

# CITY OF MASON

201 West Ash St.  
Mason, MI 48854-0370

City Hall (517) 676-9155  
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## PLANNING COMMISSION MEETING - COUNCIL CHAMBER Tuesday, December 13, 2011

6:30 p.m.

### Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: November 15, 2011
4. People from the Floor
5. Announcements
6. Regular Business
  - A. Discussion – Ordinance Amendment – Swimming Pool Setback Standards
7. Unfinished Business
8. New Business
9. Correspondence
10. Liaison Reports
11. Administrator Report
12. Director Report
13. Adjournment

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF NOVEMBER 15, 2011**

Reeser called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Brown, Burns, Cotter, Green, Reeser  
Absent: Commissioner: King, Sabbadin, Smith, Waltz  
Also present: David Haywood, Zoning & Development Director  
Deborah J. Cwierniewicz, City Clerk

**APPROVAL OF MINUTES: October 11, 2011**

MOTION by Brown, second by Burns,  
To approve the Minutes of October 11, 2011 as corrected.  
MOTION APPROVED UNANIMOUSLY

**PEOPLE FROM THE FLOOR**

None.

**ANNOUNCEMENTS**

None.

**REGULAR BUSINESS**

**Motion – Swimming Pool Setback Standards**

Haywood elaborated on his memorandum regarding swimming pool setback standards. Discussion ensued regarding standards of Michigan cities, standards for pools with decks, and the potential distance of pools to adjacent property. Haywood suggested three ordinance amendment options for consideration. Although Option #3 was preferred, it was deliberated whether the minimum setback should be five or ten feet.

MOTION by Brown, second by Burns,  
to ask staff to prepare an ordinance amendment for Section 94-173(e), pool setback standards, pursuing Option #3, as shown in the Memorandum from David Haywood, dated November 10, 2011, with the setback requirement of ten feet, the first two lines to read as follows:

Pools used for swimming or bathing shall not be located in any front yard and shall conform to the applicable yard and setback requirements for an accessory structure. In no instance shall a swimming pool be located closer than ten feet from any property line.

Yes (4) Brown, Burns, Cotter, Reeser

No (1) Green

Absent (4) King, Sabbadin, Smith, Waltz

MOTION APPROVED

**Discussion – Tri-County Urban Service Management Study**

Haywood explained that the City Council took action to return the Tri-county Urban Service Management Study and its recommendations to the Planning Commission for further study and review and final consideration. Haywood recommended that the Master Plan Committee add the Study to the list of resource/documents as a reference when formulating the goals, objective and implementation strategy in the Master Plan. A brief discussion ensued.

**Discussion – Michigan Medical Marihuana Act (MMMA)**

Reeser reminded the Commission about the joint work session with City Council and City Attorney Tom Yeadon regarding the Michigan Medical Marihuana Act on Monday, November 21 at 6:30 p.m. Haywood elaborated on the topic and materials he provided on the subject. It was discussed to formally inform Council of the steps taken by the Commission to become informed on the MMMA.

MOTION by Brown, second by Burns,  
to direct staff to prepare a Staff Agenda Report for the December 5, 2011 Council Meeting attesting to the Planning Commission's efforts in moving forward with the Michigan Medical Marihuana Act Ordinance for the City of Mason.

MOTION APPROVED

**UNFINISHED BUSINESS**

Brown stated that the Master Plan Committee received the Michigan Association of Planning Community Planning Principles document and he thanked Mr. Haywood for providing to the Commission as well.

**NEW BUSINESS**

None.

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

None.

**ADMINISTRATOR'S REPORT**

None.

**DIRECTOR'S REPORT**

Haywood informed commissioners regarding current zoning and development issues, as well as an update on the progress of the Master Plan Committee.

**ADJOURNMENT**

The meeting adjourned at 8:12 p.m.

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Deborah J. Cwiertniewicz, City Clerk

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Jim King, Secretary

# City of Mason


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## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Discussion – Pool Setbacks – Draft Ordinance Amendment

DATE: December 7, 2011

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At the October meeting, the Planning Commission discussed the issue of amending the zoning ordinance to permit swimming pools as an accessory structure with a setback of ten feet from a side or rear property line and directed staff to prepare a draft ordinance. Staff has prepared the ordinance as directed. Due to time constraints, staff was not able to publish a hearing notice for this meeting and the draft ordinance has not been reviewed by legal counsel. However, as a courtesy, the draft is available for your comments. In the mean time staff will forward the draft ordinance to the City Attorney for legal review and will publish a public hearing notice for the January meeting.

For discussion only – no action is necessary at this time.

Introduced/ First Reading: \_\_\_\_\_, 2012  
Second Reading/Adoption: \_\_\_\_\_, 2012  
Effective: \_\_\_\_\_, 2012

CITY OF MASON  
ORDINANCE NO. 187

AN ORDINANCE TO AMEND SECTION 94-173 – AT SUBSECTION (e) – OF CHAPTER 94 – ZONING – OF THE CODE OF THE CITY OF MASON TO PERMIT SWIMMING POOLS TO BE CONSTRUCTED AS AN ACCESSORY STRUCTURE WITHIN TEN FEET OF A REAR OR SIDE PORPERTY LINE

**THE CITY OF MASON ORDAINS:**

Section 94-173 of Chapter 94 of the Mason City Code is hereby amended at subsection (e) thereof to permit swimming pools to be constructed as an accessory structure within ten feet of a rear or side property line, which amended, subsection shall read as follows:

**Sec. 94-173. Supplemental use regulations.**

(e) Swimming pools. "Pools used for swimming or bathing shall not be located in any front yard and shall conform to the applicable yard and setback requirements for an accessory structure. In no instance shall a swimming pool be located closer than ten feet from any property line. Any fencing, barriers, and structures shall comply with the state construction code and county health department specifications. Any lights used for illumination of a swimming pool shall be arranged or shaded so as to reflect light away from adjoining premises."

**Effective Date.** This Ordinance shall take effect 20 days after its passage, approval, and publication.

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 \_\_\_\_\_, 2012.

Mason Codes declared adopted this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Leon Clark, Mayor

\_\_\_\_\_  
Deborah J. Cwierniewicz, City Clerk