



PLANNING COMMISSION
TUESDAY, SEPTEMBER 15, 2020
Electronic Meeting - 6:30 P.M.
201 West Ash Street, Mason MI

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. OATH OF OFFICE CONTINUED FROM FEBRUARY 11, 2020.

**Staff has confirmed all Commissioners have been sworn in by the City Clerk.*

4. PUBLIC COMMENT

5. APPROVAL OF MINUTES

- A. Approve Minutes of Regular Planning Commission Meeting February 11, 2020

6. PUBLIC HEARING

- A. Resolution 2020-03: Russ Whipple, RJ Whipple Properties has requested an amendment to the Mason Code to amend the City of Mason ordinances, Part II, Chapter 1, Sec 1-2; Chapter 2, Sec 2-104; Chapter 94, Article IV, Section 94-124; Article VII, Section 94-222; Article IX, Section 94-292; and Chapter 100, Article I, Table 100-2 and Table 100-5 to allow three-unit multiple family use in the R2F: Two Family Residential district.
- B. Resolution 2020-04: Kyle and Laura McGonigal have requested to amend the zoning map by rezoning 117 Mark Street (parcel 33-19-10-09-204-004) from an O-2: Specialized Office district to a RS-2: Single Family Residential.

7. UNFINISHED BUSINESS

- A. October is National Planning month and the Mason Planning Commission's 75th Anniversary
- B. Parks and Non-Motorized Plan Update – Rayner Park grant submittal to DNR, [webpage here](#).

8. NEW BUSINESS

- A. Resolution 2020-05: Rayner Ponds Phase 4 Subdivision seeking extension of Final Site Plan Approval
- B. Resolution 2020-06: 1155 Temple Street – Paul Davis seeking extension of Special Use Permit and Final Site Plan Approval.
- C. Masterplan Workplan – Review upcoming schedule for completing five-year review and update of the 20- year Masterplan. *Staff will present additional materials at the meeting.*
- D. Building Permit Webpage and FAQ – [click here](#). Staff launched an update to the page in May with online permitting services for Roof/Siding permits.

9. LIAISON REPORT

- A. City Manager's Report – [click here](#).

10. ADJOURN



PLANNING COMMISSION

ELECTRONIC MEETING INFORMATION

PLEASE TAKE NOTICE that the meeting of the City of Mason Planning Commission scheduled for **September 15, 2020, starting at 6:30 p.m.**, will be conducted virtually (online and/or by phone) due to health concerns surrounding Coronavirus/COVID-19, under the Governor of Michigan's Executive Orders 2020-59 and 2020-75.

The City of Mason will be using Zoom to host this meeting. A free account is required to use Zoom. Please take the time to download and set-up Zoom prior to the meeting. Zoom may be accessed here: <https://zoom.us/>

MEETING INFORMATION:

Topic: **Planning Commission Meeting**

Time: **September 15, 2020 at 6:30 p.m.** Eastern Time

Meeting ID: 895 5206 9050

Video Conference Information: **Link to join online:** <https://us02web.zoom.us/j/89552069050>

- You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID identified above.
- Phone Information:
Dial (312) 626 6799 (Enter meeting ID when prompted.)

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain this notice in alternate formats, please contact Michigan Relay at <https://hamiltonrelay.com/michigan/index.html>.

Resources: More Questions? Please Contact our Customer Service Desk at 517.676.9155.

Electronic Meeting Rules for Public

- All public participants entering the meeting will automatically be muted upon entering.
- All public participants should either turn off or leave off their video camera. Only Planning Commission (PC) members will be allowed to have their video cameras on. Your video camera will be turned off for you if you do not turn it off yourself.
- Public comment:
 - Public only will be allowed to address the PC during Public Comments
 - Public is allowed three (3) minutes to speak.
 - Public must state the name and address slowly and clearly before they start to address the PC.
 - Public comments will be addressed in the following order:
 1. Those provided in writing **by 3:00 pm** on the day of the meeting sent to marciah@mason.mi.us will be read aloud by Chair.
 2. Those requesting to speak during meeting, by providing name, address in by **3:00 pm** on the day of the meeting sent to marciah@mason.mi.us.
 3. Those using the Video Conference Portion (not calling on a telephone) will be asked to use the “Raise Your Hand” Feature in Zoom. The Chair will call on individuals to speak and they will be unmuted at that time.
 4. Participants that are available only by phone, after the Chair requests.
- Inappropriate or disruptive participants will not be allowed or tolerated and will be removed from the meeting.
- Due to the electronic nature of this type of meeting the Chair, at their discretion, may adjourn the meeting with or without notice for any reason. Every attempt will be made to remain connected to the meeting, however two examples of abrupt adjournment may be computer connectivity issues or lack of appropriate participation. According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540).

ADDITIONAL ZOOM INSTRUCTIONS FOR PARTICIPANTS:

PHONE INSTRUCTIONS – to join the conference by phone

1. On your phone, dial the teleconferencing number provided above.
2. Enter the **Meeting ID number** (above) when prompted using your touch- tone (DTMF) keypad.

VIDEOCONFERENCE INSTRUCTIONS – to watch and speak, but not to be seen

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided above. The details include a link to “Join via computer” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided above.
2. Enter the **Meeting ID number** when prompted using your touch- tone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2- digit participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen, you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View Participant list – opens a pop-out screen that includes a “**Raise Hand**” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all of the meeting participants.

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF FEBRUARY 11, 2020
DRAFT**

Sabbadin called the meeting to order at 6:31 p.m. in the Sycamore Room 1st floor at 201 West Ash Street, Mason MI.

Present: Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
Absent: Barna (Notice given), Shattuck
Also Present: Elizabeth A. Hude, AICP, Community Development Director; Deb Stuart, City Manager

OATH OF OFFICE

MOTION by Waxman second by Howe, to move the Oath of Office to March 17, 2020, meeting.

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

PUBLIC COMMENT

None

APPROVAL OF MINUTES

MOTION by Waxman second by Wren, to approve the Planning Commission meeting minutes from January 14, 2020.

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

UNFINISHED BUSINESS

A. 75th Anniversary of City of Mason Planning Commission in 2020

Director Hude wanted to check in with the Commissioners to see if there was any more thought to forming a subcommittee or if anyone was willing to volunteer time to help with projects. Sabbadin asked if there was a need for a subcommittee at this time. Hude was open to suggestions but didn't think one was needed right now. Waxman would like to involve the state legislature as they have given the Planning Commission the power to do their jobs.

NEW BUSINESS

A. Draft Capital Improvement Plan Discussion

Sabbadin acknowledges City Manager, Deb Stuart being present and reminded the Commissioners that this is a discussion and time for questions, not a debate on the actual budget. He also explained how questions would be answered. There will be a Public Hearing on the Plan at the March 17 meeting.

Director Hude noted that the tracked changes were in red in the Plan but there was one clarification she wanted to make on page 14, Project number 2017-S22, the W. Elm improvements, McRoberts to Henderson, that what is listed is correct, it will go all the way to Henderson St.

Waxman asked about the Franklin Farms extension to Kipp Rd. as to whether or not the viability of the project has been strengthened in its need from the City as it has been successfully challenged in the past. Hude replied that going back through the records, there were some residents that were opposed to the project but she has spoken with the property owner and there is nothing conclusive. She noted that there are about 300 households in there and there is only one way in for fire and police to get in and out of the neighborhood. There is an ordinance now that states no more than 25 households can be served by a single means of egress so this becomes a safety issue also considering that the US 127 bridge has been closed on and off in the past. If neighbors are concerned about traffic they can try to work with them and possibly put a gate up on that access point that is only open during emergencies. Waxman said that the road should be open access all of the time if it is going to be built and that it seems it would slow down the fire department if they had to open a gate. Sabbadin shared that the fire department has done it before and it doesn't take them long to do that.

Waxman asked if the DPW/Wastewater treatment project that would be possibly converted to public use would be a wise move as the needs of the City will change over time and they may need to eventually reclaim the space. Hude deferred to City Manager Stuart. Stuart shared it is being held as a placeholder for the time being and will not be turned into a park but may be an access or connection point for the trail, what is critical is that the project is completed and that the space is not just left there holding whatever is left over. It may just be green space with no public use, but they want to have a plan so something is done with it.

Sabbadin asked if the new Wastewater Treatment plant would be able to handle greater capacity if someone bought Wyeth and started manufacturing at the level Wyeth was, is the new plant expandable? Stuart responded that the new design is expandable and a new treatment tank can be added. The plan was done that way due to agriculture processing which is a growing business in this region. The new plant is not being built with agriculture processing in mind, but if Mason gets an agriculture processing business the plant design will allow the accommodation of the business.

Waxman asked Stuart if she could address the City's strategy in dealing with the increases in population as it may not be just manufacturing that comes into Mason, but there could be 1500-2000 more residences. Stuart replied that the current plan is meant to deal with residential build out but it is not prepared to deal with a large processor coming in that will be using a lot of water and creating a large amount of wastewater. The plan can handle normal residential and industrial growth. Waxman asked if Dart Container is using the City water and sewer. Stuart answered no on water, yes on sewer. Dart has their own wells that they take care of and their own treatment of water and Mason meters them separately than how they meter within the City limits. Waxman is concerned with the amount of corporate growth outside of the City limits. Stuart said that Dart has a set maximum that they can go to before they

need to renegotiate their agreement and the set maximum is for an entire district, not just Dart, but it includes part of Vevay Township. They can continue to grow, without approval from the City, until they reach the maximum and when they do, she will not negotiate without a 425 where they will become City property. She acknowledged that currently the City is subsidizing Dart's use of the sewer plant. Waxman shared he isn't concerned about the budget side, he is concerned with the capacity side. Stuart replied that they are nowhere near the capacity level they had when Wyeth was open due to the nature of their business.

Waxman asked if there were 5 police cars in the fleet. Hude noted on page 40 of the CIP, the Fleet Summary and Replacement Schedule, they did make a change, there are four patrol cars with a lifespan of four years each, and then detective car/admin car, there are two with a lifespan of ten years. Waxman followed up wondering if the narrative then changes because why would you need to purchase two cars in one year, wouldn't it make more sense to stagger them? Stuart responded that as they were looking at the motor vehicle pool they realized there are some large equipment replacements that they can't do other replacements with that year so you may have to double up a police car replacement because the motor vehicle budget can't handle those large purchases. Hude noted on page 43 that she added a line to the narrative for vehicle number 86 replacement after speaking with DPW that the purchase will be at the end of year three and will follow the four year replacement cycle. Purchase in that fiscal year is necessary to accommodate purchase of large equipment number 26 in fiscal year 2025-26.

Waxman asked about the new park signage/wayfinding plan and how the evaluation process will work for replacement down the road. Hude asked for clarification if he was asking about the park signs and how they rotate through replacing them. Waxman nodded in affirmation and then added that he was including the signs downtown also. Hude noted they would begin with Laylin Park this year as they are completing work there and then start with the Historic District downtown. There will be some possible changes as they finalize the wayfinding plan and start finalizing locations, determining content and specifications, and get quotes on the actual cost of the signs.

Waxman asked about the \$1.5 million dollar price tag on the library and is that viable as there are options to move the library out of that building which would seem more economical. He believes that building to be a money pit and Mason seems to be the only community that is required to maintain a library for the library. Stuart answered that it will be up to the Planning Commission to determine if the project should be moved further out. Staff believes it to be a vital asset to the community as do the residents when surveyed. The Mason Library is one of the highest use libraries in the CADL system and Mason has greater contribution of volunteers and donations than any other in the system. Mason is not the only municipality that maintains the building, the downtown branch in Lansing is the only non-municipality owned facility. Stuart acknowledged that it is an older building, but she feels it fits the character of Mason. The feasibility study revealed that it is able to be used as a current footprint and grow in the future. She believes that City and staff are committed to the first floor renovations, beyond that there is less support for that being funded by local tax dollars. It is embarrassing that the library is not accessible as it entertains significant use by young children and there are not accessible bathrooms and space for their programs. Hude added that the library brings traffic and spending to the local stores and if it is moved, it could harm the downtown. Sabbadin shared that they have put a significant amount of money into the library already so to move it would be throwing that money away. He thinks they should get the first floor compliant. Wren agreed that as a business owner she hears it two or three times a week that people, especially those with children, are in the store because they have been to the library or are going to the library afterwards. Stuart shared that there are two things that have to happen before they make the investment, first, they will clear the deed so the City owns the building outright and there are no restrictions and second, the

first floor improvements are necessary no matter what business is in there.

Wren asked about the light at Jefferson and Maple and realizes that it is not fixable and that there is going to be a traffic study but she already sees many near accidents at Jefferson and Ash, will there be more with a four way stop due to people driving through the stop signs? Stuart said that intersection was discussed in great detail at the last Downtown Development Authority meeting and there was a lot of support for it going to a four way stop as they thought it would be safer for pedestrians if everyone had to stop but they thought there should still be a light there due to visibility with the buildings and site lines being able to see the stop signs. Another thing they thought should be included in the CIP, which won't be in this year's, but may have to be amended for next year, is tree replacement. Many of the trees are overgrown for the space they are supposed to inhabit and the business owners are not happy about the fruit and odor from the trees. Sabbadin commented that the trees are 20 years old and have fared really well, he didn't realize they were overgrown. Howe mentioned that 20 years ago they were told those trees would not reach that height as that was discussed when they put them in.

Sabbadin reminded the Commissioners to be prepared for the Public Hearing in March. Howe asked what the process would be if the Planning Commission needed to propose an amendment to change the CIP, would that require a special meeting to meet the City Council deadline for the CIP? Sabaddin responded that they would need to send the amendment to staff and they would have to schedule a special meeting because they are up against a strict deadline. Hude commented that the current meeting was the opportunity to share any issues or proposed changes so they can have those ready by the March Public Hearing. Howe replied that he was thinking if someone from the public brings up something they didn't think about. Hude answered that the Planning Commission could take that public comment and send it as a recommendation to City Council and they could take that and adopt it with the amended changes or not. Stuart added that if a resident did bring something that was a valid consideration, the CIP could still go before City Council while there is a pending recommendation being worked on as it allows the budgeting process to begin.

Howe thanked the City Manager and Director Hude for their work that was presented and noted this was the smoothest CIP process since he has been a Commissioner.

NEW BUSINESS

Sabaddin noted that the MSU Citizen Planner training that was supposed to be starting was cancelled due to lack of participants.

LIAISON REPORT

Droscha shared that City Council passed the Parks, Recreation and Non-Motorized Plan and that is moving on to the State. They have also been working on the CIP. The last meeting they had they received quite a bit of input from the community, and information from the State and Jordan Drilling about the oil well. If Commissioners have any questions he will do his best to answer. Council is in process of drafting a letter to the State that opposes the oil drilling and Council members were to submit their reasons for opposing. He stated that it is a State decision so the City is powerless and it will not smell good but they don't have any say in it.

Howe noted it is important what they are doing with the letter because if the school and Vevay Township are also sending comments someone may look at it and it could change their mind to change the location.

Perrault asked what the factors for consideration were, are they taking any of the letters they receive truly into consideration or have they made their decision already? Droscha said that they supposedly have not made a decision yet. Perrault asked if they say what they are basing their decision on. Droscha replied that the State's criteria are - has Jordan Drilling followed all of the application rules for the well, and that they are hampered by State law because if they deny the well they have to give cause to deny or they can be liable to the company to be sued for denial. Waxman noted that it is similar to the Planning Commission having specific findings of fact to deny a site plan and it probably the same for the State that they have to have findings of fact that the project is not in compliance with some State or Federal law. Droscha agreed. Perrault asked if there isn't a law that states they need to be a certain distance from a well populated area. Droscha replied that the distance right now is 750 feet. Stuart shared that the crux of the issue is that cities and villages have the ability to provide ordinances and restrictions within their jurisdictions and townships do not so you end up seeing a lot of these wells in townships but in close proximity to cities and villages. The resolution that Council is crafting contains some solid arguments based on finding of fact which one of those is that the property is surrounded by City property and this well would be a violation of our ordinance as far as distance from a property line. EGLE also has a rule on their books regarding setback for burning from a densely populated area due to odor and that is 1400 feet so Mason is citing that reason but she also concludes that for this well it may already be too late because there is no legislation the State can point to and there is no requirement for public comment or feedback. The hope will be that the State can pass legislation to increase distance from densely populated areas with these types of wells.

Director Hude thanked the Commissioners for their work on the Parks Plan and shared that she is finalizing everything and will get the plan to the DNR by the end of the week.

Sabaddin noted the City Manager's report from January 31st and encouraged the Commissioners to read it.

ADJOURN

The meeting adjourned at approximately 7:15 p.m.



City of Mason Planning Commission

Staff Report

TO: Planning Commission
FROM: Elizabeth A. Hude, AICP, Community Development Director
SUBJECT: Zoning Text Amendment: Three-Unit Multiple Family Use in R2F- Residential Two-Family Zoning District
DATE: September 10, 2020

Russ Whipple, RJ Whipple Properties, has requested an amendment to the City of Mason ordinances, Part II, Chapter 1, Sec 1-2; Chapter 2, Sec 2-104; Chapter 94, Article IV, Section 94-124; Article VII, Section 94-222; Article IX, Section 94-292; and Chapter 100, Article I, Table 100-2 and Table 100-5 to add a definition for efficiency unit, allow three-unit multiple family use in the R2F: Two Family Residential District, revise dwelling unit square footage requirements, revise parking requirements, revise language for consistency within the code, and correct typographical errors.

This is shown on the documents included with the application, initially received January 24, 2020. Due to Covid-19 restrictions beginning in March, the matter was delayed.

Chapter 94 Article XII. Amendments of the Mason Code [Section 94-392](#) provides for an amendment to this chapter (94 – Zoning) may be initiated by the city council, by the planning commission, or by petition of one or more persons having an interest in property located within the jurisdiction of this chapter.

The applicant paid a fee of \$300 (Zoning Amendment), and, together with the documents listed above, appears to satisfy the submittal requirements of [Sec. 94-393](#) and [Sec. 94-394](#).

PUBLIC NOTICE

Notice of the public hearing was given in accordance with [Sec. 94-395](#) and [Sec. 94-101](#) of the City's Zoning Ordinance. The public hearing notice was published in the Ingham County Community News Legal Section on Sunday, August 30, 2020. Because this is a change to a zoning district, no direct mail to abutters was required (Sec. 94-101(2)f.)

STAFF REVIEW

Staff met with the applicant on multiple occasions to discuss the proposed amendments. Please refer to the Landplan memo from Mark Eidelson, AICP dated March 11, 2020 which summarizes the technical review of the application and provides a recommendation to the Planning Commission. The final proposed amendment developed with the applicant is shown in the attached Ordinance No. 230 as referenced in Planning Commission Resolution 2020-03.

ACTION

The Planning Commission has the following options:

- Motion/vote to recommend City Council adopt Ordinance 230,
- Motion/vote to recommend City Council deny the request as presented,
- Continue to a future meeting date and time in order to obtain additional information (be specific).

Relation to Other Actions

A first reading of Ordinance No. 230 was conducted at a regular meeting of City Council on Monday, September 14, 2020. Pending the recommendation of the Planning Commission, City Council would conduct the second reading and consider adoption at their regular meeting, on Monday, September 28, 2020. The ordinance would go into effect on the date of its publication, anticipated to be Sunday, October 4, 2020.

Staff Recommendation

With the findings and analysis described above, the following action is recommended for consideration by the Planning Commission:

The Planning Commission approve Resolution No. 2020-03 recommending that City Council adopt Ordinance 230.

Attachments:

1. Landplan memo from Mark Eidelson, AICP dated March 11, 2020
2. Resolution 2020-03
3. Ordinance No. 230 (proposed) changes tracked
4. Ordinance No. 230 (proposed) clean
5. Application materials

Date: March 11, 2020

To: Elizabeth Hude, AICP, City of Mason Planning Director

From: Mark A. Eidelson, AICP

Re: *Review of R. Whipple Zoning Ordinance Amendments Application (R2F District)*

Part One Conclusions and Recommendation

Applicant Russell Whipple is proposing approximately 15 amendments to the Mason City Code, which are predominantly focused on Chapter 94 – Zoning, for the accommodation of 3-unit multiple-family uses in the R2F District (with a separation distance of a minimum of 750' between such uses) and related parking requirements including design considerations. Sec. 94-396(a) of the Zoning Ordinance delineates eight criteria by which an amendment application is to be evaluated. I have reviewed the proposed amendments within the context of the specified criteria.

I find all of the proposed amendments to be reasonable. I am comfortable with the specific amendment providing for the accommodation of 3-unit multiple-family uses in the R2F District in recognition that the amendments require a 750' separation distance between any two such uses.

As the applicant has submitted a petition as a private citizen, city officials do not have the authority to revise the petition except as may be mutually agreed to by the applicant.

Part Two Overview

Russell Whipple has submitted an application for amendments to the Mason City Code, the vast majority of which are specific to Chapter 94, Zoning. The predominant theme of the amendments is to permit three-unit multiple-family uses in the R-2F District, with restrictions, along with amendments to other portions of Chapter 94 related to the accommodation of the three-unit uses in the District including in association with off-street parking. The stated purpose of the R2F District is to provide for two-family development patterns and lifestyles, and identifies two-family dwellings as an authorized “by right” use.

The R2F District permits single-family dwellings as an authorized use though single-family dwellings are not specifically referenced in the District’s purpose statement.

The proposed amendments also address various typographical errors in the Code including Sec. 2-104(d)(9), Sec. 94-292(j)(6)(f), and Chapter 100 (Reference Figures and Tables). I have no concerns with these corrective amendments and they are not addressed any further in this report.

The following table summarizes each proposed amendment not related to a typographical error.

Summary Table of Proposed Zoning Related Code Amendments

	Code Section	Amendment Summary
1	1-2	Insert definition of “efficiency unit”.
2	1-2	Revise wording of “parking lot” definition without modifying substance and intent.
3	94-124(a)	Insert reference to single and multiple-family housing in R2F District purpose statement.
4	94-124(b)(5)	Insert as “by right” use in R2F District multiple-family uses not exceeding 3 units/2 stories, provided no such use is located within 750’ of another 3-unit building (in the R2F District).
5	94-222(3)	Revise to replace “multiple family uses” with “multiple family dwelling uses”.
6	94-292(i)	Increase minimum size of parking lot that is exempted from zoning official review, from 5 spaces to 6 spaces.
7	94-292(j)(5)	Revise to exempt multiple family dwellings in the R2F District from the required 20’-wide parking lot access drive, while also permitting the Zoning Official to require a minimum width for such an access way (but not greater than 20’) when public safety may be at risk.
8	94-292(j)(6)(e)	Revise to expand exemption from required parking lot lighting, currently applicable to just single and two-family residential lots, to also include all residential uses in the RS-1, RS-2, RS-3 and R2F Districts including the proposed 3-unit uses in the R2F District.
9	94-292(j)(6)(f)	Increase the minimum size of a parking lot that is exempt from buffer requirements, including for the proposed 3-unit uses in the R2F District, from 5 spaces to 6 spaces.
10	100-Table 100-2	Insert a Footnote 7 in the R2F row under the Minimum Floor Area column, and revise the existing Footnote 7 to reduce the minimum floor area requirements for two-family and multiple-family housing based on the number of bedroom units (20% to 33% reduction).
11	100-Table 100-5	Revise to require only 1.4 parking spaces for two-family and multiple-family uses in the case of efficiency and 1-bedroom units (2 spaces currently required).

Part Three Sec. 94-396(a) Review Criteria

Sec. 94-396(a) of the Zoning Ordinance delineates eight criteria by which an amendment application is to be evaluated. These criteria are noted below and are followed by my comments regarding each.

1) *Compliance with the master plan of the city.*

Under Chapter Two – Goals and Objectives (Residential Development), the Master Plan supports varied housing types and housing patterns, and mixed housing. Chapter Three/Future Land Use Strategy (Residential) also makes specific reference to the encouragement of mixed housing patterns of varying densities, along with the importance of ensuring “*compatibility between existing and new development.*” The Master Plan is not clear as to what level the Plan supports mixed housing such as in regard to all adjacent residential lots, or only from one neighborhood to another, or on some other level. I believe the provision of three-unit buildings in the R2F District with the 750’ separation restriction is reasonably supported by the Master Plan.

2) *What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?*

There is a growing movement nationally to encourage mixed use development including varying urban density development patterns, to make more lenient minimum dwelling floor area standards, and generally lessen the extent of impervious surfaces in association with excess parking requirements. The addition of 3-unit residential buildings at a minimum 750’ apart from one another, within a district that already permits two-family buildings (along with single-family dwellings), is a comparatively minor modification. There are national trends that can be construed as supporting the proposed amendments though I cannot comment on whether officials view such trends as appropriate for Mason.

- 3) *What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?*

The applicant has not identified any specific error on which the proposed amendments are based. The premise for the proposed amendments is based principally on housing trends and bringing existing nonconforming three-unit buildings in the R2F district into conformity. I am aware of no error that justifies the proposed amendments.

- 4) *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*

The proposed amendments are very specific and they impact very specific subsections of Chapter 94 –Zoning. Nearly all of the proposed amendments pertain to authorized uses in the R2F District and site development standards for parking, screening and lighting. I am aware of no precedents that may result from either an approval or denial of any of the proposed amendments. Though the amendments facilitate the conversion of existing one and two-family dwellings to three-unit buildings in the R2F District (with 750' separation distance), the conversion would be a result of the amendments but not a precedent (model, rule or principle) set by the approval of the amendments.

- 5) *What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?*

The applicable amendment in this context is the allowance of three-unit residential buildings (no closer than 750' to one another) in the R2F District, which currently permits single and two-family dwellings. It is reasonable to conclude that the majority of the comparatively limited number of future three-unit buildings in the R2F District will be a result of incremental conversions of existing one and two-unit buildings. These limited and incremental conversions, including limited density increases, do not suggest challenges in the provision of adequate services, facilities and programs. My comments assume that fundamental services such as potable water and sanitary sewer will not be impacted by the comparatively small increase in development densities in the R2F District. The proposed amendments will not result in negative impacts on the city's ability to provide services, facilities and programs.

- 6) *Does the proposed amendment adversely affect the value of the surrounding property?*

The visual appearance of three-unit buildings need not be substantially different than two-unit buildings, particularly with the maximum two-story limitation proposed as part of the amendments. I am aware of no nationally recognized publication that concludes that the allowance of three-unit residential buildings in existing one and two-unit neighborhoods negatively impact property values. There is a general belief, along with supporting studies, that property values among single-family dwellings can be negatively impacted as the portion of rental properties increase in the neighborhood. The R2F District already permits two-family dwellings, and it is not uncommon for two-family dwellings to be rentals. In regard to the proposed 3-unit building amendment, the amendment greatly restricts the presence of such 3-unit dwellings through the required 750' separation distance. The proposed 750' separation distance would restrict new 3-unit buildings to one per approximately 40 acres, or one 3-unit lot for every approximately 170 residential lots in the District (based on a the current minimum required 8,500 sq. ft. lot area in the R2F District, and land dedicated for road right-of-way purposes). I believe the allowance of three-unit residential buildings in the R2F District with the proposed 750' separation distance will not have a noticeable impact on surrounding property values in the District.

- 7) *Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include surface water drainage problems; wastewater disposal problems; adverse effect on surface or subsurface water quality; and the loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.*

From an environmental impact perspective, there is no substantial difference between the construction of one, two and three-unit residential buildings. Three-unit buildings may commonly be of similar general size as one and two-unit buildings and may result in smaller building footprints for the number of dwelling units provided. As with most all development authorized in any district, the extent of environmental impacts is principally a function of specific site conditions, construction practices and compliance with local, county and state environmental regulations. I am aware of no aspect of the amendments themselves that encourage negative impacts on natural resources and related environmental systems.

- 8) *The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.*

The proposed amendments pertain to the wording and standards of various aspects of the Zoning Ordinance text. The amendments in question do not propose a rezoning of a particular property from one district to another. Accordingly, this criteria is not applicable in this case.

Please contact me if you have any questions or if you would like me to provide clarification of any of my comments.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION No. 2020-03**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL
ADOPT ORDINANCE 230 – AN ORDINANCE TO AMEND THE MASON CITY CODE, PART II, CHAPTER 1,
SEC 1-2; CHAPTER 2, SEC 2-104; CHAPTER 94, ARTICLE IV, SECTION 94-124; ARTICLE VII, SECTION 94-
222; ARTICLE IX, SECTION 94-292; AND CHAPTER 100, ARTICLE I, TABLE 100-2 AND TABLE 100-5 TO
ADD A DEFINITION FOR EFFICIENCY UNIT, ALLOW THREE-UNIT MULTIPLE FAMILY USE IN THE R2F:
TWO FAMILY RESIDENTIAL DISTRICT, REVISE DWELLING UNIT SQUARE FOOTAGE REQUIREMENTS,
REVISE PARKING REQUIREMENTS, REVISE LANGUAGE FOR CONSISTENCY WITHIN THE CODE, AND
CORRECT TYPOGRAPHICAL ERRORS**

September 15, 2020

WHEREAS, Russ Whipple, RJ Whipple Properties, has requested an amendment to the Mason City Code, Part II, Chapter 1, Sec 1-2; Chapter 2, Sec 2-104; Chapter 94, Article IV, Section 94-124; Article VII, Section 94-222; Article IX, Section 94-292; and Chapter 100, Article I, Table 100-2 and Table 100-5 to add a definition for efficiency unit, allow three-unit multiple family use in the R2F: Two Family Residential District, revise dwelling unit square footage requirements, revise parking requirements, revise language for consistency within the code, and correct typographical errors, and

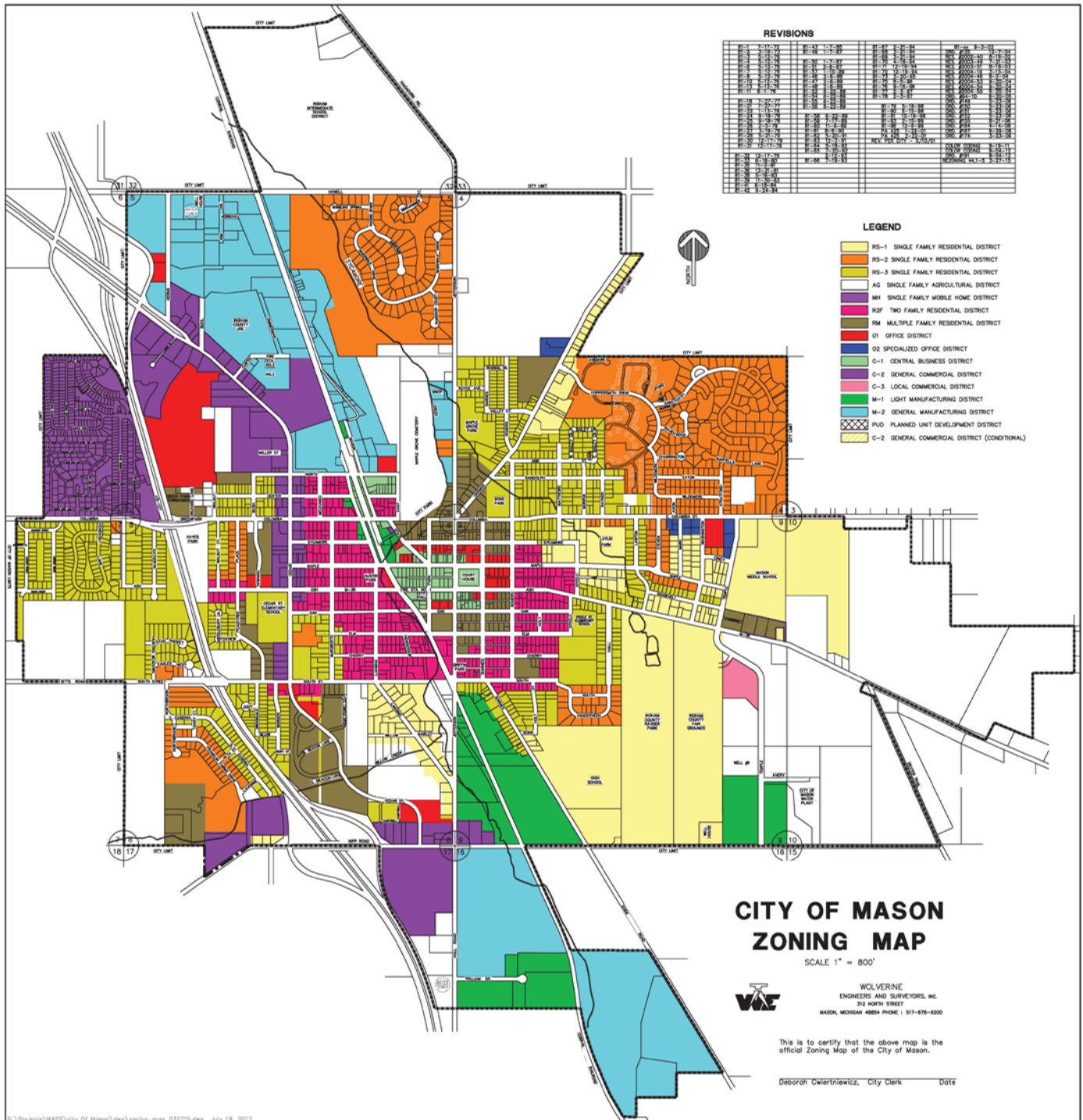
WHEREAS, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of September 15, 2020, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and,

WHEREAS, the Planning Commission accepts the Staff Report dated March 11, 2020, as findings of fact finds that proposed Ordinance 230 is consistent with the relevant criteria of Section 94-396(a), as stated in Part Three Sec. 94-396(a) Review Criteria of the staff report.

NOW THEREFORE BE IT RESOLVED, that the City of Mason planning Commission does hereby recommend that the City Council adopt Ordinance 230 – an ordinance to amend the City of Mason ordinances, Part II, Chapter 1, Sec 1-2; Chapter 2, Sec 2-104; Chapter 94, Article IV, Section 94-124; Article VII, Section 94-222; Article IX, Section 94-292; and Chapter 100, Article I, Table 100-2 and Table 100-5 to add a definition for efficiency unit, allow three-unit multiple family use in the R2F: Two Family Residential District, revise dwelling unit square footage requirements, revise parking requirements, revise language for consistency within the code, and correct typographical errors.

Yes (0)
No (0)
Absent (0)

Sarah J. Jarvis, City Clerk
City of Mason
Ingham County, Michigan



Introduced: _____
First Reading: _____
Second Reading: _____
Adopted: _____
Effective: _____

**CITY OF MASON
ORDINANCE NO. 230**

AN ORDINANCE TO AMEND THE MASON CITY CODE, PART II, CHAPTER 1, SEC 1-2; CHAPTER 2, SEC 2-104; CHAPTER 94, ARTICLE IV, SECTION 94-124; ARTICLE VII, SECTION 94-222; ARTICLE IX, SECTION 94-292; AND CHAPTER 100, ARTICLE I, TABLE 100-2 AND TABLE 100-5 TO ADD A DEFINITION FOR EFFICIENCY UNIT, ALLOW THREE-UNIT MULTIPLE FAMILY USE IN THE R2F: TWO FAMILY RESIDENTIAL DISTRICT, REVISE DWELLING UNIT SQUARE FOOTAGE REQUIREMENTS, REVISE PARKING REQUIREMENTS, REVISE LANGUAGE FOR CONSISTENCY WITHIN THE CODE, AND CORRECT TYPOGRAPHICAL ERRORS

THE CITY OF MASON ORDAINS:

Mason City Code, Part II:

Chapter 1 of the Mason City Code is hereby amended by adding a definition for efficiency unit and revising the definition of parking lot in Sec. 1-2, which amended definitions shall read as follows:

Chapter 1. General Provisions

Sec 1-2. Definitions.

Efficiency unit means a dwelling unit comprised of one combined living and sleeping room and a separate room containing sanitary facilities, and that may have a separate room containing kitchen facilities.

Parking lot means an off-street, surface facility providing vehicular parking spaces for six or more vehicles along with adequate drives and aisles for maneuvering so as to provide for entrance and exit access.

Chapter 2 of the Mason City Code is hereby amended to correct a typographical error in Article III, Division 3, Sec 2-104, which amended section shall read as follows:

Chapter 2. Administration

Article III, Division 3, Sec 2-104. Prohibited Conduct.

(a) *Gifts*: A city official shall not, directly or indirectly, solicit or accept a gift that could influence the manner in which they perform their official duties.

(b) *Preferential treatment:* A city official shall not use his official position to unreasonably secure, request, or grant any privileges, exemptions, advantages, contracts, or preferential treatment for himself, his immediate family, or others.

(c) *Use of information:* A city official who acquires information in the course of his official duties, which by law or policy is confidential, shall not prematurely divulge that information to an unauthorized person. Information which is deemed exempt from disclosure under the Michigan Freedom of Information Act, (MCL 15.231 et seq.) or which is the subject of a duly called closed meeting held in accordance with the Michigan Open Meetings Act, (MCL 15.261 et seq.) is confidential. A city official shall not suppress or refuse to provide city reports or other information which is publicly available.

(d) *Conflicts of interest:*

(1) No person may be employed as a sworn police officer if such person and/or his spouse has an interest, directly or indirectly, in any business possessing any license issued by the Michigan Liquor Control Commission and operated within the jurisdiction of the Mason Police Department.

(2) The city building official shall not do any work for hire or have any interest, directly or indirectly, in any business doing work for hire within the city which requires a permit pursuant to the state construction code.

(3) The city assessor shall not assess for city record keeping purposes his own property.

(4) No city official shall engage in employment, render services, or engage in any business, transaction or activity which is in direct conflict of interest with his official duties.

(5) No city official may use any confidential information obtained in the exercise of his official duties for personal gain or for the gain of others.

(6) No city official shall intentionally take or refrain from taking any official action, or induce or attempt to induce any other city official or employee to take or refrain from taking any official action, on any matter before the city which would result in a financial benefit for any of the following:

- a. The city official.
- b. An immediate family member.
- c. An outside employer.
- d. Any business in which the city official or any immediate family member of the city official has a financial interest of the type described in subsection 2-105(b)(1).

e. Any business with which the city official or any immediate family member of the city official is negotiating or seeking prospective employment or other business or professional relationship.

(7) An appointed city official shall not discuss any matter pending before the body on which the appointed city official serves with the applicant or any person to whom written notice of the matter pending is required to be sent by city ordinance or other law except during duly called public meetings of the body. In the case of an inadvertent discussion between the appointed city official and the applicant or any person to whom written notice is required to be sent as described, such discussion shall be disclosed as a transaction in accordance with subsection 2-105(e).

(8) Except as otherwise permitted herein, no city official or any immediate family member of a city official shall be a party, directly or indirectly, to any contract with the city except for collective bargaining agreements. The foregoing shall not apply if the contract is awarded after public notice and competitive bidding, provided that the city official shall not have participated in establishing contract specifications or awarding the contract, shall not manage contract performance after the contract is awarded, and shall disclose the interest of the city official or any immediate family member in the contract in accordance with section 2-105(e).

(9) A city official shall not engage in a business transaction with the city except as permitted by Public Act No. 317 of 1968 (MCL 15.321 et seq.). Compliance with the requirements of said Act shall constitute compliance with subsection 2-104(d).

(e) *Use of city property or personnel:* A city official shall not, directly or indirectly, use or permit any other person to use any city property or personnel for personal gain or economic benefit. City employees may use city property for personal use as a convenience if first approved by the city administrator or authorized by city policy.

(f) *Political activity:* No city official shall use any city time or property for his own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

(g) *Nepotism:* The spouse of any elected city official, or of the city manager, shall be disqualified from holding any appointive office. The immediate family members of any elected city official, or of the city manager, and the spouses of any such family members shall be disqualified from holding full-time or permanent part-time employment exceeding ten hours per week with the city during the term served by said elected official or during the tenure of the city manager. This section shall in no way disqualify such relatives or their spouses who are bona fide appointed officers or employees of the city at the time of the election of said elected official or appointment of said city manager.

(h) *Retaliation:* No person making a complaint or requesting an advisory opinion, or participating in any proceeding of the board of ethics, shall be discharged, threatened, or

otherwise discriminated against regarding compensation, terms, conditions, location, or privileges of employment or contract because of such action or participation.

Chapter 94 of the Mason City Code is hereby amended by adding three-unit multiple family use in the R2F: Two Family Residential District and revising parking requirements in Article IV, Sec. 94-124, Article VII, Sec. 94-222, and Article IX, Sec. 94-292, which amended articles shall read as follows:

Chapter 94 Zoning

Article IV. Sec. 94-124. R2F: Two-family residential district.

(a) *Intent and purpose.* It is the primary purpose of this district to provide opportunities for one-family and two-family residential development patterns and lifestyles and to provide opportunities for small multiple-family housing options with appropriate limitations. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces and to prohibit uses that undermine this intent.

(b) *Uses permitted by right.*

(1) Single-family dwelling.

(2) Public or private park land of a non-commercial nature composed primarily of vegetated open space where the principal mode of travel to the site is non-motorized and the principal activities at the site are low-intensity uses such as nature conservation and interpretive areas, children's playgrounds, sled hills, and open lawn areas for non-structured play. Such park land is not to be interpreted to include skateboard parks, motorized activities, team sports including sports fields, and activities that are generally accompanied by public gatherings and spectators (refer to section 94-192(8)).

(3) A state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(4) Two-family dwelling.

(5) Multiple-family dwelling, not to exceed three dwelling units and two stories, provided no such dwelling is located within less than 750 feet from another such dwelling within the R2F district as measured by a straight line between the closest points of the subject lots.

(c) *Permitted accessory uses.*

(1) Accessory uses and structures as defined by this chapter.

(2) Home occupations (refer to section 94-173(a)).

(3) Rooming houses but not to exceed two rooming units.

(4) A family day care home licensed under the provisions of MCL 722.111 in which one but fewer than seven minor children are received for care and supervision in a private home for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

(d) *Uses authorized by special use permit.*

(1) Religious institutions and structures for religious worship (refer to section 94-192(8)).

(2) Day care facility or foster care facility providing care for more than six but not more than 12 individuals in a state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(3) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(4) Public or private educational structures or uses (refer to section 94-192(8)).

(5) Planned residential developments (PRD) (refer to section 94-192(1)).

(6) Bed and breakfast (refer to section 94-192(7)).

(7) Public or private recreation facilities including parks, playgrounds, ball fields, athletic fields, swimming pools, community centers, golf courses, and country clubs (refer to section 94-192(8)).

(e) *Development standards.* Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter. In addition, the following standards shall also apply to any use of land or structures in this district.

(1) The roof pitch ratio of the principle structure shall be a minimum of four foot vertical rise to 12 foot horizontal run.

(2) The principle structure shall be attached to a solid foundation.

(3) A principle residential structure shall provide a minimum of 15% of the total living space area as non-living space available for storage.

(4) A principle residential structure shall be constructed to be compatible in design and appearance with conventional onsite constructed structures.

Article VII. Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

- (1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1 and M-2 zoning districts.
- (2) Uses in the planned unit development district.
- (3) Multiple-family dwelling uses.
- (4) Uses permitted by special use permit.
- (5) Platted subdivisions (refer to chapter 74).
- (6) Site condominium developments.
- (7) Public and governmental facilities.
- (8) Off-premise signs.
- (9) Grading and filling in any district which alters the flow of surface water to or from the property.

Article IX. Sec. 94-292. General Off-Street Parking and Loading Regulations.

(a) *Application of floor area.* The term usable floor area (UFA) shall be applied as defined in chapter 1.

(b) *Fractional space.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction above one-half shall require one parking space.

(c) *Requirements for a use not mentioned.* In the case of a use not specifically mentioned in this article, the zoning official shall determine the requirements of off-street parking based upon a similar listed use.

(d) *Use of parking areas.*

(1) The storage of merchandise, inoperable motor vehicles, motor vehicles for sale, and the commercial service or repair of vehicles in parking areas is prohibited.

(2) Parking areas once designated shall not be changed to any other use unless and until equal space facilities are provided elsewhere subject to planning commission approval.

(3) Parking and storage of certain vehicles. In residential zoning districts, the storage of commercial vehicles shall be limited to one vehicle per residential dwelling which shall not exceed a G.V.W.R. of 15,000 pounds. Further, such commercial vehicles must be owned and operated

by a member of the family residing in said dwelling and shall not be used for hauling garbage or refuse or other objectionable matter.

(e) *Building additions or other changes in floor area.* Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any such use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

(f) *Joint use of parking areas.* The joint use of parking facilities by two or more uses may be granted by the zoning official or the planning commission for uses requiring site plan review by the planning commission whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

(1) *Computing capacities.* The space requirement for jointly used parking facilities shall be the sum of the individual requirements. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint use may be reduced below the sum total of the individual space requirements at the sole discretion of the zoning official, but shall not be reduced below the largest single use requirement.

(2) *Record of agreement.* An agreement between joint users shall be made a condition of site plan approval and a copy of such agreement shall be filed with the application for a building permit and recorded with the Register of Deeds of Ingham County. The agreement shall include a guarantee for continued use and maintenance of the parking facility by each party.

(g) *Parking space requirements.*

(1) Table 100-5 in chapter 100 sets forth the minimum standards for the number of parking spaces required by type of land use.

(2) *Parking space deferment.* Where the property owner can demonstrate that the required amount of parking is excessive, the site plan approving body may waive the parking requirement and approve a parking area smaller than required. The parking area waived shall be designated as reserved parking area for possible future use. The site plan approving body may subsequently require the applicant to construct additional parking spaces upon a determination by said body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserved parking area into available parking spaces in compliance with said determination and the requirements of this article within six months of being so directed in writing by the zoning official. The approved site plan shall clearly identify the location of this reserved parking area including dimensions and dotted parking space layout, and no buildings, structures, or similar improvements shall be established in the reserved parking area. A notice clearly identifying the location and number of reserved parking spaces should be recorded with the Ingham County Register of Deeds by the owner as a condition of final site plan approval. This discretion shall be guided by the basis of determination set forth at section 94-191(f). This subsection shall apply

only to office, commercial, and industrial uses that are required to provide more than 50 parking spaces.

(h) *Location of parking areas.* All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.

(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.

(3) Uses in M-1 and M-2 districts. Parking on the premises or within 800 feet.

(4) Public and quasi-public buildings, places of assembly, private clubs, associations and institutions. Parking on the premises or within 400 feet.

(i) *Parking lot plan review.* Whenever six or more off-street parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the zoning official before a building permit can be issued. Such plans and specifications shall indicate, to the satisfaction of the zoning official, the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.

(j) *Site development standards.* All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

(1) Parking in the required front yard is prohibited in the RM, C-1, O-1, and O-2 districts. For residential uses in the AG, RS-1, RS-2, RS-3, and R2F districts, that portion of a regularly constructed driveway extending in front of the required front yard setback line may be used for parking by up to two passenger vehicles. Front yard parking in the C-2, C-3, M-1, and M-2 districts is prohibited except upon a finding by the planning commission that such parking is a critical component of the operation of the particular use and that adequate provisions are included for the screening and landscaping of such parking area.

(2) Required parking areas including driveways shall be constructed from materials that provide a durable smooth and dustless surface, shall be drained properly, and shall be maintained in a safe and usable condition.

(3) A minimum area of 200 square feet with a minimum width of ten feet shall be provided for each vehicle parking space. Each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress. The planning

commission may allow up to 20 percent of the spaces to be a minimum of 180 sq. ft. with a minimum width of nine feet in those cases where more than 40 spaces are required. For property zoned or used as single-family or two-family residential, the required minimum width shall be nine feet.

(4) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(5) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Except for parking space provided for residential uses in the RS-1, RS-2, and RS-3 zones, drives for ingress and egress to the parking area shall be not less than 20-feet wide. For parking space provided for residential uses in the R2F zone, the zoning official may require a specified minimum drive width up to 20-feet for ingress and egress to the parking area if found necessary to ensure public safety due to the drive location, configuration, and visibility along the drive.

(6) Each parking space, within an off-street parking lot, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

a. For right angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be a minimum of 20 feet for one-way traffic movement or a minimum of 24 feet for two-way traffic movement.

b. For parking patterns 54 to 74 degrees, the maneuvering lane width shall be a minimum of 15 feet.

c. For parking patterns 30 to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet.

d. All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.

e. Except for property used as residential in the RS-1, RS-2, RS-3, and R2F districts, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

f. Where a parking area or drive with a capacity of six or more vehicles adjoins a residential district, a landscaped buffer strip at minimum equivalent to the requirements of subsection 94-241(f)(1)b of this chapter shall be provided between the parking area and the adjoining property.

(7) Parking for the disabled shall comply with the State of Michigan Barrier Free Rules, Public Act No. 1 of 1966, as amended. For uses where there may be a higher number of persons with disabilities, such as medical uses or senior housing, the site plan approving body may require a larger proportion of the parking spaces be barrier-free.

(k) *Signs.* Parking area signage shall comply with applicable local, state and federal regulations.

Chapter 100 of the Mason City Code is hereby amended to correct a typographical error in the list of tables and to revise requirements for dwelling unit square footage and parking space requirements in Article I, Table 100-2 and Table 100-5, which amended tables shall read as follows:

Chapter 100 Reference Tables and Figures

Article I. Tables

Table 100-1. Lot Dimensional Regulations.

Table 100-2. Building Dimensional Regulations.

Table 100-3. Separation Requirements for Towers.

Table 100-4. Landscape Buffer Classification Matrix.

Table 100-5. Parking Space Requirements.

Table 100-6. Loading and Unloading Space Requirements.

Tables 100-7--100-100. Reserved.

Article I. TABLE 100-2. Building Dimensional Regulations.

Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35 ⁽⁴⁾	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-1 Sec. 94-123	35	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-2 Sec. 94-123	35	25 ⁽⁵⁾	1,000 ⁽⁶⁾	24	7.5
RS-3	35	25 ⁽⁵⁾	800 ⁽⁶⁾	24	7.5

Sec. 94-123					
R2F Sec. 94-124	35	25 ⁽⁵⁾	800 ^{(6) (7)}	24	7.5
RM Sec. 94-125	35	15	(7)	-	-
MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1 Sec. 94-141	45 ⁽¹⁴⁾	15	-	-	-
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40 ⁽⁸⁾	40	-	-	-
M-2 Sec. 94-152	45 ⁽⁸⁾	45	-	-	-
PUD Sec. 94-161	35	(9)	(7)	-	-

Footnotes to table 100-1 and table 100-2.

1 Ten percent of the actual lot width or ten feet, whichever is smaller.

2 Up to three dwelling units allowed per building on an 8,500 sq. ft. lot. Increase the required lot area per building by 4,000 sq. ft. per dwelling unit in excess of three dwelling units, or by 3,000 sq. ft. per dwelling unit in excess of three dwelling units located within a planned residential development or a planned unit development.

3 20 feet when adjacent to residentially used or zoned land.

4 Structures for agricultural operations, such as barns or silos, may be permitted up to a building height of 75 feet.

5 Accessory structures with a roof pitch flatter than one to two rise to run shall have a maximum height of 15 feet.

6 Exclusive of basement areas, attics, attached garages, breezeways, enclosed or unenclosed

porches, and accessory structures.

7 For two-family and multiple-family uses, minimum gross floor area per dwelling unit shall be as follows:

- (a) Efficiency unit: 300 sq. ft.
- (b) One bedroom unit: 400 sq. ft.
- (c) Two bedroom unit: 600 sq. ft.
- (d) Three or more bedroom unit: 800 sq. ft.

8 May be increased if front, side, and rear yard setbacks are increased an equal amount.

9 The maximum height of an accessory structure in the PUD district shall be determined by the principle use associated with the accessory structure as follows:

- (a) For single-family or two-family residential uses, the RS-1 maximum height shall apply.
- (b) For manufacturing uses, the M-1 maximum height shall apply.
- (c) For all other uses the maximum shall be 15 feet.

10 Lot area may be decreased up to 20% to a minimum of 4,400 square feet provided that for each square foot decrease an equal or greater amount of land shall be dedicated as open space. Said open space shall be in addition to any other required open space.

11 The site plan approving body may reduce the required front yard setback by a maximum of 50% upon finding that the reduced setback is in keeping with predominant development patterns in the immediate area and such reduction would encourage a more uniform, unified and orderly development pattern.

12 In addition to the required maximum lot coverage regulations, a minimum of 10% of the lot or parcel shall be dedicated to vegetated open space such as lawns, shrubs and tree plantings, and similar open space. This minimum 10% standard shall be met without reliance on required setbacks, buffers, and landscaping.

13 In industrial parks in the M-1 and M-2 districts, the required minimum lot area shall be 20,000 square feet and the minimum lot width shall be 100 feet.

14 An additional 5 feet 0 inches maximum height may be added for residential occupancy, with a minimum 10 feet 0 inches setback from all sides of the building face and a maximum square footage equal to 25% of the grade floor gross area.

Article I. TABLE 100-5. Parking Space Requirements.

<i>Land Use</i>	<i>Required Parking Spaces</i>
Single-Family Dwelling	2 per dwelling unit
Two-Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Multiple Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA
Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA
Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop. Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA

Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA
Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents

Sunset Provision. None.

Effective Date. This ordinance shall take effect immediately upon publication of the notice of adoption in a newspaper of general circulation within the city.

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES () NO (), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the ____ day of _____, 2018. Ordinance No. 230 declared adopted this ____ day of _____, 2020.

Marlon Brown, Mayor Pro-Tem

Sarah J. Jarvis, City Clerk

Thomas M. Hitch (P25558)
Mason City Attorney
601 Abbot Road, PO Box 2502
East Lansing, MI 48826-2502

CHANGES TRACKED AND HIGHLIGHTED

**CITY OF MASON
ORDINANCE NO. 230**

AN ORDINANCE TO AMEND THE MASON CITY CODE, PART II, CHAPTER 1, SEC 1-2; CHAPTER 2, SEC 2-104; CHAPTER 94, ARTICLE IV, SECTION 94-124; ARTICLE VII, SECTION 94-222; ARTICLE IX, SECTION 94-292; AND CHAPTER 100, ARTICLE I, TABLE 100-2 AND TABLE 100-5 TO ADD A DEFINITION FOR EFFICIENCY UNIT, ALLOW THREE-UNIT MULTIPLE FAMILY USE IN THE R2F: TWO FAMILY RESIDENTIAL DISTRICT, REVISE DWELLING UNIT SQUARE FOOTAGE REQUIREMENTS, REVISE PARKING REQUIREMENTS, REVISE LANGUAGE FOR CONSISTENCY WITHIN THE CODE, AND CORRECT TYPOGRAPHICAL ERRORS

THE CITY OF MASON ORDAINS:

Mason City Code, Part II:

Chapter 1 of the Mason City Code is hereby amended by adding a definition for efficiency unit and revising the definition of parking lot in Sec. 1-2, which amended definitions shall read as follows:

Chapter 1. General Provisions

Sec 1-2. Definitions.

Efficiency unit means a dwelling unit comprised of one combined living and sleeping room and a separate room containing sanitary facilities, and that may have a separate room containing kitchen facilities.

Parking lot means an off-street, surface facility providing vehicular parking spaces for six or more than five vehicles along with adequate drives and aisles for maneuvering so as to provide for entrance and exit access.

Chapter 2 of the Mason City Code is hereby amended to correct a typographical error in Article III, Division 3, Sec 2-104, which amended section shall read as follows:

Chapter 2. Administration

Article III, Division 3, Sec 2-104. Prohibited Conduct.

(a) *Gifts*: A city official shall not, directly or indirectly, solicit or accept a gift that could influence the manner in which they perform their official duties.

(b) *Preferential treatment*: A city official shall not use his official position to unreasonably secure, request, or grant any privileges, exemptions, advantages, contracts, or preferential treatment for himself, his immediate family, or others.

(c) *Use of information:* A city official who acquires information in the course of his official duties, which by law or policy is confidential, shall not prematurely divulge that information to an unauthorized person. Information which is deemed exempt from disclosure under the Michigan Freedom of Information Act, (MCL 15.231 et seq.) or which is the subject of a duly called closed meeting held in accordance with the Michigan Open Meetings Act, (MCL 15.261 et seq.) is confidential. A city official shall not suppress or refuse to provide city reports or other information which is publicly available.

(d) *Conflicts of interest:*

(1) No person may be employed as a sworn police officer if such person and/or his spouse has an interest, directly or indirectly, in any business possessing any license issued by the Michigan Liquor Control Commission and operated within the jurisdiction of the Mason Police Department.

(2) The city building official shall not do any work for hire or have any interest, directly or indirectly, in any business doing work for hire within the city which requires a permit pursuant to the state construction code.

(3) The city assessor shall not assess for city record keeping purposes his own property.

(4) No city official shall engage in employment, render services, or engage in any business, transaction or activity which is in direct conflict of interest with his official duties.

(5) No city official may use any confidential information obtained in the exercise of his official duties for personal gain or for the gain of others.

(6) No city official shall intentionally take or refrain from taking any official action, or induce or attempt to induce any other city official or employee to take or refrain from taking any official action, on any matter before the city which would result in a financial benefit for any of the following:

a. The city official.

b. An immediate family member.

c. An outside employer.

d. Any business in which the city official or any immediate family member of the city official has a financial interest of the type described in subsection 2-105(b)(1).

e. Any business with which the city official or any immediate family member of the city official is negotiating or seeking prospective employment or other business or professional relationship.

(7) An appointed city official shall not discuss any matter pending before the body on which the appointed city official serves with the applicant or any person to whom written notice of the matter pending is required to be sent by city ordinance or other law except during duly called public meetings of the body. In the case of an inadvertent discussion between the appointed city official and the applicant or any person to whom written notice is required to be sent as described, such discussion shall be disclosed as a transaction in accordance with subsection 2-105(e).

(8) Except as otherwise permitted herein, no city official or any immediate family member of a city official shall be a party, directly or indirectly, to any contract with the city except for collective bargaining agreements. The foregoing shall not apply if the contract is awarded after public notice and competitive bidding, provided that the city official shall not have participated in establishing contract specifications or awarding the contract, shall not manage contract performance after the contract is awarded, and shall disclose the interest of the city official or any immediate family member in the contract in accordance with section 2-105(e).

(9) A city official shall not engage in a business transaction with the city except as permitted by Public Act No. 317 of 1968 (MCL 15.231-321 et seq.). Compliance with the requirements of said Act shall constitute compliance with subsection 2-104(d).

(e) *Use of city property or personnel:* A city official shall not, directly or indirectly, use or permit any other person to use any city property or personnel for personal gain or economic benefit. City employees may use city property for personal use as a convenience if first approved by the city administrator or authorized by city policy.

(f) *Political activity:* No city official shall use any city time or property for his own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

(g) *Nepotism:* The spouse of any elected city official, or of the city manager, shall be disqualified from holding any appointive office. The immediate family members of any elected city official, or of the city manager, and the spouses of any such family members shall be disqualified from holding full-time or permanent part-time employment exceeding ten hours per week with the city during the term served by said elected official or during the tenure of the city manager. This section shall in no way disqualify such relatives or their spouses who are bona fide appointed officers or employees of the city at the time of the election of said elected official or appointment of said city manager.

(h) *Retaliation:* No person making a complaint or requesting an advisory opinion, or participating in any proceeding of the board of ethics, shall be discharged, threatened, or otherwise discriminated against regarding compensation, terms, conditions, location, or privileges of employment or contract because of such action or participation.

Chapter 94 of the Mason City Code is hereby amended by adding three-unit multiple family use in the R2F: Two Family Residential District and revising parking requirements in Article IV, Sec. 94-124, Article VII, Sec. 94-222, and Article IX, Sec. 94-292, which amended articles shall read as follows:

Chapter 94 Zoning

Article IV. Sec. 94-124. R2F: Two-family residential district.

(a) *Intent and purpose.* It is the primary purpose of this district to provide opportunities for one-family and two-family residential development patterns and lifestyles and to provide opportunities for small multiple-family housing options with appropriate limitations. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces and to

prohibit uses that undermine this intent.

(b) *Uses permitted by right.*

(1) Single-family dwelling.

(2) Public or private park land of a non-commercial nature composed primarily of vegetated open space where the principal mode of travel to the site is non-motorized and the principal activities at the site are low-intensity uses such as nature conservation and interpretive areas, children's playgrounds, sled hills, and open lawn areas for non-structured play. Such park land is not to be interpreted to include skateboard parks, motorized activities, team sports including sports fields, and activities that are generally accompanied by public gatherings and spectators (refer to section 94-192(8)).

(3) A state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(4) Two-family dwelling.

(5) Multiple-family dwelling, not to exceed three dwelling units and two stories, provided no such dwelling is located within less than 750 feet from another such dwelling within the R2F district as measured by a straight line between the closest points of the subject lots.

(c) *Permitted accessory uses.*

(1) Accessory uses and structures as defined by this chapter.

(2) Home occupations (refer to section 94-173(a)).

(3) Rooming houses but not to exceed two rooming units.

(4) A family day care home licensed under the provisions of MCL 722.111 in which one but fewer than seven minor children are received for care and supervision in a private home for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

(d) *Uses authorized by special use permit.*

(1) Religious institutions and structures for religious worship (refer to section 94-192(8)).

(2) Day care facility or foster care facility providing care for more than six but not more than 12 individuals in a state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(3) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(4) Public or private educational structures or uses (refer to section 94-192(8)).

(5) Planned residential developments (PRD) (refer to section 94-192(1)).

(6) Bed and breakfast (refer to section 94-192(7)).

(7) Public or private recreation facilities including parks, playgrounds, ball fields, athletic fields, swimming pools, community centers, golf courses, and country clubs (refer to section 94-192(8)).

(e) *Development standards.* Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter. In addition, the following standards shall also apply to any use of land or structures in this district.

(1) The roof pitch ratio of the principle structure shall be a minimum of four foot vertical rise to 12 foot horizontal run.

(2) The principle structure shall be attached to a solid foundation.

(3) A principle residential structure shall provide a minimum of 15% of the total living space area as non-living space available for storage.

(4) A principle residential structure shall be constructed to be compatible in design and appearance with conventional onsite constructed structures.

Article VII. Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

(1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1 and M-2 zoning districts.

(2) Uses in the planned unit development district.

(3) Multiple-family **dwelling** uses.

(4) Uses permitted by special use permit.

(5) Platted subdivisions (refer to chapter 74).

(6) Site condominium developments.

(7) Public and governmental facilities.

(8) Off-premise signs.

(9) Grading and filling in any district which alters the flow of surface water to or from the property.

Article IX. Sec. 94-292. General Off-Street Parking and Loading Regulations.

(a) *Application of floor area.* The term usable floor area (UFA) shall be applied as defined in chapter 1.

(b) *Fractional space.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction above one-half shall require one parking space.

(c) *Requirements for a use not mentioned.* In the case of a use not specifically mentioned in this article, the zoning official shall determine the requirements of off-street parking based upon a similar listed use.

(d) *Use of parking areas.*

(1) The storage of merchandise, inoperable motor vehicles, motor vehicles for sale, and the commercial service or repair of vehicles in parking areas is prohibited.

(2) Parking areas once designated shall not be changed to any other use unless and until equal space facilities are provided elsewhere subject to planning commission approval.

(3) Parking and storage of certain vehicles. In residential zoning districts, the storage of commercial vehicles shall be limited to one vehicle per residential dwelling which shall not exceed a G.V.W.R. of 15,000 pounds. Further, such commercial vehicles must be owned and operated by a member of the family residing in said dwelling and shall not be used for hauling garbage or refuse or other objectionable matter.

(e) *Building additions or other changes in floor area.* Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any such use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

(f) *Joint use of parking areas.* The joint use of parking facilities by two or more uses may be granted by the zoning official or the planning commission for uses requiring site plan review by the planning commission whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

(1) *Computing capacities.* The space requirement for jointly used parking facilities shall be the sum of the individual requirements. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint use may be reduced below the sum total of the individual space requirements at the sole discretion of the zoning official, but shall not be reduced below the largest single use requirement.

(2) *Record of agreement.* An agreement between joint users shall be made a condition of site plan approval and a copy of such agreement shall be filed with the application for a building permit and recorded with the Register of Deeds of Ingham County. The agreement shall include a guarantee for continued use and maintenance of the parking facility by each party.

(g) *Parking space requirements.*

(1) Table 100-5 in chapter 100 sets forth the minimum standards for the number of parking spaces required by type of land use.

(2) Parking space deferment. Where the property owner can demonstrate that the required amount of parking is excessive, the site plan approving body may waive the parking requirement and approve a parking area smaller than required. The parking area waived shall be designated as reserved parking area for possible future use. The site plan approving body may subsequently require the applicant to construct additional parking spaces upon a determination by said body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserved parking area into available parking spaces in

compliance with said determination and the requirements of this article within six months of being so directed in writing by the zoning official. The approved site plan shall clearly identify the location of this reserved parking area including dimensions and dotted parking space layout, and no buildings, structures, or similar improvements shall be established in the reserved parking area. A notice clearly identifying the location and number of reserved parking spaces should be recorded with the Ingham County Register of Deeds by the owner as a condition of final site plan approval. This discretion shall be guided by the basis of determination set forth at section 94-191(f). This subsection shall apply only to office, commercial, and industrial uses that are required to provide more than 50 parking spaces.

(h) *Location of parking areas.* All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.

(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.

(3) Uses in M-1 and M-2 districts. Parking on the premises or within 800 feet.

(4) Public and quasi-public buildings, places of assembly, private clubs, associations and institutions. Parking on the premises or within 400 feet.

(i) *Parking lot plan review.* Whenever ~~five-six~~ or more off-street parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the zoning official before a building permit can be issued. Such plans and specifications shall indicate, to the satisfaction of the zoning official, the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.

(j) *Site development standards.* All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

(1) Parking in the required front yard is prohibited in the RM, C-1, O-1, and O-2 districts. For residential uses in the AG, RS-1, RS-2, RS-3, and R2F districts, that portion of a regularly constructed driveway extending in front of the required front yard setback line may be used for parking by up to two passenger vehicles. Front yard parking in the C-2, C-3, M-1, and M-2 districts is prohibited except upon a finding by the planning commission that such parking is a critical component of the operation of the particular use and that adequate provisions are included for the screening and landscaping of such parking area.

(2) Required parking areas including driveways shall be constructed from materials that provide a durable smooth and dustless surface, shall be drained properly, and shall be maintained in a safe and usable condition.

(3) A minimum area of 200 square feet with a minimum width of ten feet shall be provided for each vehicle parking space. Each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress. The planning commission may allow up

to 20 percent of the spaces to be a minimum of 180 sq. ft. with a minimum width of nine feet in those cases where more than 40 spaces are required. For property zoned or used as single-family or two-family residential, the required minimum width shall be nine feet.

(4) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(5) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Except for parking space provided for residential **uses in the RS-1, RS-2, and RS-3 zones,** drives for ingress and egress to the parking area shall be not less than 20-feet wide. **For parking space provided for residential uses in the R2F zone, the zoning official may require a specified minimum drive width up to 20-feet for ingress and egress to the parking area if found necessary to ensure public safety due to the drive location, configuration, and visibility along the drive.**

(6) Each parking space, within an off-street parking lot, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

a. For right angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be a minimum of 20 feet for one-way traffic movement or a minimum of 24 feet for two-way traffic movement.

b. For parking patterns 54 to 74 degrees, the maneuvering lane width shall be a minimum of 15 feet.

c. For parking patterns 30 to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet.

d. All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.

e. Except for **property used as residential in the RS-1, RS-2, RS-3, and R2F districts**~~single-family and two-family residential lots,~~ adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

f. Where a parking area or drive with a capacity of **five-six** or more vehicles adjoins a residential district, a landscaped buffer strip at minimum equivalent to the requirements of subsection 94-241(f)(1)~~b-~~ of this chapter shall be provided between the parking area and the adjoining property.

(7) Parking for the disabled shall comply with the State of Michigan Barrier Free Rules, Public Act No. 1 of 1966, as amended. For uses where there may be a higher number of persons with disabilities, such as medical uses or senior housing, the site plan approving body may require a larger proportion of the parking spaces be barrier-free.

(k) *Signs.* Parking area signage shall comply with applicable local, state and federal regulations.

Chapter 100 of the Mason City Code is hereby amended to correct a typographical error in the list of tables and to revise requirements for dwelling unit square footage and parking space requirements in Article I, Table 100-2 and Table 100-5, which amended tables shall read as follows:

Chapter 100 Reference Tables and Figures

Article I. Tables

Table 100-1. Lot Dimensional Regulations.

Table 100-2. Building Dimensional Regulations.

Table 100-3. Separation Requirements for Towers.

Table 100-4. Landscape Buffer Classification Matrix.

Table 100-5. Parking Space Requirements.

Table 100-6. Loading and Unloading Space Requirements.

Tables 100-7--100-100. Reserved.

Article I. TABLE 100-2. Building Dimensional Regulations.

Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35 ⁽⁴⁾	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-1 Sec. 94-123	35	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-2 Sec. 94-123	35	25 ⁽⁵⁾	1,000 ⁽⁶⁾	24	7.5
RS-3 Sec. 94-123	35	25 ⁽⁵⁾	800 ⁽⁶⁾	24	7.5
R2F Sec. 94-124	35	25 ⁽⁵⁾	800 ⁽⁶⁾ ⁽⁷⁾	24	7.5
RM Sec. 94-125	35	15	⁽⁷⁾	-	-
MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1	45 ⁽¹⁴⁾	15	-	-	-

Sec. 94-141					
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40 ⁽⁸⁾	40	-	-	-
M-2 Sec. 94-152	45 ⁽⁸⁾	45	-	-	-
PUD Sec. 94-161	35	⁽⁹⁾	⁽⁷⁾	-	-

Footnotes to table 100-1 and table 100-2.

1 Ten percent of the actual lot width or ten feet, whichever is smaller.

2 Up to three dwelling units allowed per building on an 8,500 sq. ft. lot. Increase the required lot area per building by 4,000 sq. ft. per dwelling unit in excess of three dwelling units, or by 3,000 sq. ft. per dwelling unit in excess of three dwelling units located within a planned residential development or a planned unit development.

3 20 feet when adjacent to residentially used or zoned land.

4 Structures for agricultural operations, such as barns or silos, may be permitted up to a building height of 75 feet.

5 Accessory structures with a roof pitch flatter than one to two rise to run shall have a maximum height of 15 feet.

6 Exclusive of basement areas, attics, attached garages, breezeways, enclosed or unenclosed porches, and accessory structures.

7 For two-family and multiple-family uses, minimum gross floor area per dwelling unit shall be as follows:

(a) Efficiency unit: 300-400 sq. ft.

(b) One bedroom unit: 600-400 sq. ft.

(c) Two bedroom unit: 800-600 sq. ft.

(d) Three or more bedroom unit: 1,000-800 sq. ft.

8 May be increased if front, side, and rear yard setbacks are increased an equal amount.

9 The maximum height of an accessory structure in the PUD district shall be determined by the principle use associated with the accessory structure as follows:

- (a) For single-family or two-family residential uses, the RS-1 maximum height shall apply.
- (b) For manufacturing uses, the M-1 maximum height shall apply.
- (c) For all other uses the maximum shall be 15 feet.

10 Lot area may be decreased up to 20% to a minimum of 4,400 square feet provided that for each square foot decrease an equal or greater amount of land shall be dedicated as open space. Said open space shall be in addition to any other required open space.

11 The site plan approving body may reduce the required front yard setback by a maximum of 50% upon finding that the reduced setback is in keeping with predominant development patterns in the immediate area and such reduction would encourage a more uniform, unified and orderly development pattern.

12 In addition to the required maximum lot coverage regulations, a minimum of 10% of the lot or parcel shall be dedicated to vegetated open space such as lawns, shrubs and tree plantings, and similar open space. This minimum 10% standard shall be met without the reliance on required setbacks, buffers, and landscaping.

13 In industrial parks in the M-1 and M-2 districts, the required minimum lot area shall be 20,000 square feet and the minimum lot width shall be 100 feet.

14 An additional 5 feet 0 inches maximum height may be added for residential occupancy, with a minimum 10 feet 0 inches setback from all sides of the building face and a maximum square footage equal to 25% of the grade floor gross area.

Article I. TABLE 100-5. Parking Space Requirements.

<i>Land Use</i>	<i>Required Parking Spaces</i>
Single-Family Dwelling	2 per dwelling unit
Two-Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Multiple Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA

Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA
Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop, Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA
Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA
Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents

Sunset Provision. None.

Effective Date. This ordinance shall take effect immediately upon publication of the notice of adoption in a newspaper of general circulation within the city.

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES () NO (), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the _____ day of _____, 2018. Ordinance No. 230 declared adopted this _____ day of _____, 2020.

Marlon Brown, Mayor Pro-Tem

Sarah J. Jarvis, City Clerk

Thomas M. Hitch (P25558)
Mason City Attorney
601 Abbot Road, PO Box 2502
East Lansing, MI 48826-2502



APPLICATION

ZONING ORDINANCE AMENDMENT

RECEIVED

JAN 24 2020

CITY OF MASON
BUILDING DEPT.

Applicant- Please indicate the following:	
Current Zoning District(s):	
Requested Zoning District(s):	
Text Amendment	X

DEPARTMENT USE ONLY
Application Received: _____
Tax ID: _____
Fee: _____
Receipt #: _____

Applicant Information:

Name: RUSSELL W. WHIPPLE

Organization: _____

Address: 322 LAWTON ST., MASON

Telephone Number: 517 719 3654 Facsimile Number: _____

Interest in Property (owner, tenant, option, etc.): _____

Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.

Property Information:

Owner: _____ Telephone Number: _____

Property Address: _____

Legal Description: If in a subdivision: Subdivision Name: _____ Lot Number: _____

If Metes and Bounds (can be provided on separate sheet): _____

APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises to determine compliance with the requirements of the zoning code district requested by the applicant and compliance with conditions precedent to the granting of the zoning district change/text amendment requested.

Signature: Russell W. Whipple Date: 1/23/20

Requested Description:

Text Amendment Description (if, applicable, attach additional sheets as necessary)

PLEASE SEE ATTACHMENT**Site Area (For rezoning only):**

Indicate the size of the site subject to the request for change of zoning:

In square feet (if under one (1) acre): _____

In acres (if over one (1) acre): _____

Master Plan (for rezoning only)

Future Land Use Designation (from Master Plan): _____

Does the proposed Zoning District conform to this designation? ☐ Yes ☐ No**Available Services**Public Water ☐ Yes ☐ NoPaved Road (Asphalt or Concrete) ☐ Yes ☐ NoPublic Sanitary Sewer ☐ Yes ☐ NoPublic Storm Sewer ☐ Yes ☐ No*Health Department Certification may be required where public water and/or sanitary sewer are not available.***Current Use (for rezoning only):**Are there any structures currently on the property? ☐ Yes ☐ No

If so, describe the number of structures and how the structures are used (attach additional sheets, if necessary):

Soil Data (for rezoning only)Has soil bearing capacity and septic suitability of the ground been tested? ☐ Yes ☐ No

If so, attach 30 copies. Note: Such testing may be required if conditions warrant.

Application Materials

The following is a checklist of items that generally must be submitted with applications for Rezoning. The applicant must submit 30 copies of plans or drawings larger than 11" x 17". Incomplete applications will not be processed.

- Completed application form
- Plot Plan of area proposed for Rezoning (see "A" below)
- Legal description of area proposed for Rezoning
- Proof of ownership or owner authorization to request Rezoning
- Fee (see below)
- Any other information deemed necessary

Plot Plan

The Plot Plan shall be drawn to a readable scale and shall show all of the following information:

- Existing structures and parking areas, with setback dimensions from property lines
- Survey pins or monuments
- All easements on the property
- Overhead and underground utilities
- Floodplain and wetlands
- Topography (where land characteristics have a bearing on the request)
- Surface drainage, indicated by directional arrows
- Existing zoning and use of surrounding properties

Application Fee (for rezoning only) \$300.00 All requests must be accompanied by a fee, as established by City Council.

Engineering Review Fee (for rezoning only) \$220.00 – Minimum Two-hour fee for projects increasing demand on public utilities. Actual fees incurred are billed to applicant upon completion of review.

Application Deadlines

Complete applications must be received at least one week in advance of a City Council meeting. A public hearing will be scheduled at the next Planning Commission meeting. At that time the Planning Commission will make a recommendation to the City Council, which has the final authority to approve or deny an application for Rezoning.

Planning Commission meetings are held on the second Tuesday after the first Monday of every month. The City Council will consider recommendations from the Planning Commission at their regular meeting on the third Monday of the month. If any Monday is a City recognized holiday, the meeting is held on the following day (Tuesday).

Staff Report

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Rezoning/Text Amendment. The report will explain the request and review whether it complies with the standards in the Zoning Code and the Master Plan. Staff will present the findings of that report during the Planning Commission meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the Planning Commission meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

Resources: More questions? Please contact our Customer Service Desk at 517.676.9155.

Revised 7.2.2018 (Community Development)

ZONING ORDINANCE AMENDMENT PROPOSAL

AMENDMENT PROPOSAL DESCRIPTION

This proposed zoning ordinance amendment would address many issues. The primary focus is to allow 3-unit multiple family residential in the R2F Two-Family zoning district. But in researching this proposal, a number of other issues related to the R2F and RM Multiple Family zones became apparent. In that regard, this proposal would also address issues regarding dwelling unit size and parking requirements. Finally, this proposal includes correction of a number of typographical errors. What follows is a description of the particular objectives of this proposal.

Define "Efficiency Unit". The current City Code does not include a definition for Efficiency Unit. Since such a dwelling unit is becoming more popular in the rental market, it is important that the City Code define what it is, along with the other residential dwelling unit types.

Apply dwelling area requirements for multiple-family dwelling units to two-family dwellings. According to the Master Plan Update of 2014 for the city, "It is the primary purpose of the R2F district to provide opportunities for two-family residential development patterns and lifestyles." Although it is defined separately in the city code, a two-family dwelling is a type of multiple-family dwelling. It is logical, therefore, to treat the dwelling unit size of a two-family building in a manner similar to a multiple-family building. In addition, the current minimum dwelling unit area of 800 square feet in the R2F zone would require any duplex building to house at least 1600 square feet for two dwelling units. This would result in a large building footprint on the smallest allowed residential lot. Also, although specific data is not readily available, experience would indicate that many existing duplex buildings in the R2F zone contain dwelling units of less than 800 square feet.

Reduce the dwelling area requirements for multiple-family dwelling units. The current zoning ordinance requirements for dwelling unit area in multiple-family dwellings is quite large. In fact, the size requirements for multiple-family units is larger than the actual area of a very large number of single-family homes in the city. For example, the minimum area for a two-bedroom multiple-family dwelling unit is currently 1000 square feet. The city contains numerous houses built throughout the years with 2-3 bedrooms that are actually around 800 square feet. It does not seem reasonable to require multiple-family units to be larger than single-family units with similar bedroom counts. The current standard results in multiple-family dwelling units being potentially larger than is necessary to serve the market. The proposed areas are well within the square footage requirements of the building code and would allow for flexibility in the design of multiple-family developments.

Allow 3-unit multiple-family use in the R2F zone. A review of the city zoning map shows that the R2F zone has been used primarily as a buffer zone between single-family residential zones and multiple-family, commercial, and office zones and is predominately located in the area of the city with the oldest housing. R2F is also the predominate zone abutting the downtown commercial area. In addition, there are numerous houses within the R2F zone that currently contain three units and are considered legal non-conforming uses due to the length of time such buildings have been used in that manner. Therefore, allowing 3-unit buildings would

eliminate a legal non-conforming use situation. It would also provide another mechanism for encouraging the rehabilitation of older houses in the central part of the city. It should not be a secret that it is quite expensive to remodel such old homes and that current tastes in housing do not indicate that sufficient people are willing to rehab an old house for a single-family dwelling.

Clarify definition of a parking lot, site plan review of parking areas, and other parking requirements. The current city code defines a parking lot as one that has more than five parking spaces. Other parts of the code reference a parking lot as containing six or more spaces, which is a clearer definition. The proposal defines parking lot as containing six or more parking spaces and corrects other parking development standard references to be consistent with the proposed definition and other elements of this proposal.

Reduce parking space requirements for efficiency and one-bedroom dwelling units. The current parking space requirement for all residential uses is two parking spaces per dwelling unit, regardless of the number of bedrooms in the dwelling unit. For two-family and multiple-family uses containing one-bedroom and efficiency units, this can result in excessive parking space requirements that lead to excessively large hard-surface parking areas. This proposal would change the parking space requirement for efficiency and one-bedroom units to 1.4 spaces per unit. In accordance with the standards for parking space count in the current city code, 1.4 spaces per unit would result in one space for a single unit but 3 spaces for 2 units resulting in a buffer of additional parking spaces if multiple units are involved. This approach to parking space count is common in zoning ordinances in other cities.

Typographical error corrections. A number of typographical errors were discovered in the city code that have also been included in this proposal. Section 2-104(d)(9) includes an incorrect reference to state law. The index to Table 100 includes misspelling of the word “unloading”. The footnotes to Table 100-2 include misspelling of words in footnote #10 and footnote #12.

PLANNING COMMISSION FINDING OF FACT

The following information is offered to assist the Planning Commission in development of findings of fact as required by section 94-396(a) of the Zoning Code of the City of Mason. This information is organized to match the specific information referenced in section 94-396(a).

(1) Compliance with the master plan of the city.

In regard to the R2F zone specifically, the proposal is compliant with the master plan to the extent that two-family dwellings are still the focus as described in the master plan. This proposal will support development of a stable and healthy residential environment by offering additional incentives to rehabilitate older houses that predominate in the R2F zone. The existing standards for parking and other aspects of a development should provide sufficient oversight of such development to ensure fulfillment of the master plan goal of maintaining the appropriate residential character.

- (2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?

There are no changes in conditions related to the proposed amendment. The amendment is intended to make certain existing uses conforming that are currently legal non-conforming. An additional benefit of this proposal should be the encouragement of rehabilitation of existing older, larger houses to enhance the housing stock in the city.

- (3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?

The dwelling unit area standards and parking standards currently in the city code may have fit development and living standards when written. But recent tendencies toward smaller living spaces, increased emphasis on non-automotive transportation, and increased emphasis to reduce impervious surfaces requires smaller dwelling area standards and parking space standards. There is an inconsistency in the current city code where multiple-family dwelling unit area requirements are significantly larger than the reality of single-family housing unit areas. In addition, it appears evident that the current requirement for a minimum of 800 square feet per dwelling unit in a duplex is not followed in reality.

- (4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

Approval of the proposal may result in conversion of additional older homes in the R2F zone to two-family or three-family buildings. Such conversion should result in the improvement of property quality and value. Such conversion might also lead to increased traffic and parking requirements but not significantly beyond what would be expected by conversion to more duplexes, which is currently allowed by right but with standards that require larger buildings.

- (5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?

No impact in this regard is expected as the focus area is already very close to being fully built-out with full access to public services. The R2F zone currently allows a two-family building by right and many of the buildings are currently single-family but could be converted to duplex by right.

- (6) Does the proposed amendment adversely affect the value of the surrounding property?

To the extent the proposal might lead to property rehabilitation, the impact on surrounding property values should be positive. Since the uses being addressed by the amendment are already allowed or legally in existence in the R2F zone, adverse impact to property value is not expected.

(7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include:

- a. Surface water drainage problems.
- b. Wastewater disposal problems.
- c. Adverse effect on surface or subsurface water quality.
- d. The loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.

The R2F area is close to fully built out. Development as a result of this proposal being adopted would be more in line with rehab of existing properties with no additional impact on drainage, wastewater, water quality, or natural resources.

(8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.

The proposal would produce an incentive to invest in older homes in the city-center area. The uses referenced in the proposal are residential in nature which is consistent with the current uses in the area and the master plan. Investment in property in the R2F zone would be a benefit to the city both in terms of the visual improvement as well as to the extent such investment increases the taxable value of property. The proximity of the R2F zone to the downtown area would support a slightly higher density of residences and be consistent with on-going efforts to encourage and enhance walkability.

CONCLUSION

The older and larger homes that currently occupy the majority of the R2F zone represent an important connection to the history of the city. Many of these homes have been neglected over the years most likely as a result of changing tastes in larger houses. It would appear that people in search of larger homes would rather build new in a newer subdivision than invest in the rehab of an older home to meet modern tastes. Adoption of this proposal will provide an incentive for investment in such older, larger homes to create two-family and three-family housing. Such investment will produce a higher quality housing stock, provide for development of smaller rental units consistent with market trends, and convert legal non-conforming uses to legal status. Any investment in the improvement of housing should have the spill-over effect of encouraging neighboring property owners to also improve their properties.

A secondary, but important result of this proposal will be the allowance of increased creativity and flexibility in the construction of multiple-family housing. The construction of multiple-family housing that is more attractive to a broader market and requires reduced consumption of green-space will be beneficial to the city.

**CITY OF MASON
ORDINANCE NO. XXX**

AN ORDINANCE TO AMEND THE MASON CITY CODE, PART II, CHAPTER 1, SEC 1-2; CHAPTER 2, SEC 2-104; CHAPTER 94, ARTICLE IV, SECTION 94-124; ARTICLE VII, SECTION 94-222; ARTICLE IX, SECTION 94-292; AND CHAPTER 100, ARTICLE I, TABLE 100-2 AND TABLE 100-5 TO ADD A DEFINITION FOR EFFICIENCY UNIT, ALLOW THREE-UNIT MULTIPLE FAMILY USE IN THE R2F: TWO FAMILY RESIDENTIAL DISTRICT, REVISE DWELLING UNIT SQUARE FOOTAGE REQUIREMENTS, REVISE PARKING REQUIREMENTS, REVISE LANGUAGE FOR CONSISTENCY WITHIN THE CODE, AND CORRECT TYPOGRAPHICAL ERRORS

THE CITY OF MASON ORDAINS:

Mason City Code, Part II:

Chapter 1 of the Mason City Code is hereby amended by adding a definition for efficiency unit and revising the definition of parking lot in Sec. 1-2, which amended definitions shall read as follows:

Chapter 1. General Provisions

Sec 1-2. Definitions.

Efficiency unit means a dwelling unit comprised of one combined living and sleeping room, a separate room containing sanitary facilities, and that may have a separate room containing kitchen facilities.

Parking lot means an off-street, surface facility providing vehicular parking spaces for six or more vehicles along with adequate drives and aisles for maneuvering so as to provide for entrance and exit access.

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Chapter 2 of the Mason City Code is hereby amended to correct a typographical error in Article III, Division 3, Sec 2-104, which amended section shall read as follows:

Chapter 2. Administration

Article III, Division 3, Sec 2-104. Prohibited Conduct.

(a) *Gifts*: A city official shall not, directly or indirectly, solicit or accept a gift that could influence the manner in which they perform their official duties.

(b) *Preferential treatment:* A city official shall not use his official position to unreasonably secure, request, or grant any privileges, exemptions, advantages, contracts, or preferential treatment for himself, his immediate family, or others.

(c) *Use of information:* A city official who acquires information in the course of his official duties, which by law or policy is confidential, shall not prematurely divulge that information to an unauthorized person. Information which is deemed exempt from disclosure under the Michigan Freedom of Information Act, (MCL 15.231 et seq.) or which is the subject of a duly called closed meeting held in accordance with the Michigan Open Meetings Act, (MCL 15.261 et seq.) is confidential. A city official shall not suppress or refuse to provide city reports or other information which is publicly available.

(d) *Conflicts of interest:*

(1) No person may be employed as a sworn police officer if such person and/or his spouse has an interest, directly or indirectly, in any business possessing any license issued by the Michigan Liquor Control Commission and operated within the jurisdiction of the Mason Police Department.

(2) The city building official shall not do any work for hire or have any interest, directly or indirectly, in any business doing work for hire within the city which requires a permit pursuant to the state construction code.

(3) The city assessor shall not assess for city record keeping purposes his own property.

(4) No city official shall engage in employment, render services, or engage in any business, transaction or activity which is in direct conflict of interest with his official duties.

(5) No city official may use any confidential information obtained in the exercise of his official duties for personal gain or for the gain of others.

(6) No city official shall intentionally take or refrain from taking any official action, or induce or attempt to induce any other city official or employee to take or refrain from taking any official action, on any matter before the city which would result in a financial benefit for any of the following:

a. The city official.

b. An immediate family member.

c. An outside employer.

d. Any business in which the city official or any immediate family member of the city official has a financial interest of the type described in subsection 2-105(b)(1).

e. Any business with which the city official or any immediate family member of the city official is negotiating or seeking prospective employment or other business or professional relationship.

(7) An appointed city official shall not discuss any matter pending before the body on which the appointed city official serves with the applicant or any person to whom written notice of the matter pending is required to be sent by city ordinance or other law except during duly called public meetings of the body. In the case of an inadvertent discussion between the appointed city official and the applicant or any person to whom written notice is required to be sent as described, such discussion shall be disclosed as a transaction in accordance with subsection 2-105(e).

(8) Except as otherwise permitted herein, no city official or any immediate family member of a city official shall be a party, directly or indirectly, to any contract with the city except for collective bargaining agreements. The foregoing shall not apply if the contract is awarded after public notice and competitive bidding, provided that the city official shall not have participated in establishing contract specifications or awarding the contract, shall not manage contract performance after the contract is awarded, and shall disclose the interest of the city official or any immediate family member in the contract in accordance with section 2-105(e).

(9) A city official shall not engage in a business transaction with the city except as permitted by Public Act No. 317 of 1968 (MCL 15.321 et seq.). Compliance with the requirements of said Act shall constitute compliance with subsection 2-104(d).

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(e) *Use of city property or personnel:* A city official shall not, directly or indirectly, use or permit any other person to use any city property or personnel for personal gain or economic benefit. City employees may use city property for personal use as a convenience if first approved by the city administrator or authorized by city policy.

(f) *Political activity:* No city official shall use any city time or property for his own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

(g) *Nepotism:* The spouse of any elected city official, or of the city manager, shall be disqualified from holding any appointive office. The immediate family members of any elected city official, or of the city manager, and the spouses of any such family members shall be disqualified from holding full-time or permanent part-time employment exceeding ten hours per week with the city during the term served by said elected official or during the tenure of the city manager. This section shall in no way disqualify such relatives or their spouses who are bona fide appointed officers or employees of the city at the time of the election of said elected official or appointment of said city manager.

(h) *Retaliation:* No person making a complaint or requesting an advisory opinion, or participating in any proceeding of the board of ethics, shall be discharged, threatened, or

otherwise discriminated against regarding compensation, terms, conditions, location, or privileges of employment or contract because of such action or participation.

Chapter 94 of the Mason City Code is hereby amended by adding three-unit multiple family use in the R2F: Two Family Residential District and revising parking requirements in Article IV, Sec. 94-124, Article VII, Sec. 94-222, and Article IX, Sec. 94-292, which amended articles shall read as follows:

Chapter 94 Zoning

Article IV. Sec. 94-124. R2F: Two-family residential district.

(a) *Intent and purpose.* It is the primary purpose of this district to provide opportunities for one-family and two-family residential development patterns and lifestyles and to permit small multiple-family housing options with appropriate limitations. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces and to prohibit uses that undermine this intent.

(b) *Uses permitted by right.*

(1) Single-family dwelling.

(2) Public or private park land of a non-commercial nature composed primarily of vegetated open space where the principal mode of travel to the site is non-motorized and the principal activities at the site are low-intensity uses such as nature conservation and interpretive areas, children's playgrounds, sled hills, and open lawn areas for non-structured play. Such park land is not to be interpreted to include skateboard parks, motorized activities, team sports including sports fields, and activities that are generally accompanied by public gatherings and spectators (refer to section 94-192(8)).

(3) A state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(4) Two-family dwelling.

(5) Multiple-family dwelling, not to exceed three dwelling units and two stories.

(c) *Permitted accessory uses.*

(1) Accessory uses and structures as defined by this chapter.

(2) Home occupations (refer to section 94-173(a)).

(3) Rooming houses but not to exceed two rooming units.

(4) A family day care home licensed under the provisions of MCL 722.111 in which one but fewer than seven minor children are received for care and supervision in a private home for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

(d) *Uses authorized by special use permit.*

(1) Religious institutions and structures for religious worship (refer to section 94-192(8)).

(2) Day care facility or foster care facility providing care for more than six but not more than 12 individuals in a state licensed residential facility, except adult foster care facilities for care and treatment of persons released from or assigned to or at adult correctional facilities (refer to section 94-192(8)).

(3) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(4) Public or private educational structures or uses (refer to section 94-192(8)).

(5) Planned residential developments (PRD) (refer to section 94-192(1)).

(6) Bed and breakfast (refer to section 94-192(7)).

(7) Public or private recreation facilities including parks, playgrounds, ball fields, athletic fields, swimming pools, community centers, golf courses, and country clubs (refer to section 94-192(8)).

(e) *Development standards.* Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter. In addition, the following standards shall also apply to any use of land or structures in this district.

(1) The roof pitch ratio of the principle structure shall be a minimum of four foot vertical rise to 12 foot horizontal run.

(2) The principle structure shall be attached to a solid foundation.

(3) A principle residential structure shall provide a minimum of 15% of the total living space area as non-living space available for storage.

(4) A principle residential structure shall be constructed to be compatible in design and appearance with conventional onsite constructed structures.

Article VII. Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and

approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

- (1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1 and M-2 zoning districts.
- (2) Uses in the planned unit development district.
- (3) Multiple-family dwelling uses requiring six or more parking spaces.
- (4) Uses permitted by special use permit.
- (5) Platted subdivisions (refer to chapter 74).
- (6) Site condominium developments.
- (7) Public and governmental facilities.
- (8) Off-premise signs.
- (9) Grading and filling in any district which alters the flow of surface water to or from the property.

Article IX. Sec. 94-292. General Off-Street Parking and Loading Regulations.

(a) *Application of floor area.* The term usable floor area (UFA) shall be applied as defined in chapter 1.

(b) *Fractional space.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction above one-half shall require one parking space.

(c) *Requirements for a use not mentioned.* In the case of a use not specifically mentioned in this article, the zoning official shall determine the requirements of off-street parking based upon a similar listed use.

(d) *Use of parking areas.*

(1) The storage of merchandise, inoperable motor vehicles, motor vehicles for sale, and the commercial service or repair of vehicles in parking areas is prohibited.

(2) Parking areas once designated shall not be changed to any other use unless and until equal space facilities are provided elsewhere subject to planning commission approval.

(3) Parking and storage of certain vehicles. In residential zoning districts, the storage of commercial vehicles shall be limited to one vehicle per residential dwelling which shall not exceed a G.V.W.R. of 15,000 pounds. Further, such commercial vehicles must be owned and

operated by a member of the family residing in said dwelling and shall not be used for hauling garbage or refuse or other objectionable matter.

(e) *Building additions or other changes in floor area.* Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any such use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

(f) *Joint use of parking areas.* The joint use of parking facilities by two or more uses may be granted by the zoning official or the planning commission for uses requiring site plan review by the planning commission whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

(1) *Computing capacities.* The space requirement for jointly used parking facilities shall be the sum of the individual requirements. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint use may be reduced below the sum total of the individual space requirements at the sole discretion of the zoning official, but shall not be reduced below the largest single use requirement.

(2) *Record of agreement.* An agreement between joint users shall be made a condition of site plan approval and a copy of such agreement shall be filed with the application for a building permit and recorded with the Register of Deeds of Ingham County. The agreement shall include a guarantee for continued use and maintenance of the parking facility by each party.

(g) *Parking space requirements.*

(1) Table 100-5 in chapter 100 sets forth the minimum standards for the number of parking spaces required by type of land use.

(2) *Parking space deferment.* Where the property owner can demonstrate that the required amount of parking is excessive, the site plan approving body may waive the parking requirement and approve a parking area smaller than required. The parking area waived shall be designated as reserved parking area for possible future use. The site plan approving body may subsequently require the applicant to construct additional parking spaces upon a determination by said body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserved parking area into available parking spaces in compliance with said determination and the requirements of this article within six months of being so directed in writing by the zoning official. The approved site plan shall clearly identify the location of this reserved parking area including dimensions and dotted parking space layout, and no buildings, structures, or similar improvements shall be established in the reserved parking area. A notice clearly identifying the location and number of reserved parking spaces should be recorded with the Ingham County Register of Deeds by the owner as a condition of final site plan approval. This discretion shall be guided by the basis of

determination set forth at section 94-191(f). This subsection shall apply only to office, commercial, and industrial uses that are required to provide more than 50 parking spaces.

(h) *Location of parking areas.* All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.

(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.

(3) Uses in M-1 and M-2 districts. Parking on the premises or within 800 feet.

(4) Public and quasi-public buildings, places of assembly, private clubs, associations and institutions. Parking on the premises or within 400 feet.

(i) *Parking lot plan review.* Whenever ~~six~~ or more off-street parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the zoning official before a building permit can be issued. Such plans and specifications shall indicate, to the satisfaction of the zoning official, the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.

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(j) *Site development standards.* All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

(1) Parking in the required front yard is prohibited in the RM, C-1, O-1, and O-2 districts. For residential uses in the AG, RS-1, RS-2, RS-3, and R2F districts, that portion of a regularly constructed driveway extending in front of the required front yard setback line may be used for parking by up to two passenger vehicles. Front yard parking in the C-2, C-3, M-1, and M-2 districts is prohibited except upon a finding by the planning commission that such parking is a critical component of the operation of the particular use and that adequate provisions are included for the screening and landscaping of such parking area.

(2) Required parking areas including driveways shall be constructed from materials that provide a durable smooth and dustless surface, shall be drained properly, and shall be maintained in a safe and usable condition.

(3) A minimum area of 200 square feet with a minimum width of ten feet shall be provided for each vehicle parking space. Each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress. The

disabilities, such as medical uses or senior housing, the site plan approving body may require a larger proportion of the parking spaces be barrier-free.

(k) *Signs.* Parking area signage shall comply with applicable local, state and federal regulations.

Chapter 100 of the Mason City Code is hereby amended to correct a typographical error in the list of tables and to revise requirements for dwelling unit square footage and parking space requirements in Article I, Table 100-2 and Table 100-5, which amended tables shall read as follows:

Chapter 100 Reference Tables and Figures

Article I. Tables

Table 100-1. Lot Dimensional Regulations.

Table 100-2. Building Dimensional Regulations.

Table 100-3. Separation Requirements for Towers.

Table 100-4. Landscape Buffer Classification Matrix.

Table 100-5. Parking Space Requirements.

Table 100-6. Loading and Unloading Space Requirements.

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Tables 100-7--100-100. Reserved.

Article I. TABLE 100-2. Building Dimensional Regulations.

Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per <u>Single-Family</u> Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35 ⁽⁴⁾	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-1 Sec. 94-123	35	25 ⁽⁵⁾	1,200 ⁽⁶⁾	24	7.5
RS-2	35	25 ⁽⁵⁾	1,000 ⁽⁶⁾	24	7.5

planning commission may allow up to 20 percent of the spaces to be a minimum of 180 sq. ft. with a minimum width of nine feet in those cases where more than 40 spaces are required. For property in the RS-1, RS-2, RS-3, and R2F districts that is not subject to site plan review as required in section 94-222 or property used as single-family or two-family residential, the required minimum width shall be nine feet.

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(4) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(5) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Except for parking space provided for property in the RS-1, RS-2, RS-3, and R2F districts that is not subject to site plan review as required in section 94-222, or property used as single-family or two-family residential, drives for ingress and egress to the parking area shall be not less than 20-feet wide.

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(6) Each parking space, within an off-street parking lot, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

a. For right angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be a minimum of 20 feet for one-way traffic movement or a minimum of 24 feet for two-way traffic movement.

b. For parking patterns 54 to 74 degrees, the maneuvering lane width shall be a minimum of 15 feet.

c. For parking patterns 30 to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet.

d. All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.

e. Except for property in the RS-1, RS-2, RS-3, and R2F districts that is not subject to site plan review as required in section 94-222, or property used as single-family or two-family residential, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

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f. Where a parking area or drive with a capacity of six or more vehicles adjoins a residential district, a landscaped buffer strip at minimum equivalent to the requirements of subsection 94-241(f)(1)b of this chapter shall be provided between the parking area and the adjoining property.

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(7) Parking for the disabled shall comply with the State of Michigan Barrier Free Rules, Public Act No. 1 of 1966, as amended. For uses where there may be a higher number of persons with

Sec. 94-123					
RS-3 Sec. 94-123	35	25 ⁽⁵⁾	800 ⁽⁶⁾	24	7.5
R2F Sec. 94-124	35	25 ⁽⁵⁾	800 ^{(6), (7)}	24	7.5
RM Sec. 94-125	35	15	(7)	-	-
MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1 Sec. 94-141	45 ⁽¹⁴⁾	15	-	-	-
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40 ⁽⁸⁾	40	-	-	-
M-2 Sec. 94-152	45 ⁽⁸⁾	45	-	-	-
PUD Sec. 94-161	35	(9)	(7)	-	-

Footnotes to table 100-1 and table 100-2.

- 1 Ten percent of the actual lot width or ten feet, whichever is smaller.
- 2 Up to three dwelling units allowed per building on an 8,500 sq. ft. lot. Increase the required lot area per building by 4,000 sq. ft. per dwelling unit in excess of three dwelling units, or by 3,000 sq. ft. per dwelling unit in excess of three dwelling units located within a planned residential development or a planned unit development.
- 3 20 feet when adjacent to residentially used or zoned land.
- 4 Structures for agricultural operations, such as barns or silos, may be permitted up to a building height of 75 feet.
- 5 Accessory structures with a roof pitch flatter than one to two rise to run shall have a

maximum height of 15 feet.

6 Exclusive of basement areas, attics, attached garages, breezeways, enclosed or unenclosed porches, and accessory structures.

7 For two-family and multiple-family uses, minimum gross floor area per dwelling unit shall be as follows:

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(a) Efficiency unit: 300 sq. ft.

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(b) One bedroom unit: 400 sq. ft.

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(c) Two bedroom unit: 600 sq. ft.

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(d) Three or more bedroom unit: 800 sq. ft.

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8 May be increased if front, side, and rear yard setbacks are increased an equal amount.

9 The maximum height of an accessory structure in the PUD district shall be determined by the principle use associated with the accessory structure as follows:

(a) For single-family or two-family residential uses, the RS-1 maximum height shall apply.

(b) For manufacturing uses, the M-1 maximum height shall apply.

(c) For all other uses the maximum shall be 15 feet.

10 Lot area may be decreased up to 20% to a minimum of 4,400 square feet provided that for each square foot decrease an equal or greater amount of land shall be dedicated as open space. Said open space shall be in addition to any other required open space.

11 The site plan approving body may reduce the required front yard setback by a maximum of 50% upon finding that the reduced setback is in keeping with predominant development patterns in the immediate area and such reduction would encourage a more uniform, unified and orderly development pattern.

12 In addition to the required maximum lot coverage regulations, a minimum of 10% of the lot or parcel shall be dedicated to vegetated open space such as lawns, shrubs and tree plantings, and similar open space. This minimum 10% standard shall be met without reliance on required setbacks, buffers, and landscaping.

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13 In industrial parks in the M-1 and M-2 districts, the required minimum lot area shall be 20,000 square feet and the minimum lot width shall be 100 feet.

14 An additional 5 feet 0 inches maximum height may be added for residential occupancy, with a minimum 10 feet 0 inches setback from all sides of the building face and a maximum square footage equal to 25% of the grade floor gross area.

Article I. TABLE 100-5. Parking Space Requirements.

<i>Land Use</i>	<i>Required Parking Spaces</i>
Single-Family Dwelling	2 per dwelling unit
<u>Two-Family Dwelling</u>	<u>1.4 per dwelling unit for efficiency and one-bedroom units</u> <u>2 per dwelling unit for two or more bedroom units</u>
Multiple Family Dwelling	<u>1.4 per dwelling unit for efficiency and one-bedroom units</u> 2 per dwelling unit <u>for two or more bedroom units</u>
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA
Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA
Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop. Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA
Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA

Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents

CITY OF MASON
P.O. BOX 370
201 W. ASH ST.
MASON MI 48854-370
Phone : (517) 676-9155
WWW.MASON.MI.US

Received From:
RJ WHIPPLE PROPERTIES
322 LAWTON ST
MASON MI 48854

Date: 01/24/2020 Time: 11:36:55 AM
Receipt: 100264174
Cashier: SD

ZONING ORDINANCE AMENDMENT
322 LAWTON ST, MASON

ITEM REFERENCE	AMOUNT
PERNON PERMITS - NON-BUS LICENSE-VARIANCE RES	
322 LAWTON-ZONING	\$300.00
TOTAL	\$300.00
CHECK 10054	\$300.00
Total Tendered:	\$300.00
Change:	\$0.00



City of Mason Planning Commission *Staff Report*

TO: Planning Commission
FROM: Elizabeth A. Hude, AICP, Community Development Director
SUBJECT: 117 Mark Street, Zoning Map Amendment from O-2 to RS-2
DATE: September 10, 2020

Kyle and Laura McGonigal are requesting an amendment to the City of Mason zoning map to rezone their property at 117 Mark Street (parcel 33-19-10-09-204-004) from an O-2: Specialized Office District to a RS-2: Single Family Residential.

The application, received July 16, 2020, is included at the end of this report.

Chapter 94 Article XII. Amendments of the Mason Code [Section 94-392](#) provides for an amendment to this chapter (94 – Zoning) may be initiated by the city council, by the planning commission, or by petition of one or more persons having an interest in property located within the jurisdiction of this chapter.

The applicant paid a fee of \$300 (Zoning Amendment), and, together with the documents listed above, appears to satisfy the submittal requirements of [Sec. 94-393](#) and [Sec. 94-394](#).

PUBLIC NOTICE

Notice of the public hearing was given in accordance with [Sec. 94-395](#) and [Sec. 94-101](#) of the City's Zoning Ordinance. The public hearing notice was published in the Ingham County Community News Legal Section on Sunday, August 30, 2020, and a letter was sent to abutters within 300' of the subject parcel.

As of today, two public comments have been received by email and included at the end of this report.

STAFF REVIEW

Staff generally supports the request for re-zoning the property from O-2 to RS-2. Staff became aware of the issue with property's zoning when the applicant initially inquired about an expansion to the house in the back yard in 2019. The rear set-back requirements of an O-2 are deeper than in a residential zone in order to accommodate parking and greater separation from other uses.

Initially staff suggested re-zoning the property to RS-1 to be compatible with the zoning of the adjacent residential lots. After reviewing the dimensional requirements for RS-1, it was discovered that not only would this make 117 Mark St. a non-conforming lot because it did not meet the RS-1 dimensional requirements, but also many of the adjacent lots with RS-1 zoning were currently non-conforming as well. The dimensional requirements of RS-2 are consistent with the actual dimensions of 117 Mark and several of the surrounding residential lots.

REVIEW CRITERIA

Staff offers the following information as a supplement to the responses in the applicant's narrative.

Sec. 94-396. Planning commission recommendations.

(a) In reviewing any application for an amendment to this chapter, the planning commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the city council within 60 days of receipt of an application or proposed amendment. The matters to be considered by the planning commission shall include the following findings of fact:

(1) Compliance with the master plan of the city.

Re-zoning the property to a residential use is not inconsistent with the Masterplan and is a less-intense use. The Masterplan, Chapter 3 Future Land Use Strategy, page 3-3 states:

East Columbia Office Area: The East Columbia Office Area is centered at the East Columbia/ Washington Streets intersection. It is designated as a specialized office area in recognition of its existing status as a small office center providing medical services. The Plan supports the continued use of this area for office purposes. However, due to the surrounding residential character of the area, expansion of this office center or conversion to higher-intensity uses, including retail, is discouraged.

(2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment? Because zoning is about the future, staff believes 117 Mark Street was previously zoned O-2 with the expectation that this area would see an expansion of medical offices. Instead office uses appear to have transitioned to the Cedar Street and Temple Street corridors.

(3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning? Staff does not believe the City incorrectly zoned this property as suggested in the applicant's narrative. See (2) above; the intent of this area to expand office uses does not appear to be consistent with the current market trend for office uses and location.

(4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition? The effect of this re-zoning is expected to result in additional re-zonings of adjacent lots which benefits property owners. Staff is currently reaching out to adjacent property owners in the neighborhood to begin the process of re-zoning the remaining non-conforming lots.

(5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved? This area is already developed and served adequately by public services and facilities.

(6) Does the proposed amendment adversely affect the value of the surrounding property?

(7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include:

- a. Surface water drainage problems.***
- b. Wastewater disposal problems.***
- c. Adverse effect on surface or subsurface water quality.***

d. The loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.

The area is already developed. Staff is not aware of any significant environmental impacts that would result from the proposed zoning change.

(8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located. The applicant is seeking the re-zoning in order to invest in the property. The re-zoning improves the ability of the property to be put to a reasonable economic use as it will be consistent with the residential zoning of the neighborhood.

ACTION

The Planning Commission has the following options:

- Motion/vote to recommend City Council adopt Ordinance 231,
- Motion/vote to recommend City Council deny the request as presented,
- Continue to a future meeting date and time in order to obtain additional information (be specific).

Relation to Other Actions

A first reading of Ordinance No. 231 will be conducted at a regular meeting of City Council on Monday, September 14, 2020. Pending the recommendation of the Planning Commission, City Council would conduct the second reading and consider adoption at their regular meeting, on Monday, September 28, 2020. The ordinance would go into effect on the date of its publication, anticipated to be Sunday, October 4, 2020.

Staff Recommendation

With the findings and analysis described above, the following action is recommended for consideration by the Planning Commission:

The Planning Commission approve Resolution No. 2020-04 recommending that City Council adopt Ordinance No. 231.

Attachments:

1. Resolution 2020-04
2. Ordinance 231
3. Map of parcel/Zoning Map
4. Public comments received (2 by email)
5. Application materials

**CITY OF MASON
PLANNING COMMISSION RESOLUTION No. 2020-04**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL
ADOPT ORDINANCE NO. 231 – AN ORDINANCE TO AMEND THE CITY OF MASON ZONING MAP
TO REZONE PROPERTY AT 117 MARK STREET (PARCEL 33-19-10-09-204-004) FROM AN O-2:
SPECIALIZED OFFICE DISTRICT TO RS-2: SINGLE FAMILY RESIDENTIAL**

September 15, 2020

WHEREAS, Kyle and Laura McGonigal, have requested an amendment to the City of Mason zoning map to rezone their property at 117 Mark Street (parcel 33-19-10-09-204-004) from an O-2: Specialized Office District to a RS-2: Single Family Residential, and

WHEREAS, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of September 15, 2020, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and,

WHEREAS, the Planning Commission accepts the Staff Report dated September 10, 2020, as findings of fact finds that proposed Ordinance 231 is consistent with the relevant criteria of Section 94-396(a).

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby recommend that the City Council adopt Ordinance 231 – an ordinance to amend the City of Mason zoning map to rezone property at 117 Mark Street (parcel 33-19-10-09-204-004) from an O-2: Specialized Office District to a RS-2: Single Family Residential.

Yes (0)

No (0)

Absent (0)

Sarah J. Jarvis, City Clerk
City of Mason
Ingham County, Michigan

Introduced: _____
First Reading: _____
Second Reading: _____
Adopted: _____
Effective: _____

**CITY OF MASON
ORDINANCE 231**

**AN ORDINANCE TO AMEND THE CITY OF MASON ZONING MAP TO REZONE PROPERTY AT 117
MARK STREET (PARCEL 33-19-10-09-204-004) FROM AN O-2: SPECIALIZED OFFICE DISTRICT TO
RS-2: SINGLE FAMILY RESIDENTIAL**

THE CITY OF MASON ORDAINS:

The Mason Zoning Map is hereby amended as follows:

Parcel 33-19-10-09-204-004, referenced also as 117 Mark Street in Mason, is to be rezoned from an O-2: Specialized office district to RS-2: Single Family Residential.

Sunset Provision. None.

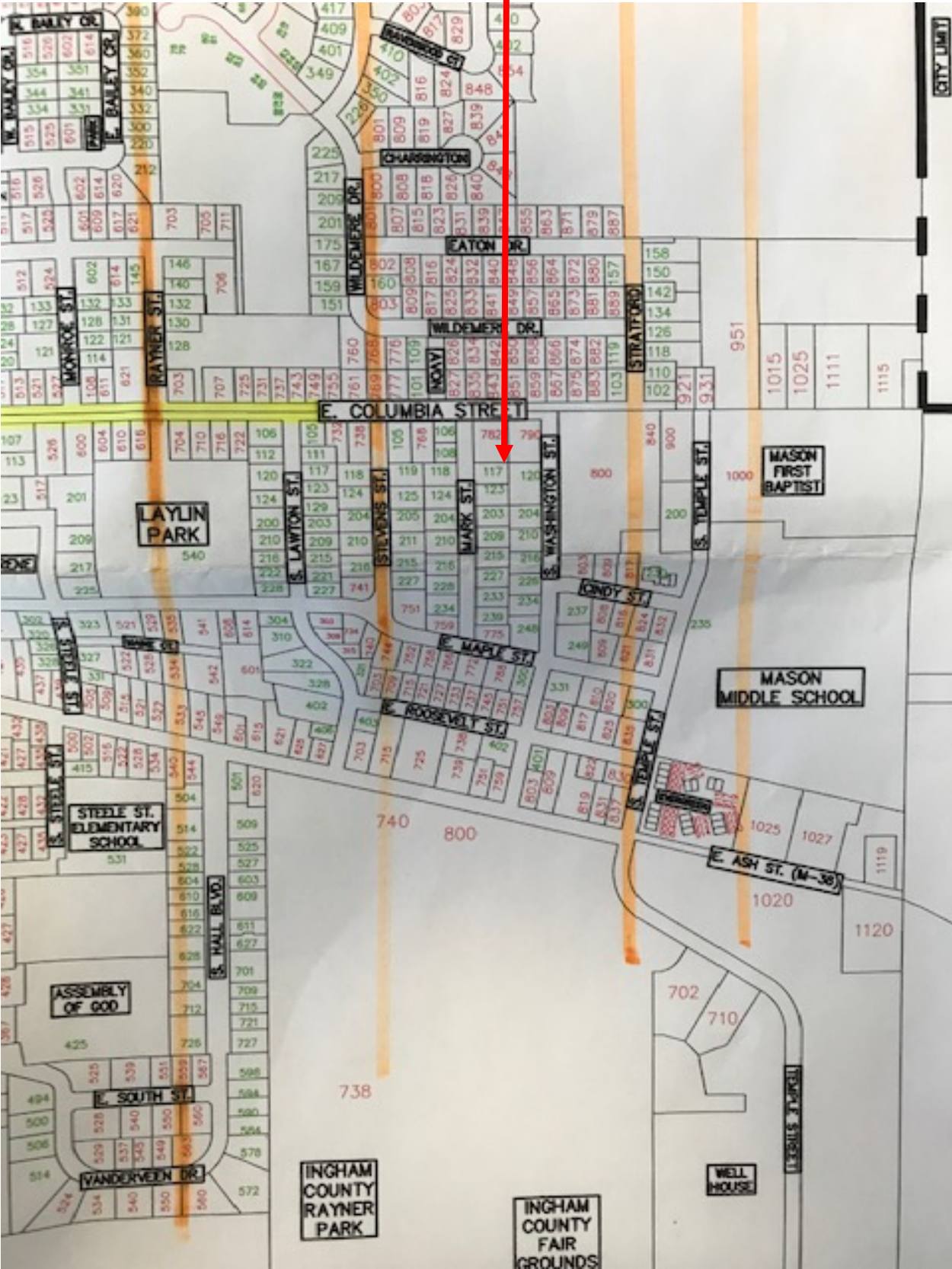
Effective Date. This ordinance shall take effect immediately upon publication of the notice of adoption in a newspaper of general circulation within the city.

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES () NO (), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the ____ day of _____, 2020. Ordinance No. 231 declared adopted this ____ day of _____, 2020.

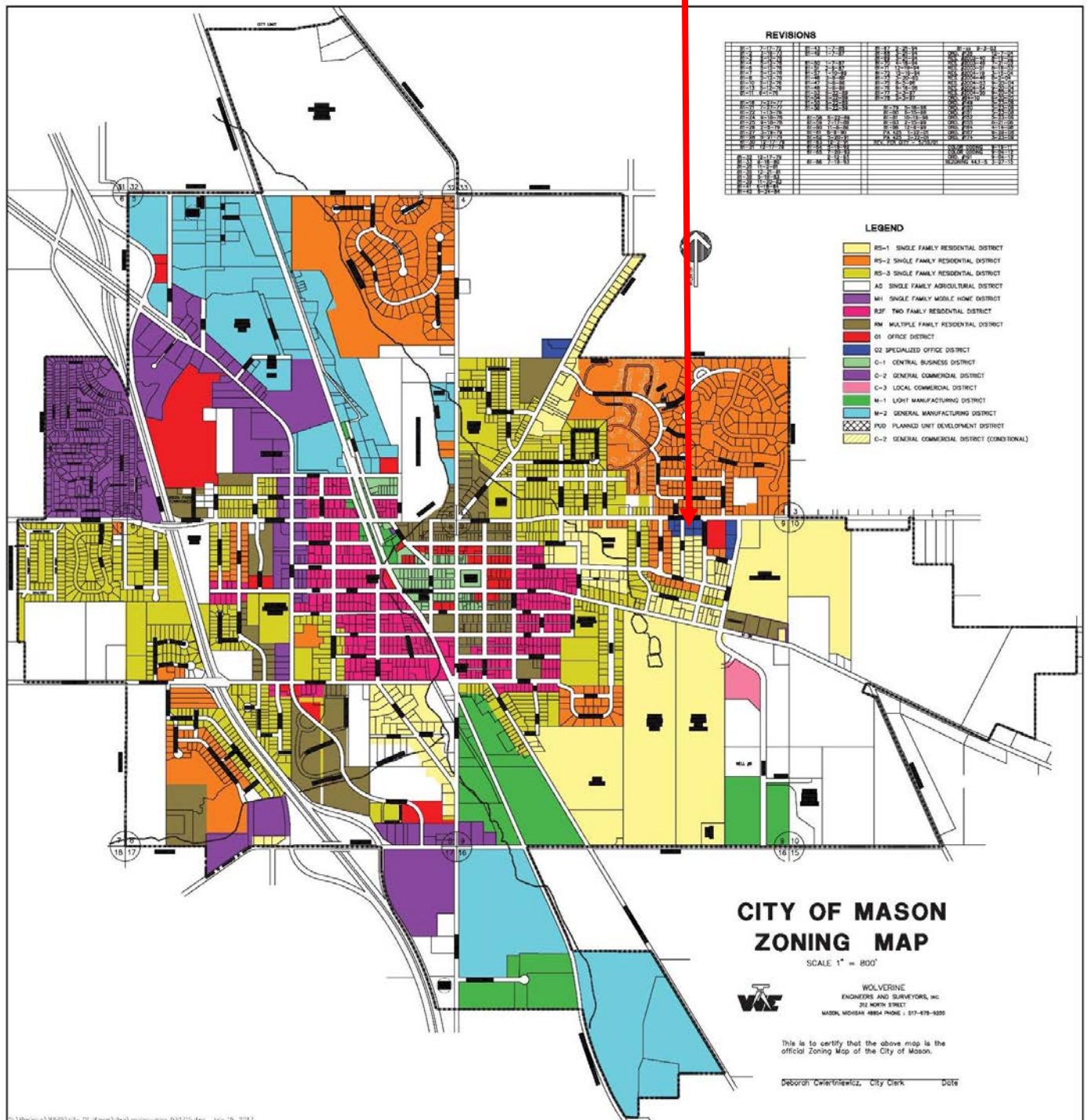
Russell Whipple, Mayor

Sarah J. Jarvis, City Clerk

117 Mark Street



117 Mark Street





RECEIVED

JUL 16 2020

CITY OF MASON
CUSTOMER SERVICE

APPLICATION

ZONING ORDINANCE AMENDMENT

RECEIVED

JUL 16 2020

CITY OF MASON
PLANNING DEPT.

Applicant- Please indicate the following:

Current Zoning
District(s):

O-2

Requested Zoning
District(s):

RS-2

Text Amendment

DEPARTMENT USE ONLY

Application Received: _____

Tax ID: _____

Fee: _____

Receipt #: _____

Applicant Information:

Name: Laura and Kyle McGonigal

Organization: _____

Address: 117 Mark St., Mason

Telephone Number: (517) 930-0762 Facsimile Number: _____

Interest in Property (owner, tenant, option, etc.): owner

Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.

Property Information:

Owner: Laura and Kyle McGonigal Telephone Number: (517) 930-0762

Property Address: 117 Mark St., Mason

Legal Description: If in a subdivision: Subdivision Name: Layland Lot Number: 39

If Metes and Bounds (can be provided on separate sheet): _____

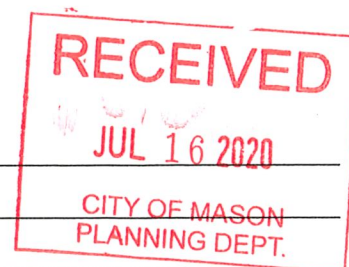
APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises to determine compliance with the requirements of the zoning code district requested by the applicant and compliance with conditions precedent to the granting of the zoning district change/text amendment requested.

Signature: Laura McGonigal Kyle McGonigal Date: 7/14/20

Requested Description:

Text Amendment Description (if, applicable, attach additional sheets as necessary)

**Site Area (For rezoning only):**

Indicate the size of the site subject to the request for change of zoning:

In square feet (if under one (1) acre): 10,824 sq. ft.

In acres (if over one (1) acre): _____

Master Plan (for rezoning only)Future Land Use Designation (from Master Plan): residential (RS-2)

Does the proposed Zoning District conform to this designation?

☒ Yes ☐ No**Available Services**Public Water ☒ Yes ☐ NoPaved Road (Asphalt or Concrete) ☒ Yes ☐ NoPublic Sanitary Sewer ☒ Yes ☐ NoPublic Storm Sewer ☒ Yes ☐ No*Health Department Certification may be required where public water and/or sanitary sewer are not available.***Current Use (for rezoning only):**Are there any structures currently on the property? ☒ Yes ☐ No

If so, describe the number of structures and how the structures are used (attach additional sheets, if necessary):

There is one house on the property, which is our
primary residence. We would like to add an addition, but need
the correct zoning to be within the required setbacks.

Soil Data (for rezoning only)Has soil bearing capacity and septic suitability of the ground been tested? ^{N/A} ☐ Yes ☐ No

If so, attach 30 copies. Note: Such testing may be required if conditions warrant.

Application Materials

The following is a checklist of items that generally must be submitted with applications for Rezoning. The applicant must submit 30 copies of plans or drawings larger than 11" x 17". Incomplete applications will not be processed.

- Completed application form
- Plot Plan of area proposed for Rezoning (see "A" below)
- Legal description of area proposed for Rezoning
- Proof of ownership or owner authorization to request Rezoning
- Fee (see below)
- Any other information deemed necessary

Laura and Kyle McGonigal
117 Mark St.
Mason, MI 48854



Sec. 94-396. Planning commission recommendations.

(a) In reviewing any application for an amendment to this chapter, the planning commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the city council within 60 days of receipt of an application or proposed amendment. The matters to be considered by the planning commission shall include the following findings of fact:

(1) Compliance with the master plan of the city.

In speaking with staff at the City of Mason, it appears that our property is zoned incorrectly. The property is zoned O-2, Specialized Office, not residential, although there has been a house on the property, and it has been part of a residential neighborhood for 25 years. As we were not the original owners of this home, this discrepancy in zoning only came to our attention this past December 2019, when we applied for a building permit to add an addition onto the back of the house. We bought the house in December 1998, and have always believed that the property was zoned residential because 1) the word "residential" is printed on our property tax statements, and 2) it's a single-family home, one of many in a residential neighborhood. Rezoning the property from Specialized Office to the Residential-2 category would be compliant with the master plan of the city based on the findings from the land survey we had done in February 2020. The square footage of the property does not meet the minimum requirements of RS-1; therefore, the correct zoning would be RS-2. Per page 24 of the City of Mason Master Plan, we are proposing to rezone to residential to match the predominant use of our street.

(2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?

The property was zoned Specialized Office years ago before there was a structure on the property. We believe that when the previous owners built the house on the vacant property in 1995, the property should have been rezoned at that time. There has only ever been a single-family house on this property, not an office. When applying for a building permit for an addition to our house, it came to our attention that the property was not zoned correctly when the house was built.

(3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?

According to the minimum square footage and setback requirements as outlined in the City of Mason Zoning Map, this property should be zoned as RS-2 (Section 94-123), not Specialized Office (Section 94-132). The square footage of the property is roughly 10,824 sq. ft., which does not meet the minimum 12,000 square footage requirements of Specialized Office or Residential-1 categories.



(4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

By approving our petition, this may lead the City to reconsider the zoning of other properties in the Layland Subdivision, which we learned do not necessarily meet the requirements of their current zoning classifications.

(5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?

This does not apply to our property.

(6) Does the proposed amendment adversely affect the value of the surrounding property?

We can't think of any reason why amending our property's zoning classification would negatively affect our neighbors' property values.

(7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include:

- a. Surface water drainage problems.
- b. Wastewater disposal problems.
- c. Adverse effect on surface or subsurface water quality.
- d. The loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.

Rezoning should not result in any environmental impacts.

(8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.

Not applicable...this property will remain a single-family home.

(b) All findings of fact shall be made a part of the public records of the meetings of the planning commission. The planning commission shall transmit its findings of fact, a summary received at the public hearing and its recommended action to the city council.

(Ord. No. 152, 5-1-2006)

***Enclosed with this paperwork is a \$300 check for the required fee for the rezoning application. However, since our property usage will remain the same when zoned in the proper category, we feel it is unreasonable that we must pay a fee when it's the City's responsibility to zone correctly. In addition, we have already incurred a cost of \$600 for a land survey to resolve this matter.**

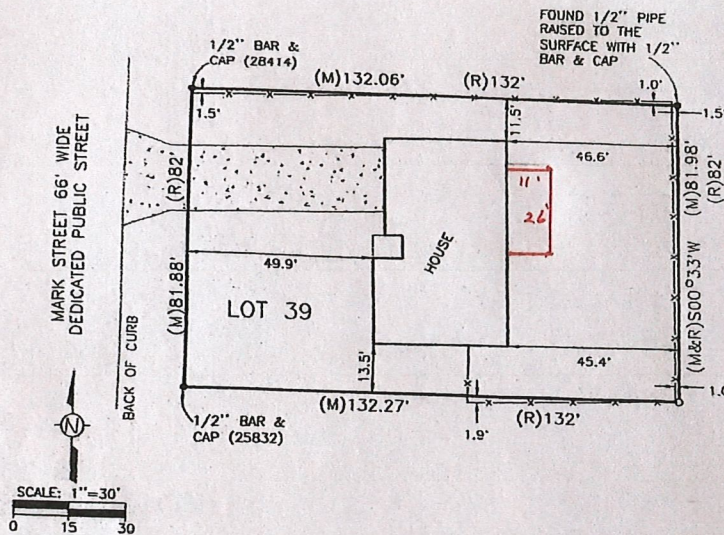
RECEIVED

JUL 16 2020

CITY OF MASON
PLANNING DEPT.

From: Laura McGonigal laurie11217x@aatt.net
Subject: Survey
Date: Jun 19, 2020 at 2:52:45 PM
To: Roger Arend rdarend@hotmail.com

Proposed New Addition 11'x26'
14'-6" from the North lot line
35'-6" from the East lot line

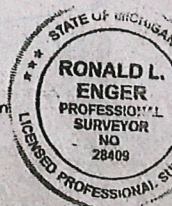


LEGEND

1. All dimensions are in feet.
2. ——— indicates boundary of described parcel.
3. - - - - - indicates fence line.
4. ——— indicates distance not to scale.
5. ——— indicates a set 1/2 inch diameter by 18 inch long bar with cap imprinted "LS 28409", unless otherwise noted.
6. • indicates a found surveyors marker as noted
7. (M) indicates a Measured dimension.
8. (R) indicates a Recorded dimension.

The undersigned Licensed Land Surveyor hereby certifies that he has surveyed the property described hereon in accordance with the recorded plat thereof and that this drawing is a correct representation of conditions as found on February 12, 2020.

Ronald L. Enger 2-24-2020
Ronald L. Enger Michigan Land Surveyor No. 28409



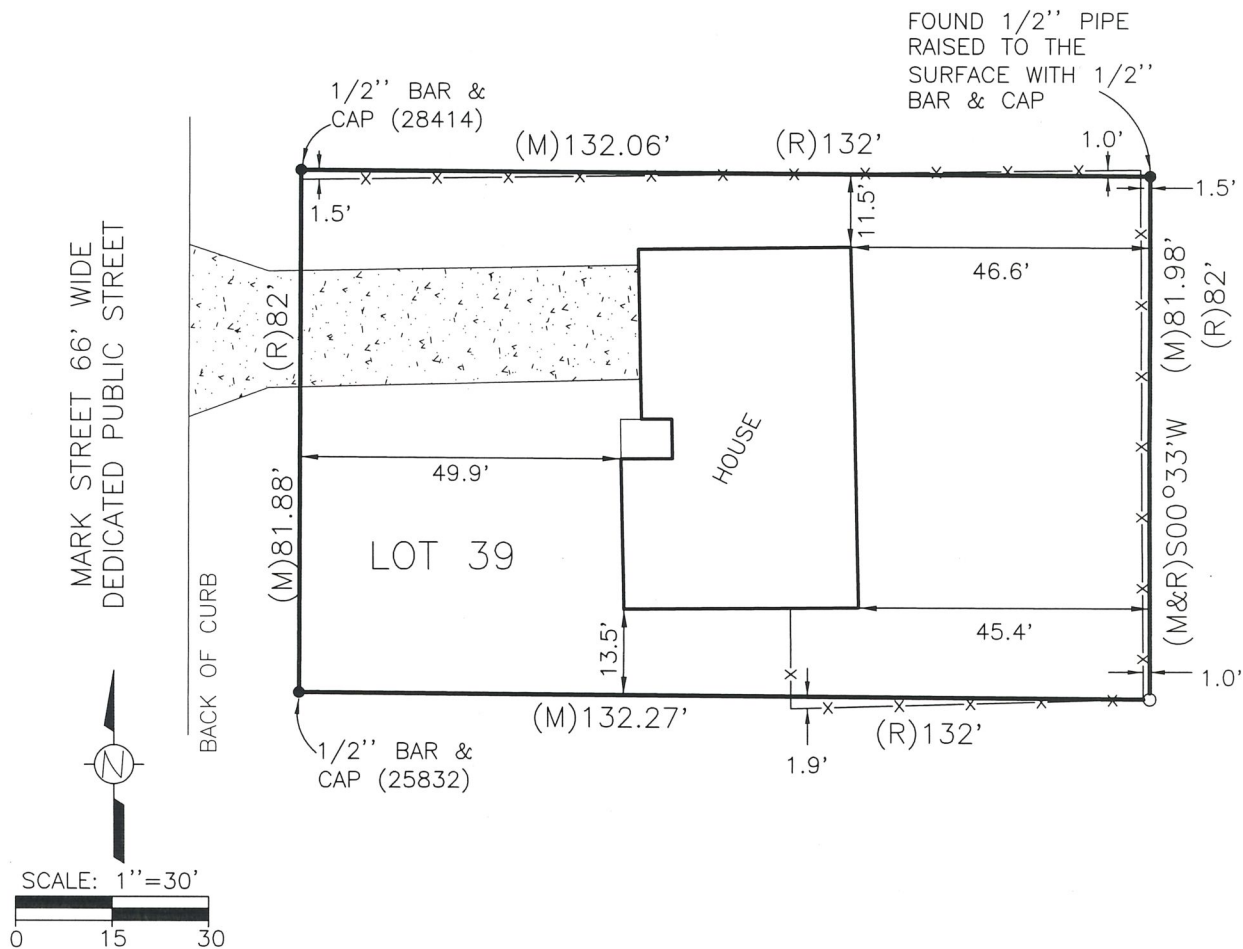
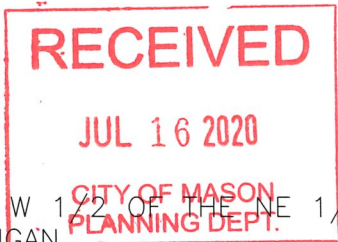
117 Mark Street, Mason Michigan
Lot 39 Layland Subdivision

CERTIFICATE OF SURVEY

For: Kyle & Laura McGonigal

LEGAL DESCRIPTION:

LOT 39, LAYLAND SUBDIVISION, A SUBDIVISION OF A PART OF THE W 1/2 OF THE NE 1/4 OF SECTION 9, T2N, R1W, CITY OF MASON, INGHAM COUNTY, MICHIGAN.



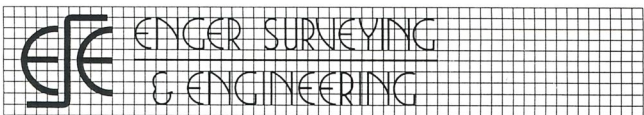
LEGEND

1. All dimensions are in feet.
2. ————— indicates boundary of described parcel.
3. -x-x-x- indicates fence line.
4. ——— indicates distance not to scale.
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Ronald L. Enger 2-24-2020
Ronald L. Enger Michigan Land Surveyor No. 28409



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

117 Mark Street, Mason Michigan
Lot 39 Layland Subdivision
City of Mason
Ingham Co. Michigan

February 24, 2020

Job No. 33-3305
Sheet 1 of 1

Print Date: 07/16/2020

C
2 CITY OF MASON
M P.O. BOX 370
5 201 W. ASH ST.
5 MASON MI 48854-370
Phone : (517) 676-9155
WWW.MASON.MI.US

Received From:
MCGONIGAL KYLE & LAURA
117 MARK
MASON MI 48854

Date: 07/16/2020
Receipt: 100271844
Cashier: KM

Time: 1:40:44 PM

BUILDING PERMIT
ZONING ORDINANCE
117 MARK ST

ITEM REFERENCE

AMOUNT

PMT PERMIT

00004453

101-254.00-475.000

\$300.00

TOTAL

\$300.00

CHECK 5912

Total Tendered:

\$300.00

\$300.00

Change:

\$0.00

Pay by Account In Full



Pay by Account In Full

\$ 300.00

Date	PlanReview Numbe	Address	Amount Due
20	POA20-002	117 MARK	\$ 300.00
on	Amount Cost	Balance	
ordinance Amendment Fee	\$300.00	\$ 300.00	
		\$ 300.00	

PAID

JUL 16 2020

CITY OF MASON

Print Date: 07/16/2020


59155
5176761330MCGONIGAL KYLE & LAURA
117 MARK
MASON MI 48854

Pay by Account In Full



Pay by Account In Full

\$ 300.00

Invoice No		Invoice Date	PlanReview Numbe	Address	Amount Due	
		00004453	07/16/20	POA20-002	117 MARK	\$ 300.00
Fee Details:	Quantity	Description			Amount Cost	Balance
	0.000	Zoning Ordinance Amendment Fee			\$300.00	\$ 300.00
Total Amount Due					\$ 300.00	

PAID
JUL 16 2020
CITY OF MASON

From: [Ramsey, Rita](#)
To: [Marcia Holmes](#)
Subject: 117 Mark St
Date: Monday, August 31, 2020 8:22:08 PM
Attachments: [image001.png](#)

Dear Ms. Jarvis,

I am a neighbor of the McGonigals, I have resided at 210 Mark St for almost 20 years. My husband (Marc) and I both support the rezoning of 117 Mark St to a single family residential property. Mark St. is seen as a very desirable place to live and we should be encouraging families to remain within the city limits. I am concerned that delays like the McGonigal's have experienced (and many others that I have heard of) will ultimately drive families out of the city limits which I think is unfortunate. Please aid in keeping our neighborhood family oriented and a sought out location. Please feel free to call or email me with any questions you may have, thank you for your time.

Rita

Rita Ramsey
Director
Cell: (517) 282-7467
Office: (517) 708-5525
Toll Free: (866) 206-5851
Fax: (517) 346-7794
AFGroup.com

Your health and safety are important to us. Please visit our website for important COVID-19 related information and the CDC for the latest updates on the pandemic



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From: [Ed Liddle](#)
To: [Marcia Holmes](#)
Cc: [Laurie Shrock McGonigal](#)
Subject: 117 Mark St. Zoning request
Date: Friday, August 28, 2020 2:23:25 PM

I am writing in support of the McGonigal's request to have their property rezoned. I have looked at the zoning map and the particular zoning is quite unique to this city and I suspect it was originally done at the request of Ted Vanderboll, who had professional offices in the zone and probably wished to have other similar facilities built, leaving behind some properties which are clearly residential and not office. We live in one such property located at 118 Mark St, Mason, Mi 48854, directly across the street from the McGonigals.

Since this is such a unique zoning, I would suggest the zoning board look at this inappropriate zoning assignment for those properties which are clearly residential, RS-2, properties. I believe simplification of the zoning map is good public policy.

Edward M. and Sandra Harrison Liddle
517-676-1222



City of Mason Planning Commission

Staff Report

TO: Planning Commission
FROM: Elizabeth A. Hude, AICP, Community Development Director
SUBJECT: Rayner Ponds Phase 4 Subdivision – Extension of Final Site Plan
DATE: September 10, 2019

A request has been received from James Giguere, Giguere Realty & Development, LLC, for a 12 month extension of a previously approved Final Site Plan to construct roads, utilities and infrastructure to serve a new residential subdivision with 20 buildable lots and one common area on property located north of the intersection of Stratford and Eaton roads, parcel 33-19-10-04-426-002 per the letter attached dated September 9, 2020.

[Resolution 2019-11](#) for a Preliminary Site Plan was approved with a condition on September 10, 2019, and [Resolution 2019-13](#) for a Final Site Plan and was approved on October 15, 2019.

The applicant is expected to pursue an extension of the previous Final Preliminary Plat approval from City Council which will expire in January of 2021. City Council approved [Resolution 2019-04](#) on January 21, 2019 for the Final Preliminary Plat based upon the Planning Commission's recommendation in [Resolution 2019-01](#) on January 15, 2019 which followed a public hearing that same evening. Previously the Draft Preliminary Plat was approved by City Council in [Resolution 2018-01](#) on January 22, 2018 after the Planning Commission held a public hearing and approved their recommendation for approval on [January 9, 2018](#).

STAFF RECOMMENDATION:

Staff offers the following motion for consideration:

MOTION

Motion to approve Resolution 2020-05



Dear Members of Planning Commission:

Due to delays associated with COVID, I am requesting a 12 month extension of the Final Site Plan for the previously approved Final Site Plan to construct roads, utilities, and infrastructure to serve a new residential subdivision with 20 buildable lots and one common area on property located north of the intersection of Stratford and Eaton roads, parcel 33-19-10-04-426-00.

Thank you,

A handwritten signature in dark ink, appearing to be "JG", with a long, sweeping horizontal line extending to the right.

James Giguere

Introduced:
Second:

**CITY OF MASON
PLANNING COMMISSION
RESOLUTION No. 2020-05**

A RESOLUTION GRANTING A 12 MONTH EXTENSION OF THE FINAL SITE PLAN ORIGINALLY APPROVED AS RESOLUTION 2019-13 ON OCTOBER 15, 2019 FOR THE CONSTRUCTION OF ROADS, UTILITIES AND INFRASTRUCTURE TO SERVE 20 BUILDABLE LOTS AND ONE COMMON AREA ON PROPERTY LOCATED NORTH OF THE INTERSECTION OF STRATFORD AND EATON ROADS, PARCEL 33-19-10-04-426-002.

September 15, 2020

WHEREAS, a request has been received from James Giguere, Giguere Realty & Development, LLC, for an extension of a previously approved Final Site Plan to construct roads, utilities and infrastructure to serve a new residential subdivision with 20 buildable lots and one common area on property located north of the intersection of Stratford and Eaton roads, parcel 33-19-10-04-426-002; and,

WHEREAS, the Final Site Plan was originally approved as Resolution 2019-13 on October 15, 2019; and

WHEREAS, Section 94-229 states that approvals of a final site plan are valid for a period of 12 months and one extension of a final site plan may be granted for an additional 12 months at the sole discretion of the approving authority; and

WHEREAS, the Planning Commission accepts the staff memo dated September 10, 2020 as findings of fact that, the applicant has established good cause:

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby grant a 12 month extension of the Final Site Plan originally approved on October 15, 2019 for the construction of roads, utilities and infrastructure to serve a new residential subdivision with 20 buildable lots and one common area on property located north of the intersection of Stratford and Eaton roads, parcel 33-19-10-04-426-002.

Yes (0)
No (0)
Absent (0)

Sarah J. Jarvis, City Clerk
City of Mason
Ingham County, Michigan



City of Mason Planning Commission

Staff Report

TO: Planning Commission
FROM: Elizabeth A. Hude, AICP, Community Development Director
SUBJECT: 1155 Temple Street, Paul Davis Corporation – Extension of Special Use Permit/
Final Site Plan
DATE: September 10, 2019

Scott E. Bell, AICP, Lapham Associates, on behalf of Paul Davis Corporation, has submitted a request for an extension of a previously approved Special Use Permit and Final Site Plan Approval to construct a new 27,000 sq. ft., building to include offices and storage related to their business of home damage restoration services per the letter attached dated September 9, 2020.

The applicant is working on an amendment to the site plan that will decrease the footprint of the building and incorporate comments from the city, county and state agencies related to the site.

[Resolution 2019-10](#) for a preliminary site plan was approved with conditions on September 10, 2019, and [Resolution 2019-14](#) for a Special Use Permit and Final Site Plan and was approved with conditions on October 15, 2019.

STAFF RECOMMENDATION:

Staff offers the following motion for consideration:

MOTION

Motion to approve Resolution 2020-06

September 9, 2020

City of Mason
Community Development
Attn.: Elizabeth Hude, AICP
201 West Ash Street,
Mason, MI 48854

RE: Paul Davis Restoration Site Plan – Temple Street, Mason, MI

Ms. Hude,

We are requesting that the City approve a six-month extension of our Special Use Permit and Site Plan approval (Resolution 2019-14) for the proposed Paul Davis Restoration project at 1155 Temple Street at your September Planning Commission meeting. We have been working on a redesign for a smaller building footprint to help bring the project within budget constraints. I believe that we will have final plans and probably all approvals within the next couple of months and will come to the Planning Commission for a site plan amendment with the new site design.

Sincerely yours,

LAPHAM ASSOCIATES



Scott E. Bell, AICP Project Manager

\\wb-server_Proj\ENGINEER\P190259 FED Paul Davis\L 072720 Site Plan Amendment summary.doc

Introduced:
Second:

**CITY OF MASON
PLANNING COMMISSION
RESOLUTION No. 2020-06**

A RESOLUTION GRANTING A SIX-MONTH EXTENSION OF THE SPECIAL USE PERMIT AND 12 MONTH EXTENSION OF THE FINAL SITE PLAN ORIGINALLY APPROVED AS RESOLUTION 2019-04 ON OCTOBER 15, 2019 FOR THE CONSTRUCTION OF A NEW 27,000 SQ. FT., BUILDING TO INCLUDE OFFICES AND STORAGE RELATED TO THEIR BUSINESS OF HOME DAMAGE RESTORATION SERVICES ON FIVE ACRES OF PROPERTY LOCATED AT 1155 TEMPLE STREET, PARCEL 33-19-10-09-400-012.

September 15, 2020

WHEREAS, a request has been received from Scott E. Bell, AICP, Lapham Associates on behalf of Paul Davis Corporation, for an extension of a previously approved Special Use Permit and Final Site Plan Approval to construct a new 27,000 sq. ft., building to include offices and storage related to their business of home damage restoration services; and,

WHEREAS, the subject property contains five acres of land located at 1155 Temple Street, parcel 33-19-10-09-400-012; and

WHEREAS, the Special Use Permit and Final Site Plan were originally approved as Resolution 2019-04 on October 15, 2019; and

WHEREAS, Section 94-191(I)(1) states that if the use permitted by the special use permit is not established in compliance with the terms of the special use permit within 12 months from the date of its issuance, then the special use permit shall automatically expire and be of no further effect or validity, however, this period of time may be extended by the planning commission for good cause for an additional six months; and

WHEREAS, Section 94-229 states that approvals of a final site plan are valid for a period of 12 months and one extension of a final site plan may be granted for an additional 12 months at the sole discretion of the approving authority; and

WHEREAS, the Planning Commission accepts the staff memo dated September 10, 2020 and letter from the applicant dated September 9, 2020 as findings of fact that, the applicant has established good cause in that they are working toward an amendment to the previously approved site plan to modify the building footprint and incorporate feedback from the City of Mason, county and state agencies.:

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby grant a six-month extension of the Special Use Permit and 12 month extension of the Final Site Plan originally approved as Resolution 2019-14 on October 15, 2019 for the construction of a new 27,000 sq. ft., building to include offices and storage related to their business of home damage restoration services on five acres of property located at 1155 Temple Street, parcel 33-19-10-09-400-012.

Yes (0)
No (0)
Absent (0)

Sarah J. Jarvis, City Clerk
City of Mason
Ingham County, Michigan