CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall 517-676-9155
Fax 517-676-1330

PLANNING COMMISSION MEETING - COUNCIL CHAMBER
Tuesday, August 9, 2016

6:30 p.m.

Agenda

1. Call to Order

2. Roll Call

3. Approval of Minutes: July 12, 2016 and August 1, 2016

4. People from the Floor

5. Announcements

6. Public Hearing

   A. Rezoning – 127 N. Lansing St.

   Resolution – A Resolution Recommending that the City Council Adopt an Ordinance to Rezone the Property Located at 127 North Lansing Street From M-1 Light Manufacturing to R2f Two-Family Residential

7. Regular Business

   A. Ordinance – Post Construction Storm Water Management

8. Unfinished Business

9. New Business

10. Correspondence

11. Liaison Reports

12. Director's Report

    - Televised meetings

13. Adjournment

CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF JULY 12, 2016

Vice-chairperson Sabbadin called the meeting to order at 6:30 p.m. in the Council Chambers at 201 West Ash Street, Mason, Michigan.

Commissioner(s) present: Barna, Fischer, Hagle, Hude, Sabbadin, Scott, Waxman
Commissioner(s) absent: Commissioner: Brown (excused), Reeser (excused), Scott (excused)
Also present: David Haywood, Zoning & Development Director

APPROVAL OF MINUTES:

The regular meeting Minutes of June 14, 2016 were approved as submitted.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

Commissioner Fischer introduced his daughter Eva Fischer as an observer of the democratic decision making process.

Commissioner Waxman reported that he attended the open house for the new apartment lofts above the Vault Deli and commended the work of Revitalize Inc. and the owners, Jamie and Scott Robinson, for their efforts.

REGULAR BUSINESS

Resolution - A Resolution Approving a Special Use Permit and Final Site Plan to Construct a 135 Square Foot Building Addition, Including Drive-Thru, Located at 227 North Cedar Street

A lengthy discussion was held regarding specific concerns and requirements for the application. The Planning Commission identified the following:

- On-coming crossover traffic at drive-thru
- No lighting at rear of building
- One-way traffic would be best at Cedar Street with exit only
- Traffic flow is not a fatal flaw
- Shared use parking agreement is not necessary
- The martial arts studio opposes the proposal
- Not a safe path for pedestrians
- Not the best location for drive-thru
- There are other examples in town of similar drive-thru lanes near pedestrian crossings
- Is there a conflict still with Cedar Street traffic turning into the site
- There will likely be a decrease in pedestrian conflicts with drive-thru lane as opposed to vehicles backing out of parking spaces
- Children now in front of drive-thru lane instead of behind parked cars backing out

Additional information provided by the applicant in response to comments/concerns:

- The times at which the two tenants have cross-over hours are limited and generally opposite
- 50-60 percent of Little Caesars business is Friday and Saturday, 11am to 11pm
- Lighting on site is powerful enough to illuminate the rear parking area

- Drive-thru will result in more vehicles utilizing the North Street entrance

MOTION by Waxman, second by Barna,
to introduce and consider read Planning Commission Resolution – A Resolution Approving a Special Use Permit and Final Site Plan to Construct a 135 Square Foot Building Addition, Including Drive-thru, Located at 227 North Cedar Street.
MOTION APPROVED

CITY OF MASON
PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING A SPECIAL USE PERMIT AND FINAL SITE PLAN TO CONSTRUCT A 135 SQUARE FOOT BUILDING ADDITION, INCLUDING DRIVE-THRU, LOCATED AT 227 NORTH CEDAR STREET

July 12, 2016

WHEREAS, a request has been received from Little Caesars for a special use permit and preliminary and final site plan approval to be allowed to construct a 135 square foot building addition, including drive-thru, at 227 North Cedar Street; and

WHEREAS, the subject property is legally described as: Lot 6 Exc W 6ft thereof and also lots 7, & 8, Block 6, Bush's Addn, Sec 5, T2NR1W, City of Mason, Ingham Co; and

WHEREAS, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of June 14, 2016, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and

WHEREAS, upon compliance with the conditions listed herein, the plans will comply with the site plan review standards listed in Section 94-227 and the special use permit basis of determination standards listed in Section 94-191(f) of the Mason Code; and

WHEREAS, upon compliance with the conditions listed herein, the plans will comply with of the Mason Code; and

WHEREAS, approval is granted with the condition that a joint use of parking areas be recorded with the Ingham County Register of Deeds in compliance with Section 94-291(f) to the satisfaction of the Zoning and Development Director; and

WHEREAS, the applicant shall provide a revised site plan showing a barrier free transition between the driveway pedestrian crossing and the pedestrian walkway at the east entrance on Cedar Street; and

WHEREAS, the applicant provide a revised site plan showing the fence in front of the front yard setback of North Street either eliminated or reduced to three feet tall or shorter; and

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a Special Use Permit and Preliminary and Final Site Plan to construct a 135 square foot building addition, including drive-thru, located on property at 227 North Cedar Street based on the revised site plan dated July 1, 2016.

A brief discussion ensued regarding the location of the resolution in the packet.

MOTION by Waxman, second by Hude,
to table Planning Commission Resolution – A Resolution Approving a Special Use Permit and Final Site Plan to Construct a 135 Square Foot Building Addition, Including Drive-thru, Located at 227 North Cedar Street

Yes (4) Barna, Hude, Fischer, Waxman,
No (2) Hagle, Sabbadin
MOTION APPROVED

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Planning & Zoning News, June 2016 distributed.

LIAISON REPORTS
None.

DIRECTOR REPORT
Haywood informed the commission that the City Clerk would no longer be serving as the recording secretary to the Planning Commission, and that he would now be filling in as the recording secretary. Haywood further reported that city administration is considering discontinuing video recording and broadcasting of Planning Commission meetings as a cost savings measure and invited comments.

ADJOURNMENT
The meeting adjourned at 7:36 p.m.

_____
David E. Haywood, Zoning & Development Director

_____
Seth Waxman, Secretary

CITY OF MASON
PLANNING COMMISSION SPECIAL MEETING
MINUTES OF AUGUST 1, 2016

Chairperson Reeser called the meeting to order at 7:01 p.m. in the Council Chambers at 201 West Ash Street, Mason, Michigan.

Commissioner(s) present: Barna, Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Scott
Commissioner(s) absent: Waxman (excused)
Also present: David Haywood, Zoning & Development Director

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution - A Resolution Approving a Special Use Permit and Final Site Plan to Construct a 135 Square Foot Building Addition, Including Drive-Thru, Located at 227 North Cedar Street

Motion by Sabbadin, second by Hude
To remove the resolution from the table.
MOTION APPROVED

Commissioner Hude distributed a statement listing four deficiencies related to parking, traffic circulation, pavement marking, and joint-parking agreement. The Planning Commission identified the following:

- Owner authorization has been received
- Applicant has addressed the nine concerns identified by the Commission
- Parking encroachment on south property line can be addressed by joint-use agreement
- People will still pull into the site even if there is a one-way traffic pattern
- There have been no pedestrian incidents related to parking and children visiting the Martial Arts Center reported at the County level

Additional information provided by the property owner, Kathryn Meninga, in response to comments/concerns:

- Parking safety will improve with drive-thru lane
- A drive-thru lane is a better situation than vehicles backing out
- There have been few if any incidents related to parking at the site involving Martial Arts attendees
- There is a sidewalk adjacent to the building for patron use when the Cedar Street sidewalk is not passable during inclement weather

RESOLUTION APPROVED

ADJOURNMENT
The meeting adjourned at 7:25 p.m.

_____
David E. Haywood, Zoning & Development Director

_____
Seth Waxman, Secretary

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us

City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director

SUBJECT: 127 N. Lansing St.

DATE: August 3, 2016

Staff is in receipt of a request from Thomas Gistinger to rezone approximately 0.15 acres of land from M-1 (Light Manufacturing) to R2F (Two-Family Residential). Legal description of area proposed to be rezoned: Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham County.

EXISTING LAND USE AND ZONING:

The character of the area in the vicinity is a mix of land uses and zoning. The lot subject to the rezoning request is located on the southwest corner of North Lansing Street and Center Street. The current land uses and zoning for the immediately adjacent properties are as follows:

	Current Land Use	Zoning	Future Land Use
North	Residential	R2F (Two-Family Residential)	Residential
East	Commercial	C-1 (Central Business)	Commercial
South	Residential	M-1 (Light Manufacturing)	Residential
West	Residential	R2F (Two-Family Residential)	Residential

The text of the Zoning Ordinance describes the intent and purpose of the respective zoning districts. The following represents the intent and purpose of the existing M-1 Light Manufacturing zoning district, as well as the intent and purpose of the requested R2F Two-Family Residential zoning district, as stated in the Code.

M-1 Light Manufacturing – "It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials."

R2F Two-Family Residential – "It is the primary purpose of this district to provide opportunities for two-family residential development patterns and lifestyles. 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."

The following table provides a "snapshot" comparison of the existing M-1 and proposed R2F zoning districts, including the uses allowed in the respective districts. Those uses that are allowed in both districts are highlighted.

	Existing Zoning **M-1 Light Manufacturing**	**Proposed Zoning** **R2F Two-Family Residential**
Uses Permitted by Right	• Industrial parks • Research and development • Warehousing, grain elevators, bulk storage, etc. • Transit/transportation facilities • Laundry facilities • Manufacturing of food and cosmetics • Assembly of merchandise • Printing and similar uses • Light manufacturing • Automotive body and paint shops	• Single family dwelling • Public or private park land (non-commercial) • Day care, foster care (up to 6 individuals) • Two-family dwelling
Permitted Accessory Uses	• Accessory structures as defined in Section 94-163(g)	• Accessory structures as defined in Section 94-173(g) ▪ Home occupations ▪ Rooming houses ▪ Family day care home (up to 7 children)
Uses Permitted by Special Use Permit	• Day care centers ▪ Public buildings including non-residential, governmental, utilities, etc. • Communication towers and antennas	• Religious institutions ▪ Day care/foster care (6 to 12 individuals) ▪ Public buildings including non-residential, governmental, utilities, etc. ▪ Public or private educational uses ▪ Planned residential developments ▪ Bed and breakfast ▪ Public or private recreation facilities

MASTER PLAN:

A request for rezoning is an amendment to the zoning ordinance and Mason Code of Ordinances. Section 94-396(a) provides the following standards that the Planning Commission must consider when evaluating an amendment to the zoning ordinance:

1. *Compliance with the Master Plan of the city.* The proposed zoning district R2F is consistent with the future land use designation of the future land use map "residential" and is compatible with the surrounding residential zoning R2F.

2. *What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?* There does not appear to be any changes in the vicinity.

3. *What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?* There is no known error of this sort.

4. *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?* There does not appear to be a risk of precedent or the effect of a precedent at this location. As mentioned earlier, the requested zoning district is consistent with the land use designation of the Future Land Use Map.

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?* There appears to be no impact of this type. The site is currently served with the necessary public utilities.

6. *Does the proposed amendment adversely affect the value of the surrounding property?* Whether the request adversely affects the value of the surrounding property is up to the discretion of the Planning Commission.

7. *Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?* There are no known environmental impacts associated with the proposed rezoning request.

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 zoning district is consistent with the Master Plan.

PUBLIC SERVICES AND FACILITIES:

Streets and Traffic:

This site has its frontage on North Lansing Street and Center Street. Both are under the jurisdiction of the City of Mason.

Public Water/Sanitary Sewer/Storm Sewer:

The site is served by public water, sanitary sewer, and storm sewer.

Additional Agency Comments:

Comments from additional agencies are attached. No additional concerns or objections to the request noted.

NOTIFICATIONS:

Forty-five notices were sent to property owners and occupants within 300 feet of the subject site. At the time of this report no written comments were received.

ANALYSIS:
In summary, the request to rezone the property is generally consistent with vicinity and the Master Plan as it is currently used as residential and is consistent with Future Land Use Map.

RECOMMENDATION:
The Planning Commission approve the proposed resolution.

Attachments:
1. Resolution
2. Draft Ordinance
3. Application
4. Property information and legal description
5. Agency comments
   a. Wolverine Engineering
   b. City of Mason POTW

Introduced:
Seconded:

CITY OF MASON
PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 127 NORTH LANSING STREET FROM M-1 LIGHT MANUFACTURING TO R2F TWO-FAMILY RESIDENTIAL

August 9, 2016

WHEREAS, a rezoning request has been received from Thomas Gistinger to rezone 127 North Lansing Street (Parcel # 33-19-10-05-457-017); and

WHEREAS, the area subject to rezoning is legally described as: Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham Co; and

WHEREAS, The request to rezone is consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, based on the following findings of fact:

1. That the request to rezone the property is consistent with the Future Land Use Map of the Master Plan.
2. That the subject property is currently served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the R2F (Two-Family Residential) zoning district will not adversely affect the value of the surrounding property; and

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby recommend that the City Council adopt an ordinance to rezone 0.15 acres of land as described from M-1 Light Manufacturing to R2F Two-Family Residential.

Yes ( )
No ( )

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Planning Commission at its regular meeting held Tuesday, August 9, 2016, the original of which is part of the Planning Commission minutes.

_____
Deborah J. Cwiertniewicz, Clerk
City of Mason
Ingham County, Michigan

Introduced: _____
First Reading: _____
Second Reading: _____
Adoption: _____
Effective: _____

CITY OF MASON
ORDINANCE

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 0.15 ACRES OF LAND LOCATED AT 127 NORTH LANSING STREET FROM M-1 LIGHT MANUFACTURING TO R2F TWO-FAMILY RESIDENTIAL

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended to rezone the following property from M-1 Light Manufacturing to R2F Two-Family Residential:

Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham Co; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission, at its August 9, 2016, meeting adopted Resolution No. 2016-__ recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and are adequate for the site considering the proposed zoning district; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published

within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member ____ and seconded 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 ____, 2016.

Ordinance No. ___ declared adopted this __ day of ____, 2016.

_____
Mike Waltz, Mayor

_____
Deborah J. Cwiertniewicz, City Clerk

APPLICATION – ZONING ORDINANCE AMENDMENT

City of Mason

Zoning & Development Department • 201 W. Ash Street, Mason, MI 48854
Phone: 517/676-9155 • Fax: 517/676-1330
www.mason.mi.us

Next Mtg. Aug. 9.
Due date July 15

Applicant– Please indicate the following:	
Current Zoning District(s):	M-1
Requested Zoning District(s):	R2F
Text Amendment	

ZONING & DEVELOPMENT DEPT. USE ONLY

Application Received: July 13, 2016
Tax ID: 05-457-017
Fee: $300.-
Receipt #: 100194103

I. APPLICANT INFORMATION

Name Thomas Gistinger
Organization
Address 1301 Brogan Road Stockbridge MI 49285
Telephone Number 843-670-4364 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.

II. PROPERTY INFORMATION (for rezoning only)

Owner Thomas Gistinger Telephone Number 843-676-4304
Property Address 127 N. Lansing St Mason MI 48854
Legal Description: If in a Subdivision: Subdivision Name Smith & Pease Ed Lot Number 17
If Metes and Bounds (can be provided on separate sheet):

tomg625@yahoo.com

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 _____ Date 7/12/16

III. REQUEST DESCRIPTION

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

_____

_____

_____

B. 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): 6,534 SF

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

B. Master Plan (for rezoning only)

Future Land Use Designation (from Master Plan): Residential

Does the proposed Zoning District conform to this designation? ☒ YES ☐ NO

C. Available Services (for rezoning only)

Public Water ☒ YES ☐ NO

Public Sanitary Sewer ☒ YES ☐ NO

Paved Road(s) (Asphalt or Concrete) ☒ YES ☐ NO

Public Storm Sewer ☒ YES ☐ NO

Note: Health Department Certification may be required where public water and/or sanitary sewer are not available

D. 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):

Residential home

E. Soils 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.

IV. 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 "B" below)
- ☐ Any other information deemed necessary

A. Plot Plan

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

1. Existing structures and parking areas, with setback dimensions from property lines
2. Survey pins or monuments

3. All easements on the property
4. Overhead and underground utilities
5. Floodplain and wetlands
6. Topography (where land characteristics have a bearing on the request)
7. Surface drainage, indicated by directional arrows
8. Existing zoning and use of surrounding properties

B. **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.

V. 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).

VI. 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.

Parcel Number: 33-19-10-05-457-017 Jurisdiction: CITY OF MASON County: INGHAM Printed on 07/13/2016

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
HUD	GISTINGER THOMAS	42,500	08/28/2012	WD	FORECLOSURE	12-038651	TA	100.0
GMAC MORTGAGE LLC	HUD	1	07/18/2011	WD	FORECLOSURE	2012-003360	TA	0.0
LOWRY DAEDALIAN	GMAC MORTGAGE	112,804	06/16/2011	SD	FORECLOSURE	3425 / 1048	TA	0.0
JOHNSON CHRISTOPHER E & G	LOWRY DAEDALIAN	105,900	05/26/2006	WD	ARMS LENGTH	3225-305		100.0

Property Address

127 N LANSING

Owner's Name/Address

GISTINGER THOMAS
1301 BROGAN RD
STOCKBRIDGE MI 49285

Tax Description

LOT 17 BLOCK 4 SMITH AND PEASE ADDITION, SEC 5, T2NR1W, CITY OF MASON, INGHAM CO

Comments/Influences

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: City of Mason, County of Ingham, Michigan

Class: Residential | Zoning: M1

School: MASON PUBLIC

P.R.E. 0%

MAP #: 10-5G

2017 Est TCV 72,503 TCV/TFA: 52.31

Building Permit(s)	Date	Number	Status
SIGN	10/24/2005	05-221	CLOSED

X Improved | Vacant

Public Improvements

- Dirt Road
- Gravel Road
- X Paved Road
- X Storm Sewer
- X Sidewalk
- X Water
- X Sewer
- X Electric
- X Gas
- X Curb
- X Street Lights
- X Standard Utilities
- X Underground Utils.

Topography of Site

- X Level
- Rolling
- Low
- High
- X Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain

Who	When	What
NR	10/02/1991	INSPECTED
SM	09/14/2001	INSPECTED
SM	02/28/2002	DATA ENTER

Land Value Estimates for Land Table 412.412 MASON & NORTH ST

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
200 FF	49.50	129.69	1.0746	0.9643	200	100		10,258
50 Actual Front Feet, 0.15 Total Acres					Total Est. Land Value =			10,258

Work Description for Permit 05-221, Issued 10/24/2005: SIDING

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2017	5,130	31,120	36,250			31,059C
2016	5,130	30,940	36,070			31,059C
2015	5,130	30,420	35,550			30,967C
2014	7,820	27,900	35,720			30,480C

*** Information herein deemed reliable but not guaranteed***

Building Type
- X Single Family
- Mobile Home
- Town Home
- Duplex
- A-Frame

X Wood Frame

Building Style: 1 STORY

Yr Built 1900 | Remodeled 1980

Condition for Age: Good

Room List
- Basement
- 1st Floor
- 2nd Floor
- 3 Bedrooms

(1) Exterior
- Wood/Shingle
- X Aluminum/Vinyl
- Brick

X Insulation

(2) Windows
- X Many / Avg. / Few
- X Large / Avg. / Small

- Wood Sash
- Metal Sash
- Vinyl Sash
- Double Hung
- X Horiz. Slide
- Casement
- Double Glass
- Patio Doors
- Storms & Screens

(3) Roof
- X Gable / Hip / Flat
- Gambrel / Mansard / Shed

X Asphalt Shingle

Chimney: Block

(3) Roof (cont.)
- X Eavestrough
- X Insulation
- 0 Front Overhang
- 0 Other Overhang

(4) Interior
- X Drywall / Paneled
- Plaster / Wood T&G

Trim & Decoration: Ex | X Ord | Min

Size of Closets: Lg | X Ord | Small

Doors: Solid | X H.C.

(5) Floors

Kitchen: Vinyl
Other: Carpeted
Other:

(6) Ceilings

X Drywall

(7) Excavation

Basement: 924 S.F.
Crawl: 176 S.F.
Slab: 286 S.F.
Height to Joists: 0.0

(8) Basement
- Conc. Block
- Poured Conc.
- Stone
- Treated Wood
- X Concrete Floor

(9) Basement Finish
- Recreation SF
- Living SF
- Walkout Doors
- No Floor SF

(10) Floor Support

Joists:
Unsupported Len:
Cntr.Sup:

(11) Heating/Cooling
- X Gas / Wood
- Oil / Coal
- Elec. / Steam

- Forced Air w/o Ducts
- X Forced Air w/ Ducts
- Forced Hot Water
- Electric Baseboard
- Elec. Ceil. Radiant
- Radiant (in-floor)
- Electric Wall Heat
- Space Heater
- Wall/Floor Furnace
- Forced Heat & Cool
- Heat Pump
- No Heating/Cooling

- Central Air
- Wood Furnace

(12) Electric

150 Amps Service

No./Qual. of Fixtures: Ex. | X Ord. | Min

No. of Elec. Outlets: Many | X Ave. | Few

(13) Plumbing

1 Average Fixture(s)
- 3 Fixture Bath
- 2 Fixture Bath
- Softener, Auto
- Softener, Manual
- Solar Water Heat
- No Plumbing
- Extra Toilet
- Extra Sink
- Separate Shower
- Ceramic Tile Floor
- Ceramic Tile Wains
- Ceramic Tub Alcove
- Vent Fan

(14) Water/Sewer
- 1 Public Water
- 1 Public Sewer
- Water Well
- 1000 Gal Septic
- 2000 Gal Septic

Lump Sum Items:

(15) Built-ins
- Appliance Allow.
- Cook Top
- Dishwasher
- Garbage Disposal
- Bath Heater
- Vent Fan
- Hot Tub
- Unvented Hood
- Vented Hood
- Intercom
- Jacuzzi Tub
- Jacuzzi repl.Tub
- Oven
- Microwave
- Standard Range
- Self Clean Range
- Sauna
- Trash Compactor
- Central Vacuum
- Security System

(15) Fireplaces
- Interior 1 Story
- Interior 2 Story
- 2nd/Same Stack
- Two Sided
- Exterior 1 Story
- Exterior 2 Story
- Prefab 1 Story
- Prefab 2 Story
- Heat Circulator
- Raised Hearth
- Wood Stove
- Direct-Vented Ga

(16) Porches/Decks

Area	Type
20	CPP

(17) Garage

Year Built:
Car Capacity:
Class:
Exterior:
Brick Ven.:
Stone Ven.:
Common Wall:
Foundation:
Finished ?:
Auto. Doors:
Mech. Doors:
Area:
% Good:
Storage Area:
No Conc. Floor:

Bsmnt Garage:

Carport Area:
Roof:

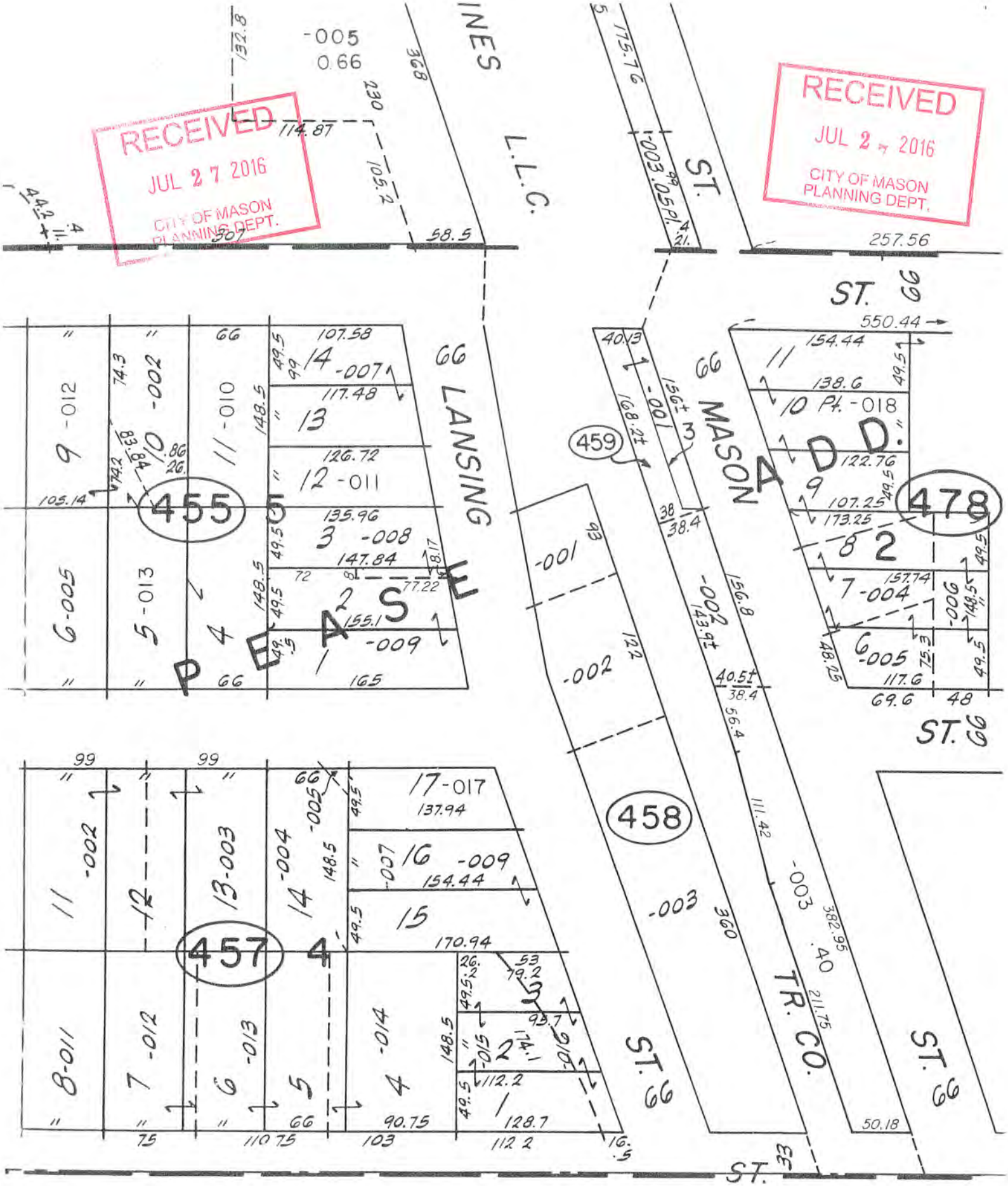
Class: CD
Effec. Age: 34
Floor Area: 1386 — CntyMult
Total Base Cost: 75,996 — X 1.460
Total Base New : 110,954 — E.C.F.
Total Depr Cost: 73,230 — X 0.000
Estimated T.C.V: 62,245

Stories	Exterior	Foundation	Rate	Bsmnt-Adj	Heat-Adj	Size	Cost
1	Story Siding	Basement	55.93	0.00	0.00	924	51,679
1	Story Siding	Slab	55.93	-9.66	0.00	286	13,233
1	Story Siding	Crawl Space	55.93	-8.04	0.00	176	8,429

Other Additions/Adjustments	Rate	Size	Cost
(14) Water/Sewer			
Public Water	1025.00	1	1,025
Public Sewer	1025.00	1	1,025
(16) Porches			
CPP, Standard	30.25	20	605

Phy/Ab.Phy/Func/Econ/Comb.%Good= 66/100/100/100/66.0, Depr.Cost = 73,230
ECF (412 MASON & NORTH ST) 0.850 => TCV of Bldg: 1 = 62,245

*** Information herein deemed reliable but not guaranteed***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MASON

Wolverine Engineers & Surveyors, Inc.
312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

July 21, 2016

Mr. David E. Haywood, AICP - Zoning & Development Director
City of Mason
201 W. Ash Street
Mason, MI 48854

RECEIVED
JUL 25 2016
CITY OF MASON
PLANNING DEPT.

RE: Rezoning Request - 127 N. Lansing Street

Dear Mr. Haywood:

We are in receipt of the rezoning application for 127 N. Lansing Street. Based on the document we understand it is requested to rezone the subject property from M-1 (Light Manufacturing) to R2F (Two-Family Residential). Further we understand a single family house currently occupies the parcel.

From an engineering perspective we take no exception to the requested rezoning.

If you have any questions or additional comments, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.

Donald B. Heck, P.E.

DBH:ood

cc: Ken Baker – DPW Director, City of Mason

S:\Transfer\DON\City of Mason\072116lt dhaywood.docx

David Haywood

From: Sam Bibler
Sent: Thursday, July 21, 2016 9:42 AM
To: David Haywood
Subject: Rezoning Request - 127 N. Lansing St.,Mason

David, I do not have any concerns regarding the rezoning request for the POTW or the MS4 system.

Sam Bibler
City of Mason
POTW / MS4 Superintendent
517-676-1166 ext 202

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us

City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director

SUBJECT: Post Construction Stormwater Management Ordinance

DATE: August 3, 2016

This ordinance is the result of the Michigan Department of Environmental Quality's (DEQ) requirement for local jurisdictions that are categorized as "urbanized" to provide treatment of stormwater originating from developed areas prior to entering "waters of the state", such as lakes and streams. The concept is that "treatment" will reduce or eliminate contaminants and volumes of water that may be damaging to environmental habitats and/or compromise the health, safety and welfare of human inhabitants.

The City of Mason was formerly under the umbrella stormwater permit of the Greater Lansing Regional Commission for Stormwater Management (GLRC), which the city was a member. The DEQ is now requiring that each "urbanized" jurisdiction hold its own permit. The City of Mason received its own separate permit earlier this year. One of the requirements of each separate permit holder is to adopt an ordinance to regulate post construction stormwater runoff.

Attached is our first draft of Mason's post construction stormwater management ordinance (Chapter 52) for the Planning Commission's review. The proposed Chapter 52 is based on a model ordinance created by the GLRC and pre-approved by the DEQ. It is important that the Planning Commission review this ordinance, because it makes specific reference to the Planning Commission having jurisdiction to review and approve site plans that involve stormwater management systems. The draft ordinance proposes to amend Section 94-226 (Final Site Plan Review and Approval) of the zoning ordinance requiring that site plans comply with the post construction stormwater management ordinance. Amending the zoning ordinance requires a public hearing and Planning Commission recommendation to City Council.

The draft ordinance is being made available to the Planning Commission for the purpose of gathering comments in preparation of a final draft to be published for a public hearing in September of this year. Please take a moment to review the draft and make comments or suggestions at our meeting next week. Additional edits may be made during August and incorporated in time for the final draft consideration in September.

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

CITY OF MASON
POST CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE
(DRAFT)

AN ORDINANCE AMENDING THE MASON CITY CODE BY ADDING A NEW CHAPTER TO BE ENTITLED POST CONSTRUCTION STORMWATER MANAGEMENT; TO RECITE FINDINGS AND ORDINANCE PURPOSE; TO DEFINE TERMS; TO ESTABLISH PROCEDURES FOR SUBMISSION AND APPROVAL OF POST CONSTRUCTION STORMWATER MANAGEMENT PLANS AND ESTABLISH CRITERIA FOR SUCH PLANS AND PROJECTS, AND TO DESIGNATE CITY OFFICIALS AND ENTITIES RESPONSIBLE FOR PLAN REVIEW, PROCESSING, AND APPROVALS; TO REQUIRE PERFORMANCE AND MAINTENANCE GUARANTEES AND AGREEMENTS; TO PROVIDE FOR CIVIL FINES, EQUITABLE REMEDIES AND CRIMINAL SANCTIONS AND COSTS FOR VIOLATION OF THIS ORDINANCE, NUISANCE ABATEMENT, COST REIMBURSEMENT TO THE CITY, AND ESTABLISHMENT OF LIENS; ~~AND~~ TO ESTABLISH AN EFFECTIVE DATE HEREOF; AND TO REQUIRE SITE PLAN REVIEW AND APPROVAL

THE CITY OF MASON ORDAINS:

That Section 94-226 be amended at subsection (c) adding item (7) to require a post-construction storm water management concept plan to the listed standards of submittal for final site plan review. When amended Section 94-226 shall read:

Sec. 94-226. Final site plan review and approval.

(a) *Final site plan application.* The owner or designated agent shall file an application with the zoning official requesting final site plan review and approval in compliance with section 94-225(a). The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the city council.

(b) *Final site plan application requirements*. All applications for final site plan review and approval shall comply with the final site plan submittal standards of subsection 94-226(c).

(c) *Final site plan submittal standards*. It is the intent of this section to establish standards for submittal requirements that are consistent with the level of complexity of a proposed development. Further, it is the intent of this section to provide flexibility for the zoning official and planning commission to require submittal of sufficient information to

evaluate the impact of a proposed development on nearby property and the city at large and to demonstrate compliance with this chapter.

(1) Any application for final site plan review and approval shall include at minimum all information submitted with the approved preliminary site plan with all changes incorporated that are necessary to comply with the direction of the designated site plan approval body during preliminary site plan review. The applicant may reference or re-use information submitted with the preliminary plan but shall submit an itemized list of such information.

(2) Drawings and other information submitted for final site plan review and approval shall be sealed or certified by the appropriate professional engineer, architect, landscape architect or planner.

(3) Any application for final site plan review and approval for a proposal that includes a use specifically listed in subsection 94-225(c) of this chapter shall include detailed construction drawings for water, sanitary sewer, storm sewer and surface drainage plans sealed by a professional engineer registered in the State of Michigan.

(4) Any application for final site plan review and approval shall include final documents for recording perpetual use of common open space, easements, rights-of-way, and dedications.

(5) Any application for final site plan review and approval shall include detailed drawings and/or specifications describing road design and construction plans, pavement and sidewalk design and construction plans, lighting plans, and all other construction information necessary to ensure that the project is built as approved and to ensure that the public health, safety, and welfare are protected.

(6) The applicant may be required to submit, at the sole discretion of the designated site plan approval body, information in a more detailed form for final site plan review and approval than was required for the preliminary site plan.

(7) Any application for final site plan review and approval shall include post construction storm water management concept plan pursuant to the requirements of Chapter 52.

(d) *Zoning official review*. The zoning official shall have the authority to approve or deny an application for final site plan review and approval as allowed by, and in accordance with, the requirements of section 94-223. Site plan review shall be in accordance with the standards in section 94-227.

(e) Planning commission review. The planning commission shall have the authority to approve, approve with conditions, or deny an application for final site plan review and approval. Final site plan review shall follow the procedures for preliminary site plan review in subsection 94-225 and shall be in accordance with the standards in section 94-22

That Chapter 52 – Post Construction Storm Water Management – Sections 52-1, 52-2, 52-3, 52-4, 52-5, 52-6, 52-7, 52-8, 52-9, 52-10, 52-11, 52-12, 52-13, 52-14, 52-15, 52-16, 52-17, 52-18, 52-19, 52-20, 52-21, 52-22, 52-23, 52-24, 52-25, 52-26, 52-27, 52-28, 52-29, 52-30, 52-31, 52-32, 52-33, 52-34, 52-35, and 52-36 be added to the Code of the City of Mason, which Chapter shall read as follows:

Chapter 52 – Post Construction Stormwater Management

Section 52-1. Title.

This ordinance shall be known as the "City of Mason Post Construction Stormwater Management Ordinance."

Section 52-2. Findings.

The City of Mason finds that:

(1) The constitution and laws of the State of Michigan authorizes local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety, and welfare and to the protection of our natural resources.

(2) Water bodies, roadways, structures, and other property within and downstream of City of Mason are at times subjected to flooding.

(3) Land development alters the hydrologic response of watersheds, which may result in increased stormwater runoff rates volumes, and duration, increased flooding, increased stream channel erosion, and increased sediment transport and deposition.

(4) Stormwater runoff produced as a consequence of land development contributes to increased quantities of water-borne pollutants.

(5) Increases of stormwater runoff, soil erosion, and nonpoint source pollution have occurred as a result of land development, and have impacted the water resources of the Grand River Watershed.

(6) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City of Mason will, absent reasonable regulation and control, adversely affect the City of Mason water bodies and water resources, and those of downstream communities.

(7) Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized by the regulation of stormwater runoff from development.

(8) Impervious surfaces allow less water to percolate into the soil, thereby

decreasing groundwater recharge and stream baseflow.

(9) Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.

(10) Substantial economic losses can result from adverse impacts on the waters of the City of Mason and the watershed.

(11) Improper design and construction of stormwater best management practices (BMPs) can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation.

(12) The regulation of stormwater runoff discharges from land development activities is necessary in order to control and minimize increases in stormwater runoff rates and volumes, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

(13) The regulation of land development by means of stormwater management policy and procedures and effective site planning will produce development that is compatible with the natural functions of the land or an entire watershed and thereby mitigate the adverse effects of excessive stormwater runoff from development.

Section 52-3. Purpose.

(b) The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the City of Mason and the watersheds to which it drains and to comply with the City's National Pollution Discharge Elimination System (NPDES) permit and other applicable federal and state regulations.

(c) This ordinance seeks to meet that purpose by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment through the following objectives:

(1) To minimize increased stormwater runoff rates and volumes from identified land development and redevelopment.

(2) To minimize nonpoint source pollution.

(3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.

(4) To encourage water recharge where geologically favorable conditions exists.

(5) To maintain the ecological integrity of stream channels.

(6) To minimize the negative impacts of development on downstream channel

stability.

(7) To preserve and protect water supply facilities and water resources by controlling increased flood discharges, stream erosion, and runoff pollution.

(8) To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where storm water management controls may be insufficient to meet water quantity and quality goals.

(9) To ensure that storm drains and stormwater BMPs are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this Ordinance and the City of Mason's Post Construction Stormwater Management Guidance Manual (Guidance Manual) are designed for these purposes.

(10) To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or; for overseeing the performance of maintenance by other entities.

(11) To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plans of the City of Mason.

(12) To establish legal authority to carry out all of the inspection and monitoring procedures necessary to ensure compliance with this ordinance.

Article II. Definitions

Section 52-4. Definition of Terms.

The following terms, phrases, words, and derivatives shall have the meaning defined below:

(1) Applicant. Any person proposing or implementing the development or redevelopment of land.

(2) BMP or Best Management Practice. A practice, or combination of practices and design criteria that comply with the City of Mason Post Construction Stormwater Management Guidance Manual, the Michigan Department of Environmental Quality's Guidebook of BMPs for

~~(2)~~(3) Michigan Watersheds, the Low Impact Development Manual for Michigan, or equivalent practices and design criteria that accomplish the purposes of

this Ordinance (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City of Mason and/or, where appropriate, the standards of the Ingham County Drain Commissioner.

~~(3)~~(4) Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

~~(4)~~(5) Conveyance Facility. A storm drain, pipe, swale, or channel.

~~(5)~~(6) Designer. The licensed professional engineer, landscape architect or professional surveyor responsible for the design of the stormwater management plan.

~~(6)~~(7) Detention. A system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate. The goals of this BMP are to control peak discharge rates and provide gravity settling of pollutants.

~~(7)~~(8) Developed or Development. The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, City of Mason approval of a site plan, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures. Significant alteration of land topography which increases the rate of water flow or concentration in a manner which increases the likelihood of soil erosion and flooding; provided, however, that for the purposes of this Article only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one acre.

~~(8)~~(9) Easement. A legal right granted by a landowner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.

~~(9)~~(10) Engineered Site Grading Plan. A sealed drawing or plan and accompanying text prepared by a designer which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this Ordinance are met.

~~(10)~~(11) Erosion and Sediment Control Plan. Means a plan that is designed to minimize the accelerated erosion and sedimentation runoff at a site during construction.

~~(11)~~(12) Fee in Lieu Contribution. Means a payment of money in place of meeting all or part of the stormwater performance standards required by this ordinance.

~~(12)~~(13) Grading. Any stripping, excavating, filling, or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

~~(13)~~(14) Impervious Surface. Surface that does not allow stormwater runoff to slowly percolate into the soil.

~~(14)~~(15) Infiltration. The percolation of water into the ground, expressed in inches per hour.

~~(15)~~(16) Land Disturbing Activity. Means any activity that changes the volume or peak flow discharge of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

~~(16)~~(17) Maintenance Agreement (Covenant). A binding agreement that establishes the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

~~(17)~~(18) MDEQ. Michigan Department of Environmental Quality.

~~(18)~~(19) National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means the permit issued to the City of Mason by the Michigan Department of Natural Resources and Environment for point source discharges of stormwater from municipal separate storm sewer systems.

~~(19)~~(20) Nonpoint Source Pollution. Any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act.

~~(20)~~(21) Non-Structural Measure. A stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site.

~~(21)~~(22) Offsite Facility. All or part of a drainage system that is located partially or completely off the development site which it serves.

~~(22)~~(23) Peak Rate of Discharge. The maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

~~(23)~~(24) Permanent Stormwater BMP. Means a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

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~~(24)~~(25) Plan. Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

~~(25)~~(26) Post Construction Stormwater Management Concept Plan (Stormwater Plan). Drawings and written information prepared by a designer which describe the way in which accelerated soil erosion and/or stormwater flows from a particular site are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this Ordinance are met.

~~(26)~~(27) Post Construction Stormwater Management Guidance Manual. A detailed explanation of the policies, procedures and design criteria for complying with the City's Post Construction Stormwater Ordinance.

~~(27)~~(28) Receiving Stream or Channel. The body of water or conveyance into which stormwater runoff is discharged.

~~(28)~~(29) Recharge. The replenishment of underground water reserves through percolation.

~~(29)~~(30) Redevelopment. Means a change to a previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

~~(30)~~(31) Responsible Party. Means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity, or any other legal entity; or their representatives, agents, or assigns that is named on a storm water maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

~~(31)~~(32) Retention. A holding system for stormwater, either natural or man-made, which does not have a direct outlet to adjoining watercourses or wetlands.

~~(32)~~(33) Runoff. That part of precipitation, which flows over the land.

~~(33)~~(34) Sediment. Mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

~~(34)~~(35) Stormwater BMP. Any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this Ordinance.

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~~(35)~~(36) Stream Buffer. An area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may otherwise result in significant degradation to water quality.

~~(36)~~(37) Watercourse. Any natural or manmade waterway or other body of water having reasonably well defined banks. Rivers, streams, creeks, brooks, and channels, whether continuatly or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.

~~(37)~~(38) Watershed. An area of land draining to a common outlet otherwise known as a drainage or catchment area.

~~(38)~~(39) Wetlands. As defined by Michigan's wetland statute, Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Article III. General Provisions

Section 52-5.Applicability.

(a) This Post Construction Stormwater Management Ordinance shall be applicable to all land development public or private, including City projects, (new development and redevelopment), including but not limited to, site plan, plot plan and plat applications as well as any grading applications, that meet one or more of the following criteria unless exempt pursuant to Section 52-6:

(1) Projects that disturb one (1) acre or more.

(2) Projects less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more.

(b) The procedures and standards set forth in this Post Construction Stormwater Management Ordinance, and the policies, procedures, and design data specified in the City of Mason Post Construction Stormwater Management Guidance Manual (Guidance Manual) provide the minimum standards to be adhered to by developers and shall not be construed to limit the authority of the City of Mason to adopt or publish and/or enforce higher standards as a condition of approval of developments. Copies of the Guidance Manual shall be available to the public at the Mason City Hall. This Ordinance shall be construed as providing minimum standards and should be construed in conjunction with the Guidance Manual. All plans and construction specifications shall be approved by the City of Mason Public Works Director or the designee of the Director, unless the project involves an established County drain. Projects involving an established County drain shall adhere to the requirement of the Ingham County Drain Commissioner.

(c) No site plan, plot plan, or plat disturbing one (1) acre or more shall be approved

until that said development or redevelopment meets all of the following:

(1) Soil erosion and sedimentation control measures consistent with the requirements of the Ingham County Drain Commissioner,

(2) Requirements for an approved Post Construction Stormwater Management Concept Plan (Stormwater Plan) as outlined in Article IV of this Ordinance, and

(3) Related land development regulations.

(d) No certificate of occupancy for any building will be issued, unless the applicant for said certificate shall have obtained a certification of completion indicating compliance with all applicable grading plans, specifications, and requirements, this Post Construction Stormwater Management Ordinance and the Guidance Manual.

(e) For an existing retention or detention basin constructed prior to the effective date of this ordinance, an approved Stormwater Plan must be secured prior to any significant expansion, repair, or maintenance of said basin.

Section 52-6. Exemptions.

(a) Notwithstanding the requirements of Section 52-5, a Stormwater Plan shall not be required for activities protected by the Right to Farm Act 93 of 1981, as amended.

(b) The installation or removal of individual manufactured homes within a manufactured home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a manufactured home park.

(c) Plats that have received preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

(d) Any emergency project that is immediately necessary for the protection of life, property, or natural resources.

(e) Linear construction projects, such as pipeline or utility line installation, that do not result in the installation of any impervious cover, as determined by the ~~Public Service Director~~Public Works Director.

Section 52-7. Liability.

Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters, or erosion of channels connecting thereto. The requirements of this ordinance and other applicable City of Mason ordinances are minimum standards and a person's compliance with the same shall not relieve such person from the duty of

enacting all measures necessary to minimize pollution of receiving waters or such erosion to the maximum extent practicable.

Section 52-8. Stormwater Enforcement: Powers and Duties of Enforcing Officials.

(a) The ~~Public Service Director~~Public Works Director shall administer and enforce this Ordinance, and may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Guidance Manual.

(b) The City of Mason Post Construction Stormwater Management Guidance Manual (Guidance Manual) may be updated and expanded from time to time, at the discretion of the City Council and with approval of the DEQ based on improvements in engineering, science, monitoring and local maintenance experience.

(c) Representatives of the City shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this ordinance.

Article IV. Post Construction Stormwater Management Concept Plan Requirements (Stormwater Plan)

Section 52-9. Pre-application Conference.

A pre-application conference may be held with the City of Mason Department of Public Works prior to the submittal of a Stormwater Plan and before any alterations to the land. The· purpose of the pre-application conference is to provide information about the City of Mason's regulations, plan submittal requirements, and any additional requirements imposed on that site due to downstream restrictions.

Section 52-10. Contents of Post Construction Stormwater Management Concept Plan (Stormwater Plan).

(a) The Stormwater Management Concept Plan (Stormwater Plan) shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.

(b) The Stormwater Plan shall be presented as follows:

(1) Through plans, illustrations, reports, and calculations, the Stormwater Plan shall display the required information specified in the Guidance Manual.

(2) The Stormwater Plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities, using preliminary

calculations. Detailed construction drawings are not required at the Stormwater Plan review stage.

(3) If it is proposed to develop a parcel in two or more phases, the Stormwater Plan shall be prepared and submitted for the total project.

(c) Plan Preparation. The Stormwater Plan shall be prepared by a designer in accordance with the requirements outlined in the City of Mason Post Construction Stormwater Management Guidance Manual. Other persons and professionals may assist in the preparation of the plan. All plans shall be properly sealed.

Section 52-11. Standards for Post Construction Stormwater Management Concept Plan (Stormwater Plan) Approval.

(a) All developments requiring a Stormwater Plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this Ordinance, as stated above. The City of Mason has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as detailed below and/or in the Guidance Manual.

(b) Designers may select any combination of stormwater BMPs which meet the performance standards provided the selections:

(1) Comply with the requirements identified in this Ordinance and the Guidance Manual;

(2) Comply with all other local, county, state, or federal requirements; and

(3) Do not conflict with the existing local stormwater management and watershed plans.

(c) The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site.

(d) The following On-Site Stormwater Management concepts shall be~~must be~~ followed:

(1) Natural topography and site drainage shall be preserved and site grading shall *be* minimized to the maximum extent reasonably achievable considering the nature of the development.

(2) The preferred conveyance strategy is to transport, wherever possible, untreated and treated runoff in conveyance facilities open to the atmosphere (e.g. swales, vegetated buffer strips, energy-dissipating structures, etc.), rather than through enclosed pipes, so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to

remove pollutants.

(3) Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the ~~Public Service Director~~Public Works Director, relevant county agencies and the applicable State of Michigan Department(s).

(4) The following ~~volume/~~channel protection criteria shall be met. There ~~will~~shall be no net increase in runoff rate and volume from storm events up to the two-year, 24-hour event from predevelopment conditions. Specific details for compliance with this requirement are outlined in the City of Mason Guidance Manual.

(5) The following peak rate/flood control criteria shall be met. The peak discharge rate from all storms up to the 100-year, 24-hour event shall not be greater than predevelopment discharge rates. Where the runoff volume is not increased from the predevelopment condition, the peak rate corresponding to the same storms is considered controlled. If specific watershed conditions require additional peak rate control, the City of Mason may, in its discretion, upon the recommendation of its Public Works~~Service~~ Director: a) restrict the peak discharge from the 100-year, 24 hour event to a fixed release rate; or b) require additional runoff volume reduction. Specific details for compliance with this requirement are outlined in the Guidance Manual.

(6) The following water quality criteria shall be met. Water quality criteria are met when (a) the minimum treatment volume control criteria of one (1) inch of runoff from the entire site is detained ~~retained~~ and (b) when the following Total Suspended Solids criteria is met:

(a) A minimum of 80 percent of Total Suspended Solids has been removed as compared with uncontrolled runoff, or

(b) A maximum~~inimum~~ discharge concentration of ~~-~~TSS not to exceed 80 mg/l ~~not~~ is~~to exceed 80 mg/l is~~ met.

If the required minimum TSS levels are not met by the capture of one inch of runoff from the entire site, then additional treatment methods must be designed to meet the minimum TSS removal requirements. Specific details for compliance with this requirement are outlined in the Guidance Manual.

(7) Under certain conditions, *the* City of Mason, upon recommendation by the Public Works ~~Service~~ Director, may impose the following additional restrictions on stormwater discharges:

(a) Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be negatively impacted.

(b) Measures may be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by the Public Works~~Service~~ Director.

(c) Where groundwater yields are very low or where a groundwater supply already is heavily used, the City of Mason may require that the entire volume of the two-year, 24-hour rainfall event be retained and infiltrated. If substantial irrigation needs are anticipated, portions of stored stormwater may be reused for irrigation purposes.

(8) Stormwater "Credits" for Onsite Stormwater Management may be considered in accordance with the provisions provided in the Guidance Manual.

Section 52-12. Stormwater Management Concept Plan (Stormwater Plan) Submission.

(a) The Stormwater Plan shall be submitted to the Department of Public Works for review in accordance with the requirements specified in the Guidance Manual, unless site plan review is required, in which case the applicant need only apply to the Planning Commission for site plan review pursuant to Article VII of Chapter 94, Zoning.

~~(a)~~(b)The Public Works Director shall forward the Stormwater Plan to the City Engineer for review, unless being reviewed by the Planning Commission in which case the Zoning and Development Director shall forward to the City Engineer.

~~(b)~~(c)Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to obtain required permits and approvals from county and state agencies.

~~(c)~~(d)Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to comply with other applicable City of Mason ordinances and regulations.

~~(d)~~(e)~~Upon submission of a Stormwater Plan as provided above, such plan shall be reviewed by the Department of Public Works and a written response prepared and submitted to the Planning Commission for approval. If the site plan, subdivision plat, or other earth change plan is revised, then the Stormwater Management Concept Plan shall also be revised and reviewed by the Department of Public Works to ensure continued compliance with all other applicable ordinances.~~

Section 52-13. Stormwater Management Plan Review Procedures.

(a) ~~All Stormwater Plans shall receive engineering review.~~ If the proposed plan is not sufficient as originally submitted, the Public Works~~Service~~ Director, or the designee of the Director, shall notify the applicant in writing, setting forth the reasons for withholding

a recommendation for approval.

(b) Planning Commission Review

(1) The Planning Commission shall apply and incorporate the Department of Public Works' review and approval of the Stormwater Plan prior to proceeding with its formal action on the proposed development or redevelopment.

(2) If the Planning Commission determines that all of the required information has not been received, the proprietor may request that the matter be tabled to allow for the submittal of the required information.

(3) If all the required information has been received, the Planning Commission shall approve, approve with conditions, or deny approval of the development/redevelopment and its accompanying Stormwater Plan.

(4) If the Stormwater Plan is approved, the Planning Commission shall require the following as a condition of approval:

(a) Before approval of the final stormwater BMP construction plans, copies of all necessary Wetland, Floodplain, Inland Lakes and Streams, Erosion Control or other needed state, federal, or local permits relating to stormwater management have been provided by the applicant for the City of Mason's files.

(b) A satisfactory maintenance agreement in accordance with this ordinance that assures long-term maintenance of all drainage improvements will be in place before approval of the final plan. Documentation of maintenance agreement will be supplied to the Department of Public Works and approved by the ~~Public Service Director~~Public Works Director.

(c) Before approval of the final stormwater BMP construction plans, the applicant will post cash or a letter of credit in an amount not less than 10 percent of the cost of the stormwater facilities for projects of less than $100,000 or five percent of the cost for projects over $100,000. This maintenance guarantee will be held for one year after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer (see Section 52-28).

(d) This deposit will be returned to the applicant (in the case of cash) or allowed to expire (in the case of a letter of credit), as provided above, provided all stormwater facilities are cl~~d~~ean, unobstructed, and in good working order, as determined by the Public Works~~Service~~ Director.

(e) Electronic files (in AutoCAD and pdf format) of the as-built storm drains and stormwater BMPs will be submitted by the applicant or his/her engineer to the Department of Public Works along with the final plan for existing systems, or upon completion of system construction for new

systems.

(f) Complete development agreements (including deed restrictions) must be submitted for the City of Mason review and approval prior to recording.

Section 52-14. Review Fees.

The City of Mason City Council shall establish and from time to time may revise application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.

Section 52-15. Reserved For Future Use.

Section 52-16. Revision of Stormwater Management Plan.

(a) If it becomes necessary to alter a development or earth change proposal after the Stormwater Plan has been approved, a revised Stormwater Plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. All requirements and standards for a Stormwater Plan shall apply.

~~(a)~~ (b) If the site plan, subdivision plat, or other earth change plan is revised, then the Stormwater Management Concept Plan shall also be revised and reviewed by the Department of Public Works and/or Planning Commission to ensure continued compliance with all other applicable ordinances~~.~~

(c) ~~The foregoing notwithstanding, a~~A minor change in the Post Construction Stormwater Management Plan may be approved administratively by the Public Works~~Service~~ Director or the Director's designee. For purposes of this section, a "minor change" shall mean a revision that does not relate to the function or intent of applicable standards.

Section 52-17. Drains Under the Jurisdiction of the Drain Commissioner.

(a) Drainage districts will not be altered when designing development drainage, except as provided under Sections 425 or 433 of Act 40, Public Act 1956 as amended.

(b) Existing county drain easements will be indicated on the Stormwater Plan as well as the final stormwater BMP construction plans and will be designated as "Ingham County Drain". County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the Drain Office to see if a drain easement is in existence on the subject property.

(c) A permit will be obtained from the Ingham County Drain Commissioner's office prior to discharging into, tapping or crossing any county drain. The permit must be obtained prior to final plan approval.

(d) Proposed relocations of county drains will be processed through the office of the

Drain Commissioner.

Article V. Stormwater Best Management Practices - (Bmp) Construction Plans.

Section 52-18. Submittal, Review and Approval Procedures Requirements.

(a) The applicant will submit five copies of the stormwater BMP construction plans with a letter of transmittal to the City of Mason Department of Public Works with the final site plan for the development/redevelopment.

(b) ·The stormwater BMP construction plan submittal shall contain a completed application form provided by the City of Mason; the fee required by Section 52-14; stormwater BMP construction plans that satisfies the requirements of this section and the City's Post Construction Stormwater Management Guidance Manual ({Guidance Manual); a stormwater maintenance plan; and a certification stating that all requirements of the approved plan will be complied with. Failure of the owner to demonstrate that the project meets these requirements, as determined by the City of Mason, shall be reason to deny approval of the stormwater BMP construction plans.

(c) The City of Mason EngineerMason shall check the stormwater BMP construction plans for consistency with the Post Construction Stormwater Management Concept Plan (Stormwater Plan) and may require a revised Stormwater Plan if substantive changes in the site development proposal have been made.

(d) The Grading and Soil Erosion Sedimentation Control Permit shall be obtained from the appropriate jurisdiction.

(e) The stormwater BMP construction plans shall be prepared in accordance with the provisions provided in this Ordinance.

(f) Construction drawings and engineering specifications shall be subject to review and approval by the City Department of Public Works in order to ensure that the construction plan conforms with the approved Stormwater Plan; that adequate storm drainage will be provided; that the proposed stormwater management system provides adequately for water quantity and quality management; and to ensure protection of property owners and watercourses both within the proposed development and downstream.

(g) The following information is required to be submitted where applicable:

(1) A grading and soil erosion permit under "The Michigan Soil Erosion and Sedimentation Control Act", P.A. 451, Part 91Public Acts of 1994 as amended, will be obtained from the Ingham County Drain Commissioner prior to any construction.

(2) For developments that will result in disturbance of five or more acres of land, a complete Notice of Coverage must be submitted to the Michigan Department of Environmental Quality, Water Bureau, to have the discharge

deemed authorized under a National Pollutant Discharge Elimination System permit.

(3) The applicant will make arrangements acceptable to the Department of Public Works for inspection during construction and for final verification of the construction by the designer the City of Mason Engineer prior to approving Certificate of Occupancy.

(4) Review of final construction plans by the Department of Public Works and the City of Mason Engineer will not proceed until site plan approval has been granted.

(5) Approval of the stormwater BMP construction plans by the City of Mason is valid for one calendar year. If an extension beyond this period is needed, the applicant will submit a written request to the City of Mason for an extension. The City may grant one year extensions of the approval, and may require updated or additional information if needed. City action under this provision may b~~h~~e taken administratively provided that no changes to the stormwater BMP construction plans and/or standards have occurred. In the event one or more such changes have occurred, City of Mason action under this provision shall be taken by the final reviewing body. Financial guarantees pursuant to Section 52-13(c){3) and deposits shall remain in place during all such extension periods.

(6) For site condominiums, complete Master Deed documents (including "Exhibits" drawings) must be submitted for the City's review and approval prior to recording.

(h) No substantive changes shall be made to an approved stormwater BMP construction plan without review and written approval by the City of Mason. The Department of Public Works may request additional data with a plan amendment as may be necessary for a complete review of the stormwater BMP construction plan and to ensure that changes to the plan will comply with the requirements of this ordinance.

(i) The stormwater BMP construction plans shall be prepared by a designer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater BMPs meet the requirements of this ordinance.

(j) The owner shall agree that all land clearing, construction, land development and drainage will be done according to the approved stormwater BMP construction plan.

Section 52-19. As-Built Certification.

An as-built certification for stormwater BMPs must be provided to the Department of Public Works prior to final approval of the development. The certification shall include all of the requirements noted in the Guidance Manual applicable to the specific project involved.

Article VI. Engineered Site Grading Plans.

Section 52-20. Contents of Engineered Site Grading Plans.

(a) The Engineered Site Grading and Soil Erosion and Sedimentation Control Plans for a development shall be submitted by the owner to the appropriate County agency.

(b) In addition to the requirements outlined in the Engineered Site Grading Plan shall include the following information:

(1) The general stormwater management scheme for the proposed development indicating how stormwater management will be provided and where drainage will outlet.

(2) A description of the off-site outlet and evidence of its adequacy. If no adequate watercourse exists to effectively handle a concentrated flow of water from the proposed development, discharge will be reduced to sheet flow prior to exiting the site, and shall not exceed the allowable outlet rate defined in the Engineering Design Standards. Additional volume controls may be required in such cases and/or acquisition of rights-of-way from downstream property owners receiving the stormwater flow.

(3) Identification of any on-site and/or off-site stormwater management facilities and appropriate easements, granted to the entity that will be responsible for future maintenance.

(4) Any drainage originating outside of the development limits that flows onto or across the development. (In general, drainage from off-site shall not be passed through on-site stormwater BMPs).

(5) Any natural watercourses, the City of Mason and County drains that traverse or about the property.

Section 52-20. Grading Plan Review Procedures and Standards.

(a) The following standards shall be met by the applicant:

(1) The increased volume of water discharged from a development shall not create adverse impacts to downstream property owners, wetlands and watercourses (e.g., flooding; excessive soil saturation; crop damage; erosion; degradation in water quality or habitat).

(2) Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.

(3) Watercourses shall not be deepened, widened, dredged, cleared of

vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City of Mason, relevant county agencies and the applicable State of Michigan Department(s).

(b) Review procedures:

(1) Engineered Site Grading Plans shall be subject to review and approval by the Public Works~~Service~~ Director or his/her designee(s) to assure compliance with this Ordinance.

(2) Engineered Site Grading Plans shall be reviewed and approved by the Public Works~~Service~~ Director or his/her designee prior to the issuance of a building permit.

(3) Construction Plans shall be reviewed by the Department of Public Works to ensure that the construction plan conforms to the approved Post Construction Stormwater Management Concept Plan.

Article VII. Construction & Maintenance Inspection for Permanent Stormwater Management BMPs

Section 52-21. Notice of Construction Commencement.

The applicant must notify the City of Mason Department of Public Works before the commencement of construction. In addition, the applicant must notify the City of Mason Department of Public Works in advance of construction of critical components of the stormwater practices shown on the approved stormwater BMP construction plans. The City may, at its discretion, issue verbal or written authorization to proceed with critical construction steps, such as installation of permanent stormwater BMPs based on stabilization of the drainage area and other factors.

Section 52-22. Construction Inspections by City of Mason or its Representatives.

The City of Mason Department of Public Works or its representatives may conduct periodic inspections of the stormwater practices shown on the approved stormwater BMP construction plan, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan, and the resolution of such issues. Additional information regarding inspections can be found in the City of Mason's Stormwater Management Guidance Manual. A final inspection by the City of Mason is required before any construction performance bond or guarantee, or portion thereof, shall be released.

Section 52-23. Maintenance Inspections.

The City of Mason Department of Public Works or its representatives may conduct periodic inspections for all stormwater practices constructed as part of the approved BMP construction plans. All inspections will be documented in writing. The inspection shall document maintenance and repair needs and discrepancies from the stormwater

maintenance agreement and stormwater maintenance plans. Failure to list a defect shall not relieve~~.~~ the owner of requirements for compliance with applicable regulations.

Article VIII. Performance Guarantees, Easements, and Maintenance.

Section 52-24. Applicability of Requirements.

Requirements of this Article concerning performance guarantees, easements, and maintenance agreements shall apply to owners required to submit a Post Construction Stormwater Management Concept Plan (Stormwater Plan) to the City of Mason for review and approval.

Section 52-25. Performance Guarantees.

(a) The applicant shall post an acceptable construction performance bond or irrevocable letter of credit or cash to guarantee compliance with standard construction practices and laws, and also with construction requirements of approved facility specific BMPs. The construction performance bond shall be in the amount of 100% of the cost of constructing the treatment train or system components. Required construction performance bonds shall be provided to the City of Mason after the Stormwater Plan, but prior to the final approval of the stormwater BMP construction plans and initiation of any earth change.

(b) After determination by the Public Works~~Service~~ Director that all facilities are completed in compliance with the approved Stormwater Plan and the stormwater BMP construction plans, the posted construction performance bond remaining shall be released.

Section 52-26. Stormwater Management Easements.

(a) Necessity of Easements for On-site Stormwater BMPs: Stormwater management easements shall be provided in a form required by the City of Mason and the City Attorney (see Guidance Manual), and recorded as directed as part of the approval of the City of Mason to assure access for inspections; (ii) access to stormwater BMPs for maintenance purposes; and (iii) preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.

(b) Easements for Off-site Stormwater BMPs: The owner shall obtain easements assuring use of and access to all areas used for off-site stormwater management, including undeveloped or undisturbed lands.

(c) Recording of Easements: Easements required by this article shall run with the land and shall be recorded with the County Register of Deeds according to county requirements.

(d) Recording Prior to Building Permit Issuance: The applicant must provide the City Clerk with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.

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(e) Right-of-Entry: The easements must contain a provision granting the City of Mason and its representatives the right of entry for the purposes of conducting periodic inspections of stormwater BMPs at reasonable times and in a reasonable manner. In addition, such easements shall be deemed to include the right to enter a property when the City of Mason has a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Ordinance.

Section 52-27. Maintenance Bond.

(a) A maintenance bond shall be provided to the City of Mason.

(b) The maintenance bond shall be provided for a period of one year after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer.

Section 52-28. Maintenance Agreement.

(a) Purpose of Maintenance Agreement: The purpose of the maintenance agreement is to provide the means and assurance that maintenance of stormwater BMPs shall be undertaken.

(b) Responsible Party

(1) The responsible party named in the recorded stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances. Such repairs or restoration and maintenance shall be in accordance with the approved storm water management design plan, the stormwater maintenance agreement, and the stormwater maintenance plan.

(2) The responsible party shall make records of installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City of Mason during inspection of the practice and at other reasonable times upon request.

(c) Maintenance Agreement Required

(1) A maintenance agreement shall be submitted to the City of Mason, for review by the Public Works Director and his/her designee and the City Attorney, for all development, and shall be subject to approval in accordance with the Stormwater Plan. A formal Maintenance Plan shall be included in the maintenance agreement.

(2) Maintenance agreements shall be approved by the City Administrator prior to final subdivision plat or condominium approval, as applicable, and prior to construction approval in other cases.

(3) A maintenance agreement is not required to be submitted to the City of Mason for drains that will be maintained by the County Drain Commissioner.

(d) Maintenance Agreement Provisions

(1) The maintenance agreement shall include a plan for routine, emergency, and long-term maintenance of all stormwater BMPs, with a detailed annual estimated budget for the initial three years, and a clear statement that, except for maintenance required as a result of an emergency, only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits. Written notice of the intent to proceed with non-routine maintenance shall be provided by the party responsible for maintenance to the City of Mason Department of Public Works at least 14 days in advance of commencing ~~work.~~work. The property owner shall give the City of Mason a certification annually that the required maintenance has been completed.

(2) The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the County Register of Deeds prior to the effectiveness of the approval of the City Administrator.

(3) If it has been found by the City Administrator, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the Public Works Director shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City of Mason) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fees. The maintenance agreement required under this Ordinance shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

Article IX. Severability

Section 52-29. Reserved For Future Use.

Section 52-30. Sanctions for Violations.

(a) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine for a first offense and enhanced fines for subsequent offense(s), plus costs, damages, expenses, and other sanctions authorized by the Mason City Code and Chapter 82-291~~7 of the Revised Judicature Act of 1961~~

and other applicable laws, including, without limitation, equitable relief. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The City of Mason is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

(b) Any person who neglects or fails to comply with a stop work order issued under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than *$2,500 per day* or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(c) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

Section 52-31. Stop Work Order.

(a) Unless otherwise specified, any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine or fines provided by Chapter 82-291 ~~1, Article II~~, of the Code of the City of Mason, including equitable remedies to enjoin such conduct.

(b) Any person who neglects or fails to comply with a stop work notice or order issued under this ordinance shall be guilty of a misdemeanor punishable as provided in Chapter 82-291~~1, Article II~~ of the Code of the City of Mason.

(c) Any person who aids or abets a person in violation of this ordinance shall be subject to the sanctions provided in this section.

Section 52-32. Failure to Comply; Completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the City of Mason may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work, and the amount thereof, if unpaid, may be placed as a lien against the property and collected at the time and by the method available for collection of property taxes.

Section 52-33. Emergency Measures.

When emergency measures are necessary to abate or moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the City of Mason is authorized to carry out or arrange for all such emergency measures, including the obtaining of injunctive relief. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the City for all such costs.

Section 52-34. Cost Recovery for Damage to Storm Drain System.

A discharger shall be liable for all costs incurred by the City of Mason as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain or receiving waters, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Michigan Department of Environmental Quality for violation of an NPDES permit, actual attorney fees, and other costs and expenses.

Section 52-35. Collection of Costs; Lien.

Costs incurred by the City of Mason and the Drain Commissioner pursuant to this ordinance shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the City of Mason Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of truces assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Section 52-36. Effect of Approval on Remedies.

The approval or disapproval of any Post Construction Stormwater Management Concept Plan shall not have any effect on any remedy which may be available to any person at law or in equity.

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 _____, 2016. Ordinance No. ____ declared adopted this _____ day of _____, 2016.

_____
Mike Waltz, Mayor

_____

Deborah J. Cwiertniewicz, City Clerk

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