

Chapter 4

ZONING PLAN

INTRODUCTION

This chapter opens with a general description of a zoning plan. It is followed by a brief explanation of the relationship between this Master Plan and the Zoning Ordinance of Mason County and individual community Zoning Ordinances within the county. Next, the intent and key dimensional standards of the zoning districts in the Zoning Ordinance are briefly described. As they exist, the districts are consistent with the Future Land Use Map and land use descriptions in Chapter 3, but they could be revised to be significantly closer to that proposed in Chapter 3. If the districts are changed, this chapter should be updated to reflect the changes made.

WHAT IS A ZONING PLAN?

A “zoning plan” is required per the Michigan Planning Enabling Act, Act 33 of 2008, as amended. The zoning plan identifies the zoning districts and their purposes, as well as the basic standards proposed to control the height, area, bulk, location, and use of buildings and premises in the county. It must be based on an inventory of conditions pertinent to zoning in the county and the purposes for which zoning may be adopted. That inventory of conditions is found in the Mason County Data Book and this Plan.

RELATIONSHIP TO MASTER PLAN UPDATE

This Master Plan update sets forth the vision, goals and policies for growth and development in Mason County for approximately the next twenty years. It includes a specific strategy for managing growth and change in land uses and infrastructure in Mason County over this period, and will be periodically reviewed and updated at least once each five years. This chapter presenting the Zoning Plan, along with the rest of the relevant parts of this Master Plan, is intended to guide the implementation of and future changes to the Zoning Ordinance. However, existing permitted uses of land, including density, setbacks and other related standards are as established in the Zoning Ordinance as this Plan is not a regulatory ordinance.

DISTRICTS AND DIMENSIONAL STANDARDS

Following are the general purposes and characteristics of zoning within Mason County. The specific purpose of each zoning district and permitted land uses are listed in the Mason County Zoning Ordinance. The Section references indicate where detailed ordinance language is located within the ordinance. Table 4-1 presents a summary of key dimensional standards under the Zoning Ordinance requirements. Chapter 3 presented information on future land use that should be used to update the district purpose/intent, dimensional and use regulations in order to be consistent with the Plan.

ZONING DISTRICTS

Residential Districts

The following zoning districts are considered “residential districts.”

Article VI	RE Rural Estates District
Article VII	R-R Recreational Residential District
Article VIII	R Single Family Residential District
Article IX	MHP Manufactured Home Park District

The principal purpose of these districts is to provide for a range of residential dwelling types at various densities within individual zones tailored for specific uses.

Single Family Cluster Housing (Section 3.21) may be permitted on parcels 10 acres or larger under single ownership and control. The resulting density can be no greater than if the parcel was developed according to minimum lot size for that residential zone. There are additional spacing and height requirements.

Commercial and Industrial Districts

The following zoning districts are presently considered “commercial and industrial districts.”

Article X	C Commercial District
Article XI	I Industrial District

The basic purpose of these districts is to provide opportunities for regulated commercial, office or industrial activities serving both local and area shopping needs and industrial production. Minimum lot areas are not set, but depend on the needs of the business. These needs include off-street parking, loading, screening and other factors.

Resource Production Districts

The following zoning districts are considered “resource production districts”.

Article V	AG Agricultural District
Article XIV	F Forestry District

These districts are designed for low intensity use due to the suitability of the lands for agriculture or forestry, and historic uses of agriculture and forestry. Other uses include agri-tourism (seasonal events, bed and breakfasts, temporary commercial, and retreat centers) and agri-industry.

Resource Protection Districts

The following zoning districts are considered resource protection districts:

Article XIII	GB Greenbelt District
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These districts are designed to maximize preservation of existing environments, particularly those of streams and wetlands, by requiring deep setbacks from the edge of the water for buildings and septic systems, providing for vegetative buffers and limiting the visual impact of development (along the designated natural river segments). The minimum lot area for a single family home in these districts ranges from 20,000 s.f. (green belt zone) to 30,000 s.f. (Natural River tributaries) or 40,000 s.f. (Natural River main stream and Big South Branch).

Photo 4-1
Mason County Industrial Facility



Airport Zoning Overlay Zone

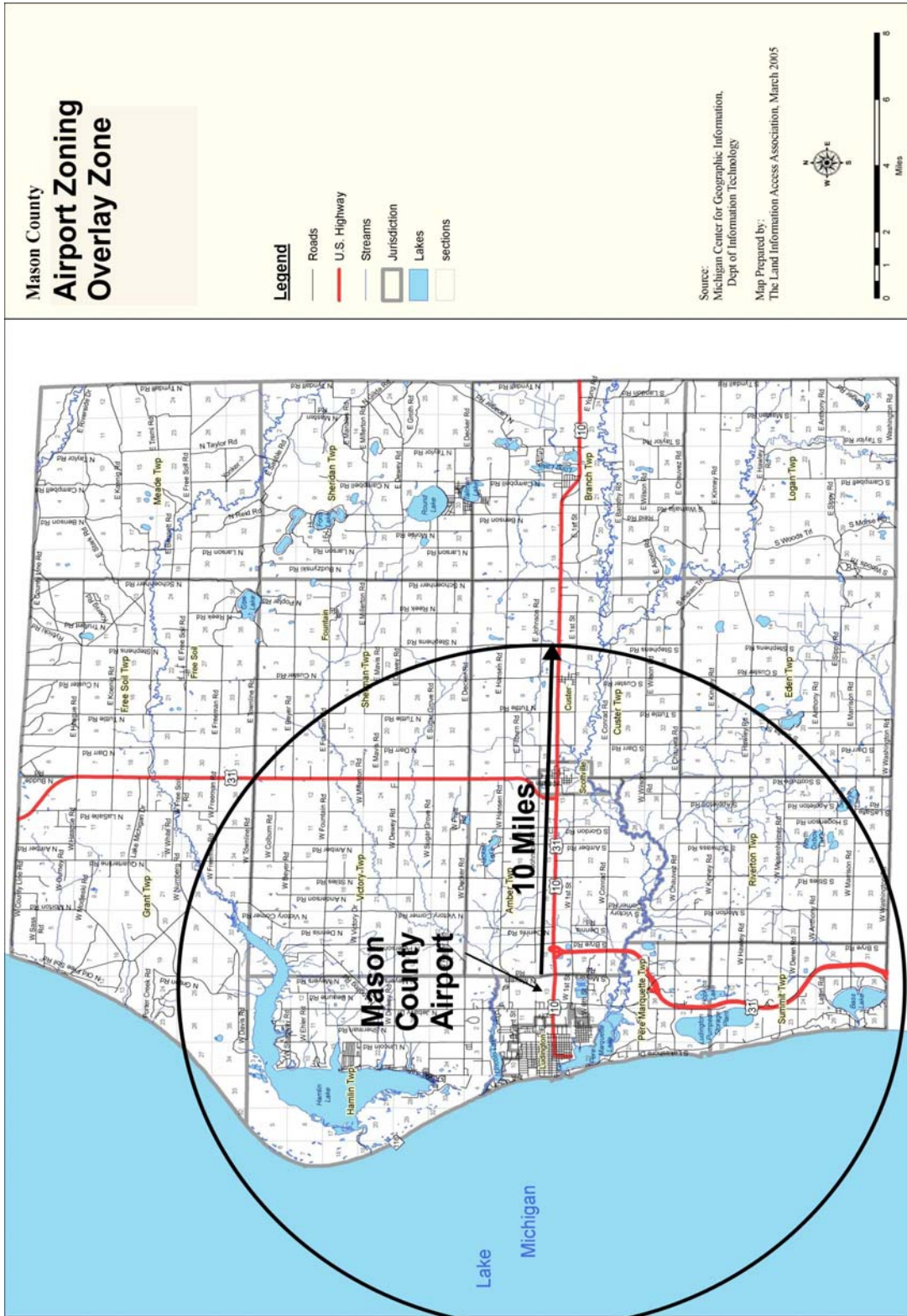
The public investment in and safety of airport operations is protected by an “airport overlay zone.”

Article XV Airport Zoning Overlay Zone

The purpose of the Airport Zoning Overlay Zone is to prevent the creation of hazards to aircraft landing and taking off on the flight paths related to the airport runways. The overlay zone provides for regulations on land within a 10 mile radius from the Mason County Airport. The ordinance establishes height restrictions so that immediately adjacent to the runways, structures and vegetation is limited to a height of 25'. This limitation increases to 500' at the outer edge of the 10 mile radius. The height restriction area is cone shaped with a greater slope closest to the center (by the airport) and is illustrated in detail on the 10 Mile Radius Map.

Map 4-1 roughly illustrates the affected area.

Map 4-1 Airport Zoning Overlay Zone



RECOMMENDATIONS

Chapter 3 set forth a number of recommendations for changes to the Zoning Ordinance and Zoning Map to best implement this Plan. Those recommendations are incorporated into this Chapter by reference and some are discussed again briefly below. In addition, other changes to the Zoning Ordinance are proposed to address day-to-day problems encountered with zoning administration.

Agriculture Zone

Most of the land zoned AG in Mason County is land whose soils are especially well suited for agriculture, or whose owners have continuously managed it for agricultural use for over 100 years. Property in AG districts that is not part of an existing farm operation is subject to a 1-acre minimum lot size requirement. If all agriculturally zoned land were ultimately developed this way, it could threaten the low-density character of the district as there is no density cap that would deny a subdivision-style development on 1-acre lots (except where it were close to an existing confined animal feeding operation). The primary focus of the AG district needs to be protection of bona fide agricultural operations and with it protection of this critical component of the economy of Mason County. To that end, density based zoning should be implemented that permits one dwelling per forty acres, but the residence would occupy a lot with a maximum of two acres unless more land is required by the Health Department to meet septic system requirements. The same change should be made in the Forestry District.

Recent appellate court rulings on GAAMPS and Right-to-Farm provisions should be reviewed and if necessary, additional changes to the zoning ordinance should be made to conform with recent rulings. The Right-to-Farm Act, PA 93 of 1981 establishes protections for farmers from nuisance suits if they are engaged in generally accepted agricultural management practices (GAAMPS). GAAMPS are adopted by the Michigan Department of Agriculture.

In 2011, Mason County went through a considerable conflict that reflected varying viewpoints regarding “rural character” in an agricultural community when posed with a utility scale wind turbine development. Wind turbines are a special land use in the agricultural and industrial districts. The County should study setbacks for wind turbines from residential areas to reduce future conflict in the agricultural districts. By way of reviewing setbacks, sound and shadow flicker impacts will also be reviewed.

Additionally, the setbacks of the Agricultural District should be revised to be consistent with the Rural Estates district to better accommodate accessory building and structures.

The Rural Estates zone prohibits the owners of parcels smaller than three acres from keeping animals. Yet this is a common use in those areas. Consideration by the Planning Commission should be given to changing the RE zoning for small lots so that chickens, horses, cows and related animals are permitted provided these uses comply with GAAMPS.

Industrial

Increase the area zoned for industry. There is relatively little industrially zoned land in Mason County and this hampers the potential to grow more industry. Specifically, the area along and south of the railroad from Ludington to Scottville in a band ¼ mile wide should ultimately be zoned in an industrial classification. This area is between First Street and the CSX railroad tracks. There are other industrial properties north of this

area up to US-10/US-31 and these should be zoned for industrial use. There are already a number of homes in this area on large lots that back up to the railroad, and they will need to be buffered as industrial uses develop in this corridor. The Industrial District provisions should be reviewed to ensure only industrial and some limited office and commercial uses are permitted in that zone if carefully designed and buffered from industrial uses.

The creation of a “light” industrial district such as small product assembly should be considered to permit less intensive industrial uses as a buffer when next to existing residential subdivisions, churches or schools. The new district name should be LI, and the existing industrial district should be renamed HI. Existing industrially zoned property should be reclassified on the Zoning Map into LI or HI as appropriate to the existing use. The Zoning Map should be amended after careful study and only after the Future Land Use Map (Map 3-3) is first amended as described in Chapter Three.

Commercial

There should be no new commercially zoned land along the US-31 corridor north of Scottville, or along US-10 east of Scottville that is not within the limits of the community service area around Scottville or Custer.

Residential

In order to provide for a more transitional use between commercial and low-density residential uses, a higher density residential district should be established directly north of the commercial district along and on the north side of the US-10/US-31 corridor between the interchange and Stiles Road. The minimum density when averaged across the entire parcel should not be less than four dwelling units per acre, nor more than twelve, depending on the proposed use and market conditions.

The Zoning Ordinance already provides for cluster development and planned unit development (PUD). These should be encouraged. Also, conservation subdivisions should be permitted by right in all residential districts. A conservation subdivision is one that preserves open space by requiring residential lots to have a maximum lot size that is substantially smaller than the zoning density of the area while permanently preserving at least 50% of the site in open space. For example, if a 100 acre parcel in an area zoned at a density of one dwelling unit per ten acres, is proposed for residential development, under a conservation subdivision ordinance in which the permitted maximum lot size of a dwelling unit is 3 acres, ten three-acre lots could be platted, using thirty acres and preserving seventy acres as open space.

In waterfront areas, consideration should be given to creating several new waterfront zones as described in Chapter 3. This would result in rezoning nonconforming RR Land into new waterfront zones (such as WR-1 and WR-2) that fit existing lot sizes (width and area) so that far fewer nonconforming lots were affected. This would reduce the number of people who have to go through the variance process to build on a waterfront lot. These would be very limited districts and no new land could be divided at these lot sizes under these new districts. The RR district would still apply to undivided land along waterfront areas. The Planning Commission should jointly consider these options, and any others that are relevant, and the Future Land Use Map (Map 3-3) should be updated before the zoning ordinance is amended to accommodate such change.

Throughout

The Planning Commission should add language to the site plan review criteria to ensure that applicants have allowed adequate space to accommodate infrastructure replacement on-site.

Photo 4-2
Waterfront Residential Property



Photo by Robert Garrett

Other recommended specific changes to the Zoning Ordinance include the following:

1. Revisions to the requirements for private roads that address: what design standards are appropriate for private roads; the appropriate threshold for constructing private roads; when benefiting parties must pay their fair share of private road expenses; what mechanism will be used to collect funds to pay for private roads; and how these issues can be equitably handled in light of appropriate public and private interests.
2. The Planning Commission should review and consider incorporating the sample groundwater protection standards developed as part of the MSU Groundwater Education in Michigan initiative in the 1990s. These standards have been adopted by hundreds of Michigan communities. They require that site plans indicate all storage areas for hazardous chemicals, secondary containment facilities, floor drains and related facilities which if improperly designed could lead to groundwater contamination from leaks and spills of hazardous chemicals.
3. The Zoning Ordinance should be reviewed to allow for greater extent of wi-fi internet connection through large and small towers serving various distances. Wi-fi availability will enhance small and home-based businesses which rely on internet communication and commerce.
4. The dimensions of the agricultural district should be reviewed since frequent variances have been granted for parcel not meeting yard requirements.

5. Conditional rezoning is a practice of rezoning that is tied to a contract that is offered by an applicant and mutually agreed upon by the municipality. The County Zoning Ordinance should be amended to include a review and approval process for these types of requests.
6. Home based business standards should be reviewed to allow for more administrative approval. Additionally, home occupations, which do not have a sign (or rely on street exposure for business), should be exempt from zoning requirements.
7. The non-conforming building provisions should be modified to allow modifications to buildings which do not increase the degree of the non-conformity, without requiring a variance.
8. The minimum area of a single-family dwelling should be reviewed. The County should consider the change in demographics and preferences for smaller homes. Smaller homes are more energy efficient and require less maintenance.
9. Review access management requirements and consider lessening the threshold triggering access management review.
10. Review accessory building size requirements and consider revising to accommodate larger buildings based on lot area provided a deed restriction is filed limiting future land division unless the accessory building is removed.