirement includes and applies to main and accessory buildings and structures.
7. Minimum rear yard setback per zoning lot shall be twenty-five (25) feet. The rear yard setback requirement includes and applies to main and accessory buildings and structures. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one (1) rear yard.
8. On waterfront lots, no part of any structure other than one (1) boat dock may be within forty (40) feet of the high waterline.
9. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) 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.



**ARTICLE IX  
MHP, MANUFACTURED HOME PARK DISTRICT**

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**Section 9.01 Statement of Purpose.**

The purpose of the Manufactured Home Park (MHP) District is to encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured home park with recreational facilities, churches, schools, and necessary public utility buildings. Given the mixed use nature of manufactured home parks, site plan approval by the Planning Commission shall be required.

**Section 9.02 Principal Permitted Uses.**

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:

1. Manufactured home park, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended.
2. Home Occupation if permitted by the Zoning Administrator under Section 3.10.
3. Accessory buildings and uses customarily incidental to any of the above permitted uses.

**Section 9.03 Special Land Uses.**

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 Section 16(b) of the County Zoning Act, as amended, Article XVI, "Special Land Use Conditions, Review, and Approval," and Article XVIII, "Site Plan Review Procedures" of this Zoning Ordinance.

1. Single family dwelling.
2. Accessory buildings and uses customarily incidental to any of the above uses.

**Section 9.04 Area and Size Requirements.**

1. The minimum size per zoning lot (not including public road right-of-way or private road easement) shall be fifteen (15) acres. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
2. The minimum zoning lot width shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
3. The maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
4. The maximum percent of building lot coverage and minimum yard setbacks shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.

**ARTICLE X**  
**C-1, HIGHWAY COMMERCIAL DISTRICT**

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**Section 10.01 Statement of Purpose.**

The C-1, Highway Commercial District, as herein established, is designed to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas which are well served by collector or arterial street facilities. These areas are meant to accommodate large-scale commercial operations, although small-scale establishments are also permitted. Highway Commercial areas are not intended to proliferate or expand beyond the areas already designated on the County Zoning Map, because they tend to have a harmful effect on neighboring properties and on rural character.

**Section 10.02 Principal Permitted Uses.**

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:

1. Personal service establishment.
2. Vehicle sales totally within building.
3. Restaurant (without drive thru).
4. Retail sales.
5. Bank (without drive thru).
6. Indoor recreation.
7. Clinic.
8. Funeral home.
9. Professional office.
10. Public use.
11. Wireless communication antenna.
12. Temporary Outdoor Commercial Use, if permitted by the Zoning Administrator under Section 3.36.
13. On Site Use Wind Energy Systems.
14. Assembly hall.
15. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
16. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 10.03 Special Land Uses.**

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.

1. Open air business.
2. Dirt bike track.
3. Adult entertainment use.
4. Club.
5. Outdoor recreation.
6. Automobile service station.
7. Car wash.
8. Drive in/drive thru establishment.
9. Motel.
10. Automobile repair garage.
11. General contractor yards.
12. Hospital.
13. Wireless Communication support facility.
14. Recycling (Light).
15. Hotel.
16. Truck Terminal or Distribution Center
17. Truck Trailer Drop Yard.
18. On Site Use Wind Energy Systems (above 66 feet).
19. Multi-family dwelling.
19. Churches or other place of religious assembly.
20. Wineries, micro-breweries and micro-distilleries.
21. Hospice or palliative care facilities.
22. Nursing homes.
21. Accessory buildings and uses customarily incidental to any of the above uses.

**Section 10.04 Area and Size Requirements.**

1. The minimum net lot area and minimum lot width shall be one (1) acre with two hundred (200) feet of frontage. Maximum density for multi-family dwellings shall be fourteen (14) dwelling units to the acre.
2. The maximum building height shall be (3) three stories or forty five (45) feet, whichever is less.

3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios and parking. The minimum amount of land area devoted to landscaping shall be a function of land area occupied, as follows:

<b>Land Area Occupied by Development</b>	<b>Percentage Landscaping Required</b>
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission and or the Michigan Department of Transportation (MDOT). All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall protrude beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
6. Within the first thirty (30) feet of the required front setback parking, loading, unloading, and display areas shall be prohibited, with the exception of required driveways or access points. Greenbelts shall be provided as per Section 3.13, except, a greenbelt shall be provided for any property, regardless of lot area, having frontage on US-10.
7. Side yard minimum setbacks per zoning lot shall be twenty-five (25) feet, except as required elsewhere in this subsection. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be twenty-five (25) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
  - a. Zero lot line option: Where a building on the abutting property has been erected on the side lot line, or is approved to be erected on the side lot line, and where both building walls will abut each other, new principal buildings may be erected on one side lot line provided:
    1. The building has an approved fire rating for zero-lot line development under the building code.
    2. The building has adequate fire access preserved pursuant to fire code requirements.
    3. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
    4. The lot shall comply with district regulations in terms of size and frontage requirements.

8. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 19.04. No outside storage shall be permitted.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
10. The maximum floor area ratio (F.A.R.) in the C-1 District is 0.5.

The formula for calculating the required F.A.R. is as follows:

$$\text{F.A.R.} = \frac{\text{Total floor area}}{\text{Total lot area}}$$

11. Sidewalks. Any request for site plan approval, except for building re-occupancies or additions to buildings comprising less than five-hundred (500) square feet, shall include a minimum six (6) foot sidewalk located within the public right-of-way or easement for the purpose of traversing the subject site from side lot line to side lot line. Precise sidewalk location shall be determined with the property owner, 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, unless the season is not feasible for construction activity, 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.
12. All new buildings shall connect to public water and sewer.

#### **Section 10.05 Access.**

Properties within the Highway Overlay District shall comply with the standards of Article XXI. Access to properties not located within the Highway Overlay District shall meet the following standards:

1. Each parcel shall be limited to one access drive on a frontage road, unless a second access drive is shared with an adjacent parcel.
2. Access to a side road shall be required for parcels which are adjacent to a side road.
3. Access drives shall be spaced no less than two-hundred (200) feet from any street intersection or other access drive, and no less than seventy-five (75) feet from any residential zoning district boundary.
4. All access drives shall be located and constructed to conform to the requirements of the highway authority having jurisdiction over the adjacent streets or highways.
5. Adequate space shall be required on-site for vehicles which are required to wait.
6. The use of right-in/right-out intersections shall be reviewed by the Planning Commission and MDOT to ensure that such intersections are provided when the right-of-way is ample enough to develop and delineate the drive area and when such intersections are located in proximity to a signalized intersection and/or alternative means of ingress/egress.

**ARTICLE Xa**  
**C-2, NEIGHBORHOOD COMMERCIAL DISTRICT**

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**Section 10.01a Statement of Purpose.**

The C-2 District is intended to serve the business and service needs of the surrounding community and is not meant to draw from a regional service area. The C-2 District is designed to have a lower impact on adjacent properties than the C-1 District, and may be viewed as a transitional zoning district. Although most patrons of business establishments may arrive by automobile, developments will appear small in scale and the bulk of parking will be located to the side or rear of buildings.

**Section 10.02a Principal Permitted Uses.**

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:

1. Assembly hall.
2. Bank.
3. Clinic.
4. Home Occupations, if permitted by the Zoning Administrator under Section 3.10.
5. Personal service establishment.
6. Professional office.
7. Public use.
8. Restaurant (without drive thru).
9. Retail sales with a maximum permitted square footage of ten thousand (10,000) square feet.
10. On Site Use Wind Energy Systems.
11. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
12. Temporary outdoor commercial use, if permitted by the Zoning Administrator under Section 3.36.
13. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 10.03a Special Land Uses.**

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.

1. Outdoor recreation.
2. Golf course or golf course driving range.
3. Funeral home.
4. School.



5. Multi-family dwelling.
6. Churches or other place of religious assembly.
7. Group day care home.
8. Adult foster care group home.
9. Single family detached dwelling.
10. Mini-storage Warehouse.
11. Open air business.
12. Automobile repair garage.
13. Automobile service station.
14. Drive in/Drive thru establishment.
15. General contractor yard.
16. Veterinary clinic.
17. Retail sales in excessive of 10,000 square feet.
18. Nursing home.
19. Hospice or palliative care facilities.
20. Transitional or emergency housing.
21. On Site use wind energy systems (above 66 feet).
22. Warehouse.
23. Agricultural storage facilities.
24. Truck Terminal or Distribution Center.
25. Truck Trailer Drop Yard.
26. Wineries, micro-breweries and micro-distilleries.
27. Hospitals.
28. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 10.04a Area and Size Requirements.**

1. The minimum lot area shall be 20,000 square feet. Minimum lot width shall be two hundred (200) feet when fronting US 10/31 or one hundred (100) feet when fronting other roadways. Maximum density for multi-family dwellings shall be fourteen (14) dwelling units to the acre.
2. The maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.

3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios. The minimum amount of land area devoted to landscaping shall be a function of land area occupied, as follows:

<b>Land Area Occupied by Development</b>	<b>Percentage Landscaping Required</b>
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission and or the Michigan Department of Transportation (MDOT). All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall protrude beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
6. Within the first fifteen (15) feet of the required front setback parking, loading, unloading, and display areas shall be prohibited, with the exception of required driveways or access points. Greenbelts shall be provided as per Section 3.13, except, a greenbelt shall be provided for any property, regardless of lot area, having frontage on US-10.
7. Side yard minimum setbacks per zoning lot shall be twenty-five (25) feet, except as required elsewhere in this subsection. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be twenty-five (25) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
  - a. Zero lot line option: Where a building on the abutting property has been erected on the side lot line, or is approved to be erected on the side lot line, and where both building walls will abut each other, new principal buildings may be erected on one side lot line provided:
    1. The building has an approved fire rating for zero-lot line development under the building code.
    2. The building has adequate fire access preserved pursuant to fire code requirements.
    3. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
    4. The lot shall comply with district regulations in terms of size and frontage requirements.

8. Rear yard minimum setback per zoning lot shall be thirty (30) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be thirty (30) feet. Loading space shall be provided in the rear yard in accordance with Section 19.04. No outside storage shall be permitted.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
10. All new buildings within this district shall connect to public water and sewer.

#### **Section 10.05a Access.**

Properties within the Highway Overlay District shall comply with the standards of Article XXI. Access to properties not located within the Highway Overlay District shall meet the following standards:

1. Each parcel shall be limited to one access drive on a frontage road, unless a second access drive is shared with an adjacent parcel.
2. Access to a side road shall be required for parcels which are adjacent to a side road.
3. Access drives shall be spaced no less than two-hundred (200) feet from any street intersection or other access drive, and no less than seventy-five (75) feet from any residential zoning district boundary.
4. All access drives shall be located and constructed to conform to the requirements of the highway authority having jurisdiction over the adjacent streets or highways.
5. Adequate space shall be required on-site for vehicles which are required to wait.
6. The use of right-in/right-out intersections shall be reviewed by the Planning Commission and MDOT to ensure that such intersections are provided when the right-of-way is ample enough to develop and delineate the drive area and when such intersections are located in proximity to a signalized intersection and/or alternative means of ingress/egress.

**ARTICLE Xb**  
**C-3, MIXED-USE TRANSITIONAL DISTRICT**

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**Section 10.01b Statement of Purpose.**

It is expected that over time, and as the C-2 areas along US-10 are built out, that properties in the C-3 District will convert to non-residential uses. The C-3 District is not intended to be used for intense commercial uses, and residential uses will exist within these areas, as well. As such, commercial, office and business uses will employ the special use process to help ensure compatibility between residential and non-residential uses.

**Section 10.02b Principal Permitted Uses.**

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:

1. Single-family detached dwelling.
2. Two-family dwelling.
3. Multiple-family dwelling.
4. Public use.
5. Churches or other place of religious assembly.
6. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
7. Outdoor recreation.
8. On Site Use Wind Energy Systems.
9. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
10. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 10.03b Special Land Uses.**

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.

1. Personal service establishment.
2. Clinic.
3. Professional office.
4. Hospice or palliative care facilities.
5. Group Day Care Home.
6. Adult Foster Care Group Home.
7. Nursing Home.

8. Transitional or Emergency Housing.
9. On Site Use Wind Energy Systems (above 66 feet).
10. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 10.04b Area and Size Requirements.**

1. The minimum lot area shall be 20,000 square feet. Minimum lot width shall be two hundred (200) feet when fronting US 10/31 or one hundred (100) feet when fronting other roadways. Maximum density for two-family and multi-family dwellings shall be fourteen (14) dwelling units to the acre.
2. The maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios. The minimum amount of land area devoted to landscaping shall be a function of land area occupied, as follows:

<b>Land Area Occupied by Development</b>	<b>Percentage Landscaping Required</b>
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission and or the Michigan Department of Transportation (MDOT). All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall protrude beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
6. Within the first thirty (30) feet of the required front setback parking, loading, unloading, and display areas shall be prohibited, with the exception of required driveways or access points. Greenbelts shall be provided as per Section 3.13, except, a greenbelt shall be provided for any property, regardless of lot area, having frontage on US-10.
7. Side yard minimum setbacks per zoning lot shall be twenty-five (25) feet, except as required elsewhere in this subsection. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be twenty-five (25) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. Rear yard minimum setback per zoning lot shall be thirty (30) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 19.04. No outside storage shall be permitted.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

#### **Section 10.05b Access.**

Properties within the Highway Overlay District shall comply with the standards of Article XXI. Access to properties not located within the Highway Overlay District shall meet the following standards:

1. Each parcel shall be limited to one access drive on a frontage road, unless a second access drive is shared with an adjacent parcel.
2. Access to a side road shall be required for parcels which are adjacent to a side road.
3. Access drives shall be spaced no less than two-hundred (200) feet from any street intersection or other access drive, and no less than seventy-five (75) feet from any residential zoning district boundary.
4. All access drives shall be located and constructed to conform to the requirements of the highway authority having jurisdiction over the adjacent streets or highways.
5. Adequate space shall be required on-site for vehicles which are required to wait.
6. The use of right-in/right-out intersections shall be reviewed by the Planning Commission and MDOT to ensure that such intersections are provided when the right-of-way is ample enough to develop and delineate the drive area and when such intersections are located in proximity to a signalized intersection and/or alternative means of ingress/egress.

**ARTICLE XI  
I, INDUSTRIAL DISTRICT**

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**Section 11.01 Statement of Purpose.**

The I, Industrial District is composed of those areas of the County whose principal use is or ought to be manufacturing and other industrial uses. This district has been located within the County to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been regulated as special land uses or excluded.

**Section 11.02 Principal Permitted Uses.**

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:

1. Automobile repair garage.
2. Research facilities.
3. Machine shops.
4. Contractor's equipment storage yards.
5. Public uses.
6. Truck Trailer Drop Yard (3-28-07)
7. On Site Use Wind Energy Systems.
8. Retail sales when clearly incidental to the primary industrial use and where the area devoted to retail sales does not exceed fifteen (15) percent of the total floor area.
9. Professional Offices, when incidental to the primary industrial use.
10. Warehouses.
11. Wireless Communication Antenna
12. Light Recycling
13. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
14. Accessory buildings and uses customarily incidental to any of the above permitted uses.

**Section 11.03 Special Land Uses.**

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.

1. Junk yards.
2. Incinerators.

3. Composting facilities.
4. Wireless communication support facilities
5. Utility Grid Wind Energy Systems.
6. Recycling
7. On Site Use Wind Energy Systems (over 66 feet).
8. Sand and gravel extraction operations.
9. Sawmills, planing mills, wood product plants.
10. Manufacturing facilities.
11. Dry cleaning plant.
12. Mini-warehousing/self-storage.
13. Truck terminal or distribution centers.
14. Meteorological or Met Towers.
15. Fuel storage (bulk).
16. Tanneries and slaughter houses.
17. Accessory buildings and uses customarily incidental to any of the above uses.

**Section 11.04 Area and Size Requirements.**

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. Maximum building height shall be forty (40) feet. All structures permitted in the I-Industrial District may be erected in excess of forty (40) feet provided the front, side, and rear setbacks are increased one (1) foot for each foot above forty (40) feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.
3. The minimum amount of land area devoted to landscaping shall be a function of the size of the industrial development of land area occupied, as follows:



<b>Land Area Occupied by Development</b>	<b>Percentage Landscaping Required</b>
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

5. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. The minimum front yard setback per zoning lot shall be sixty (60) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public or private roads, based upon information and standards set forth by the Mason County Road Commission and/or the MDOT. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
7. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
8. Side yard minimum setbacks per zoning lot shall be thirty (30) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
9. Rear yard minimum setback per zoning lot shall be sixty (60) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 19.04. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6) feet high or other screening as required by the Planning Commission.
10. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where an industrial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
11. There is no maximum floor area ratio in the I-Industrial District.

**ARTICLE XII  
NR, NATURAL RIVER DISTRICT**

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**Section 12.01            Repeal of Natural Rivers District**

The Natural Rivers Zoning District within the Mason County Zoning Ordinance adopted, effective October 1, 2004, is hereby repealed effective simultaneous with the effective date of this amendment.

**Section 12.02            Replacement of Natural Rivers District**

The district formerly known as “Natural Rivers district” will be replaced, simultaneous with the effective date of this amendment, with the contiguous zoning described in Article 4, Section 4.01 of the Mason County Zoning Ordinance. Any building within 400 feet from the sections of river formerly designated as “Natural Rivers” under the Mason County Zoning ordinance will have concurrent zoning with the State of Michigan Natural River Zoning (Part 305 of PA 451 of 1994) as defined by Appendix C- Department of Natural Resources and Environment Fisheries Division, Pere Marquette River Natural River Zoning.

The former “Natural River District” prior to April 20, 2005 is as follows: All that land in an area between the shoreline of the designated waters and a line four-hundred (400) feet from and parallel to the shoreline of said waters, except within incorporated limits.

All channels of the Pere Marquette River, including the mainstream and the Big South Branch, and the following tributaries:

- a. Swan Creek from Darr Road in Eden Township to its confluence with the Pere Marquette River;
- b. Weldon Creek from the outfall of Romeo Lake in Section 9, Branch Township to its confluence with the Pere Marquette;
- c. Ruby Creek from the Mason County Line, Section 34, Logan Township, to its confluence with the Big South Branch;
- d. Carr Creek excluding that portion of the stream which branches north in Section 14, Logan Township, from Mason-Lake boundary, Section 13, Branch Township, to its confluence with the Big South Branch.

**ARTICLE XIII  
GB, GREENBELT DISTRICT**

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**Section 13.01 Statement of Purpose.**

This district is designed to protect the shoreline and the land bordering on the main watercourses of Mason County from unwise use and from erosion, to maintain them as far as is practical in their native or natural state, to preserve the ecological balance, and to allow the maximum use and enjoyment of land and water in conformity with these objectives.

District GB is described as follows: All that land in an area between the shoreline of the below designated waters and a line three-hundred (300) feet from and parallel to the shoreline of said waters, except as being designated in some other district, or in an area not under the jurisdiction of this Ordinance.

1. The Little Manistee River in Meade Township.
2. The Big Sauble River in Grant, Freesoil, Meade, and Sheridan Townships.
3. The Lincoln River in Hamlin, Pere Marquette, Amber, and Victory Townships.
4. The North Branch of the Lincoln River in Victory Township and Sections 8, 9, and 18 of Sherman Township.
5. The South Branch of the Lincoln River in Victory Township and in Sections 28, 29, and 30 of Sherman Township.
6. Other streams and tributaries as designated on the County Zoning Map.

**Section 13.02 Principal Permitted Uses.**

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:

1. Single family dwellings.
2. Farming.
3. Public uses.
4. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
5. On Site Use Wind Energy Systems.
6. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.

**Section 13.03 Special Land Uses.**

The following Special Land Uses shall be permitted in the GB Zoning District 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.

1. Motels.

2. Outdoor recreation.
3. Retail sales.
4. Clubs.
5. On Site Use Wind Energy Systems (over 66 feet).
6. Campgrounds.
7. Accessory buildings and uses customarily incidental to any of the above uses.

#### **Section 13.04 Area and Size Requirements.**

1. Minimum Lot Size.
  - a. Twenty-thousand (20,000) square feet for single-family dwellings, provided that existing separately owned, nonconforming lots and platted lots which are noncontiguous with other similar lots may be excepted from this restriction.
2. Minimum Street Frontage.
  - a. One-hundred (100) feet for single-family dwellings.
  - b. One-hundred (100) feet for special uses.
3. Minimum rear yard setback per zoning lot shall be fifty (50) feet from the water's edge. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Rear yard setback requirement includes and applies to main and accessory buildings and structures.
4. The front yard setback requirement includes and applies to main and accessory buildings and structures. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
6. Minimum side yard setback per zoning lot shall be twenty-five (25) feet. Side yard setback requirement includes and applies to main and accessory buildings and structures.
7. Minimum front yard setback per zoning lot shall be twenty-five (25) feet. With the exception of fences, minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
8. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

#### **Section 13.05 Native Vegetation Strip.**

A strip fifty (50) feet wide bordering on each bank of the stream or other designated body of water, in this district, shall be maintained in trees or shrubs or in its natural state. Trees or shrubs in a space no more than fifty (50) feet in width may be trimmed or pruned for a view of the water or for a dock. There shall be no more than one such trimmed or pruned area per principal use.

**Section 13.06 Flood Areas and Grade Level.**

No dwelling or principal structure shall be constructed on lands which are subject to flooding (within the fifty (50) year flood plain) or on land where a minimum of four (4) feet between finished grade level and high ground water level cannot be met. Land may be filled to meet these requirements only under the following conditions:

1. A special permit is obtained from the Planning Commission.
2. The fifty (50) foot native protection strip is maintained.
3. No fill material is allowed to enter the water either by erosion or by mechanical means.
4. Fill material is a pervious material such as sand or gravel.
5. No refuse, garbage, rubbish, or waste material shall be used as fill material.
6. All regulations of the Michigan Department of Environmental Quality are observed.

**Section 13.07 Sanitary Waste and Subsoil Drainage Systems.**

1. Disposal field and septic tanks shall be no closer than one-hundred (100) feet from the water's edge.
2. No septic tank disposal field shall be nearer than forty (40) feet from any subsoil drainage system or footing drain emptying directly into the lake or stream.
3. Further regulation is provided by the Mason County Sanitarian.

**ARTICLE XIV  
F, FORESTRY DISTRICT**

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**Section 14.01 Statement of Purpose**

The F, Forestry District is designed primarily to provide opportunities for seasonal type development. Lands in this district are not typically served with the infrastructure necessary for more intense or year round development. The F, Forestry District is meant to assure long-term natural resource protection and low-impact recreational opportunities. Development within the Forestry District will require careful review to ensure that the integrity of environmental features and that the natural beauty of these zones are preserved for generations.

**Section 14.02 Principal Permitted Uses**

No building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Forest management.
2. Outdoor recreation.
3. Forest Industry.
4. Home occupations, if permitted by the Zoning Administrator under Section 3.10.
5. On Site Use Wind Energy Systems.
6. Single family dwellings, if permitted by the Zoning Administrator under Section 3.38.
7. On-site temporary Met tower, if permitted by the Zoning Administrator under Section 3.40.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses.

**Section 14.03 Special Land Uses**

The following Special Land Uses shall be permitted in the F, Forestry Zoning District 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.

1. Commercial Cottages or Cabins (seasonal).
2. Motels.
3. On Site Use Wind Energy Systems (over 66 feet).
4. Mud bogging pit.
5. Accessory buildings and uses customarily incidental to any of the above uses.

**Section 14.04 Area and Size Requirements**

1. Minimum Lot Size.
  - a. One acre for single-family dwellings, provided that existing separately owned, nonconforming lots and platted lots which are noncontiguous with other similar lots may be "excepted" from this restriction.

2. Minimum Street Frontage.
  - a. One-hundred and fifty (150) feet for single-family dwellings.
3. Minimum front yard setback per zoning lot shall be fifty (50) feet. With the exception of fences, minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Mason County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
4. Maximum building height shall be two and one-half stories or thirty (30) feet, whichever is less.
5. Front yard setback requirement includes and applies to main and accessory buildings and structures. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
6. Minimum side yard setback per zoning lot shall be twenty-five (25) feet. The side yard setback requirement includes and applies to main and accessory buildings and structures.
7. Minimum rear yard setback per zoning lot shall be twenty-five (25) feet. The rear yard setback requirement includes and applies to main and accessory buildings and structures. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one (1) rear yard.
8. The minimum floor area for a single-family dwelling shall be seven-hundred twenty (720) square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.