

# **Macon Township**

Lenawee County, Michigan

# **Zoning Ordinance**





**ZONING ORDINANCE**  
**MACON TOWNSHIP**

Adopted July, 1994

Amended January, 2003

Amended April, 2004

Amended June, 2013

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**MACON TOWNSHIP ZONING ORDINANCE  
LENAWEE COUNTY, MICHIGAN**

**TITLE**

AN ORDINANCE to regulate and restrict the use of land and buildings by dividing the Township of Macon into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a Board of Appeals, defining and limiting the powers and duties of said Board and setting standards to guide actions of said Board; providing the means of enforcing said Ordinance; and providing a penalty for violation of said Ordinance.

**PREAMBLE**

In accordance with the authority and intent of Act 110, of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, the Township of Macon desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for economic well-being for the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Macon be so related as to provide for economy in government and mutual support. The result of such purposes of the Ordinance, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Macon.

**ENACTING CLAUSE**

THE TOWNSHIP OF MACON, COUNTY OF LENAWE, STATE OF MICHIGAN ORDAINS:

**ARTICLE I  
SHORT TITLE**

Section 1.01. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Macon. The zoning map referred to herein is entitled "Zoning Map, Township of Macon."

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**ARTICLE II**  
**CONSTRUCTION OF LANGUAGE**

Section 2.01. The following rules of construction apply to the text of this Ordinance.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either. . . or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

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**ARTICLE III**  
**ZONING DISTRICTS AND MAPPING INTERPRETATION**

Section 3.01. DISTRICTS. The Township of Macon is hereby divided into zones or districts as shown on the official Zoning Map and shall include the following:

- AG Agriculture
- R-1 Single-Family Residential
- R-2 Single-Family Residential
- RM Multiple-Family and Manufactured Housing Residential
- C Commercial
- I Industrial

Section 3.02. MAP. The boundaries of these districts are shown upon the Official Zoning Map of the Township of Macon and made a part of this Ordinance. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

Section 3.03. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line: boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Sections 3.03.1 through 3.03.5 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in other circumstances not covered by Sections 3.03.1 through 3.03.6, the Board of Appeals shall interpret the district boundaries.



## **ARTICLE IV GENERAL PROVISIONS**

Section 4.01. CONFLICTING REGULATIONS. Wherever any provision of this Ordinance imposes more stringent requirements, regulation, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

1. Permitted Area and Placement. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, water tanks, or similar structures may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.
3. Lot Limitations. In the Agriculture (AG) and Residential (R-1) Zoning Districts, only one principal building and its permitted accessory structures shall be placed on a lot.
4. Lots, Yards and Open Spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.
5. Porches, Patios and Terraces. An open, unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet.
6. Projections into Yards. Architectural features, as defined not including vertical projections, may extend or project into a required side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.
7. Appearance. Any case where a building or accessory building in an Industrial District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, brick, or other materials approved by the Planning Commission.

8. Dwellings in Non-Residential Districts. No dwelling shall be erected in the Commercial or Industrial Zoning Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

Section 4.03. ZONING OF STREET, ALLEY, AND RAILROAD RIGHT-OF-WAY. All streets, alleys, and railroad rights-of-way, if not otherwise specifically designed shall be deemed to be the same as that of the abutting property.

Section 4.04. ACCESSORY BUILDINGS IN THE RESIDENTIAL DISTRICT. In the Residential district accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and shall conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.
2. A detached accessory building shall not exceed two (2) stories or twenty-five (25) feet in height.
3. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than three (3) feet to any side or rear lot line.

Section 4.05. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, PROHIBITED. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be used or occupied for dwelling purposes at any time.

Section 4.06. BUILDING GRADES. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

Section 4.07. BUILDINGS TO BE MOVED. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

Section 4.08. EXCAVATIONS OR HOLES. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 4.09. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

Section 4.10. ESSENTIAL SERVICES. Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 4.11. SIGNS. All signs erected or located in any Zoning District shall comply with the following regulations.

A. Signs, General

1. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
2. There shall be no flashing, oscillating or intermittent, red, blue or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being cast upon neighboring residences with a residential district and shall be located not less than one hundred (100) feet from such residential district.
3. No sign, except those placed and maintained by the Township, County or State shall be located in, overhang or encroach upon any public right-of-way.
4. Signs advertising real estate for sale, rent or lease are permitted in all districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate. Temporary subdivision signs not exceeding thirty-two (32) square feet in area may be permitted subject to their approval by the Board of Appeals for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Board of Appeals to secure harmony with this Ordinance and there are buildings or home sales continuing in the subdivision being advertised.
5. No building permit shall be required for a sign described above provided said sign is not larger than sixteen (16) square feet in area.
6. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which located.
7. Notwithstanding other provisions of this ordinance, no sign shall exceed thirty-two (32) square feet in area.

B. Signs in Residential Districts are permitted as follows:

1. For each dwelling unit, one name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
2. For Permitted Principal uses other than dwellings and for special land uses permitted after special approval, one bulletin or announcement board not exceeding sixteen (16) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard setback nor nearer the side lot line than the required side yard setback.
3. No sign shall be illuminated by other than continuous indirect white light, nor shall a sign contain any visible moving parts.

Section 4.12. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following requirements:

1. Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
  - a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
  - b. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences are prohibited, except in the AG, Agriculture and I, Industrial Districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the building inspector in the interest of public safety.
2. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 4.13. FILLING OPERATIONS. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Township Board and subject to Lenawee County, State of Michigan or Federal requirements as may be appropriate. Documentation regarded said approval shall be provided to the Township Board prior to Township Board consideration of approval.

Filling activities shall not result in undue runoff or adverse effect upon drainage on neighboring properties, or the overloading of water courses in the area.

Section 4.14. ANIMALS. Livestock shall be kept or maintained in the AG, agricultural, zoning district only on parcels of land of five (5) acres or more in area. Maintaining animals in other zoning districts shall be prohibited, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercial breeding purposes and do not constitute a kennel. Any animal defined in the Michigan Generally Accepted Agricultural Management Practices (GAAMP) shall not be considered a domestic pet. See the table below for allowed Animal Units:

Acres	Animal Units
5.00-6.99	2
7.00-8.99	3
9.00-11.09	5
11.10-20	1 additional animal unit per acre above 11 acres

Cow, Horse, Pony, Llama (or similar large animal) – 1 Animal Unit

Sheep, Goats, Pigs (or similar size medium animal) = .5 Animal Unit

Chickens, Rabbits, Ducks, Geese (or similar size small animals) = .1 Animal Unit

Section 4.15. OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS. The outdoor storage or parking of a recreational vehicle such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than seventy-two (72) hours in all residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed behind the front face of the principal building.
2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

Section 4.16. OPEN AIR BUSINESSES. Open air business when permitted in a C, Commercial or AG, Agricultural District, shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts properly in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air businesses shall comply with all applicable Township and County health regulations.

Section 4.17. SWIMMING POOLS. All swimming pools erected in the Township shall comply with the following requirements:

1. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Building Inspector.
2. Pool Location. Minimum side yard setback shall comply with the Schedule of Regulations of this ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the pool wall and any building on the lot.
3. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

Section 4.18. LANDS ABUTTING RIVERS AND LAKES. In any district, land which abuts a creek, tributary or drainage ditch, or any manmade lake shall be subject to the following regulations:

1. The general setback limitations shall be based on the following minimum distances from the waters' edge:
  - a. Fifteen (15) feet from any drainage ditch.
  - b. Twenty-five (25) feet from any creek or tributary.
  - c. Fifty (50) feet from a man-made lake.
2. Single family detached dwellings and their accessory uses (except boat houses) shall be set back according to paragraph 4.18.1.
3. Camping, outdoor recreation, and other commercial recreation activities (except boat landing facilities and marinas) shall be set back according to paragraph 4.18.1.
4. Any grading, removal of topsoil, or indiscriminate cutting of live vegetation which will result in soil erosion and sedimentation into the water body shall be prohibited in accordance with paragraph 4.18.1.
5. Feed lots must be set back a minimum of four hundred (400) feet from the waters edge.
6. Mining extraction shall be set back a minimum of three hundred (300) feet from the waters edge.
7. All sanitary waste disposal fields and septic tanks must not encroach an area within fifty (50) feet of the waters edge. The bottom of the tile field must be four (4) feet above the flood plain level.
8. All buildings and structures related to a commercial or industrial use except water pumping stations or sewage treatment facilities shall be set back in accordance with paragraph 4.18.1.

9. The outdoor storage of materials when permitted in any district shall be set back in accordance with paragraph 4.18.1.
10. All other uses not specifically covered in these regulations shall be set back one hundred (100) feet from the waters edge.

Section 4.19. ACCESS TO PUBLIC STREETS. In any district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.

Section 4.20. CONDOMINIUM SUBDIVISION APPROVAL. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board on recommendation by the Planning Commission. In determining whether to recommend approval of a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

A. Definitions. The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance with the Condominium Act.

1. "Condominium Act" means Act 59 of 1978, as amended.
2. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
3. "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements.
4. "Consolidating unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

8. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and Condominium Act.
  9. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
  10. "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
  11. "Lot" shall mean the same as "Homesite" and the "Condominium Unit."
  12. "Mobile home condominium project" means a condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
  13. "Master deed" means the condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
  14. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
  15. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.
- B. Condominium Subdivision Plan - required content. All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:
1. A survey plan of the condominium subdivision.
  2. A flood plain plan, when appropriate.
  3. A site plan showing the location, size, shape, area and width of all condominium units.
  4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
  5. A street construction, paving and maintenance plan for all private street within the proposed condominium subdivision.
  6. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
- C. Easements for Utilities. The condominium subdivision plan shall include all necessary easements granted to Macon Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water

run-off across, through and under the property subject to said easement, and excavating and re-filling ditches and trenches necessary for the location of said structures.

- D. Private Streets. If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable requirements of the Lenawee County Road Commission for a dedicated public street.
- E. Encroachment Prohibited. Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.
- F. Relocation of Boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by-laws and recorded as part of the master deed.
- G. Subdivision of Condominium Units. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for a minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.
- H. Mobile Home Condominium Project. Mobile home condominium projects shall conform to all requirements of this Ordinance and shall be located only in a mobile home park or mobile home subdivision.
- I. Condominium Subdivision Layout, Design and Approval. All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvements standards of Article XVII, Site Plan Review of the Macon Township Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Macon if required by the Township Board to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Planning Commission.

SECTION 4.21 CONDOMINIUM SUBDIVISION APPROVAL -- ADDITIONAL REGULATIONS The following regulations shall apply to all condominium projects within the Township of Macon.

- A. Initial Information. Concurrently with notice required to be given the Township of Macon pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
  - 1. The name, address and telephone number of:
    - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
    - b. All engineers, attorneys, architects or registered land surveyors associated with the project.

- c. The developer or proprietor of the condominium project.
  2. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
  3. The acreage content of the land on which the condominium project will be developed.
  4. The purpose of the project (for example; residential, commercial, industrial, etc.).
  5. Approximate number of condominium units to be developed in the subject parcel.
  6. Whether or not a community water system is contemplated.
  7. Whether or not a community septic system is contemplated.
- B. Information to be Kept Current. The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Macon Township Zoning Ordinance.
- C. Site Plans - New Projects, Master Deed and Engineering and Inspections. Prior to recording the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Article XV of the Macon Township Zoning Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- D. Site Plans - Expandable or Convertible Projects. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Article XVII, Site Plan Review, of the Macon Township Zoning Ordinance.
- E. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.
- F. Monuments Required - Site Condominium Projects. Condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the travelled portion of a street to mark angles in the boundary of the condominium project, if the angel points can be readily re-established by reference to monuments along the sidelines of the streets.

2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all pints of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements.
  4. If the required located of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
  5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  6. All required monuments shall be placed flush with the ground where practicable.
  7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
  8. The Township Board for the Township of Macon may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit turning to the Township of Macon, whichever the proprietor selects, in any amount not less than that establishes for this purpose by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- G. Monuments Required - All Condominium Projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 4.21.F above.
- H. Compliance with Federal, State and Local Law. All condominium projects shall comply with Federal and State Statutes and local Ordinances.
- I. State and County Approval. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

- J. Temporary Occupancy. The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township.
- K. Single Family Detached Condominiums. Single family detached condominiums shall be subject to all requirements and standards of the applicable AG, R-1, RMH, and RM Districts including minimum floor area requirements and minimum lot size. For the purpose of computing density, the number of units per gross acre shall not exceed 2.9 units per acre in developments without community water and sanitary sewer systems, or 3.8 units per acre in developments with community water and sanitary sewer systems.  
  
There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, four (4) foot side yard (least side), and total of two (2) side yards of fourteen (14) feet can be met.
- L. Multiple Family Condominiums. Two family or multiple family condominiums shall be located only in those Zoning Districts allowing two (2) family or multiple-family dwellings, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, and the setback requirements of the Ordinance for the District in which the project is located.
- M. Streets and Roads. All streets and roads in a single-family detached condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Lenawee County Road Commission for a "County Road" in single-family residential subdivisions.
- N. Site Plan. After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on a photographic hard copy, laminated photostatic copy or mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches.

SECTION 4.22 TEMPORARY USES. Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the Township Board. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than three days. Permit may be renewed at the Zoning Inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. Minimum distance from any operation relevant to the temporary use other than parking to any residence shall be one hundred (100) feet.

#### Section 4.23. COMMUNICATION TOWERS

1. The following site and developmental requirements shall apply:
  - a. A minimum site of one (1) acre.
  - b. Two hundred (200) feet of road frontage or a sixty (60) foot road easement shall be required.
  - c. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
  - d. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high non-climbable chain-link fence.
2. The following special performance standards shall apply to communication towers:
  - a. Communication towers must be set back from all property lines a distance equal to their height plus twenty-five feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet.
  - b. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Article XV (Area, Yard, Height, and Bulk Requirements).
  - c. Accessory structures shall not exceed eight hundred (800) square feet of gross building area.
  - d. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
  - e. The plans of the tower shall be certified by a registered structural engineer.
  - f. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
  - g. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration; as well as the Electronics Industrial Association Code-Reference No. 222-E-91.
  - h. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.
  - i. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
  - j. Metal towers shall be constructed of, or treated with, corrosive-resistant material.

- k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- l. Towers with antennae shall be designed to withstand a uniform wind load in accordance with current regulations.
- m. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least twelve (12) feet above the ground at all points, unless buried underground.
- n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- p. The base of the tower shall occupy no more than five hundred (500) square feet.
- q. Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.
- r. Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural zoning district.
- s. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
- t. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- u. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
- w. Where the property adjoins any residentially-zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
- x. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the co-location on communication towers. Pursuant to this policy, the following standards apply to communication towers.
  - 1. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
  - 2. A special use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.

3. The following information shall be submitted prior to Township approval to construct a communication tower:
  - a. Site plan in accordance with Article XVII. SITE PLAN REVIEW.
  - b. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.
  - c. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
4. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes shall be provided to the township clerk. This information shall be continuously updated during all times the facility is on the premises.

Section 4.24. MEDICAL MARIHUANA

- A. MEDICAL MARIHUANA CAREGIVER GROW OPERATION. The following regulations shall apply to all medical marihuana caregiver grow operations within the Township of Macon.
  1. An application for a medical marihuana facility certificate of occupancy shall be made in writing to the Township Building Inspector, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said certificate of occupancy as set forth in this article. Applications shall be on forms supplied by and to be filed with the Township Building Inspector. Such application shall be signed and dated by the applicant. The application shall contain the following information, plus any other information deemed necessary by the Township Building Inspector:
    - a. The name and any alias used, address, and telephone number of the applicant;
    - b. The location of the medical marihuana facility and a brief description of the amount of marihuana to be distributed, or number of plants to be grown on the premises, if any;
    - c. A copy of the medical marihuana registry card for each qualifying patient and the primary caregiver, if any;
    - d. The applicant's criminal record, if any;

- e. An authorization for the Township Building Inspector and/or the Lenawee County Sheriff to carry out a background investigation on the applicant;
- f. If the applicant is not the owner of the proposed location of the medical marijuana facility, a notarized statement from the owner of the property authorizing submission of the application;
- g. An acknowledgment by the applicant that he or she, as well as his or her qualifying patients, may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, and that Macon Township accepts no legal liability in connection with the approval and operation of the medical marijuana caregiver grow facility; and
- h. A statement that the information provided is true and accurate and that, if a certificate of occupancy is granted, the applicant will abide by all applicable ordinances and statutes.

The names and other identifying information of any qualifying patient or registered primary caregiver gathered for the purposes of this chapter shall be exempt from disclosure pursuant to the MMMA.

2. All certificates of occupancy are subject to the following conditions, which shall be noted on the application form:
  - a. The applicant shall permit inspection of the premises and/or activity at reasonable times by any authorized representative of the Township;
  - b. The applicant shall not operate a medical marijuana facility at any time after the certificate of occupancy is suspended or revoked; and
  - c. No certificate of occupancy shall be issued unless and until the applicant, if deemed necessary by the Lenawee County Sheriff, submit to being fingerprinted and photographed as part of the background investigation.
3. Any person who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony within five (5) years preceding the date of application shall be disqualified from receiving a certificate of occupancy to operate a medical marijuana caregiver facility.
4. The Township Building Inspector shall issue a certificate of occupancy to the applicant if the Township Building Inspector is satisfied that the applicant has met the requirements of this article and all applicable state and local laws, and the applicant has paid the certificate of occupancy fee.
5. A certificate of occupancy issued pursuant to this article does not eliminate the need for the applicant to obtain other licenses and permits (i.e., building, mechanical, electrical, plumbing, water and sewer, etc.) required for the operation of a medical marijuana facility. The pertinent inspectors must provide a report confirming that all lights, plumbing, equipment, and all other means proposed to be used to cultivate marijuana plants are in accordance with applicable code(s).

6. Medical marihuana caregiver grow operation shall not be permitted as home occupations.
7. No medical marihuana caregiver grow operation may operate in close proximity to sites where children are regularly present or a residential zoning district. Such operations must adhere to the following minimum distances:
  - a. More than 1,000 feet from a daycare facility (see PA 110 of 2006);
  - b. More than 1,000 feet from a church, synagogue, mosque, or other religious institution;
  - c. More than 1,000 feet from a public park or community center, library, or Township Hall;
  - d. More than 1,000 feet from a public or private pre-school, elementary school, high school, community college (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age;
  - e. More than 1,000 feet from an adult use as defined by this Ordinance;
  - f. More than 1,000 feet of another medical marihuana grow facility or a medical marihuana home use; and
  - g. More than 500 feet of a residential zoning district.
8. The primary caregiver may cultivate up to 60 marihuana plants provided that no more than 12 marihuana plants are cultivated per qualifying patient, not including the caregiver. The primary caregiver may cultivate up to 12 additional marihuana plants if he or she is also a qualifying patient. The plants maintained for each qualifying patient must be kept in a separate locked facility, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient.
9. The primary caregiver may possess up to 12½ ounces of marihuana provided that not more than 2½ ounces are possessed per qualifying patient, not including the caregiver. The primary caregiver may possess up to 2½ ounces of additional marihuana if he or she is also a qualifying patient. An incidental amount of seeds, stalks, and roots may also be retained by the primary caregiver.
10. Consumption of medical marihuana shall not be permitted on the site of a medical marihuana caregiver grow operation.
11. No person under the age of eighteen (18) shall be permitted on the site of the medical marihuana caregiver grow operation unless the person is a registered qualifying patient.
12. A caregiver grow operation shall not be permitted to have drive-through facilities.
13. The operator of a medical marihuana caregiver grow operation shall keep a written record in English, on a form available from the township, of all marihuana located on the premises and of all marihuana or marihuana products distributed and such other information designated on the form. Copies of registry cards for all current qualifying patients and the care giver must be maintained with this record.

14. There is no authorization for marihuana-related stores, dispensaries, cooperatives, or other businesses that do not meet the regulations set by this section for a medical marihuana caregiver grow facility or medical marihuana home use and may market to a wide customer base (see Michigan Attorney General Opinion No. 7259 of 2011).
- B. MEDICAL MARIHUANA HOME USE. The following regulations shall apply to all medical marihuana home uses within the Township of Macon.
1. No person may engage in the activities of a primary caregiver in a residential district unless a qualifying patient also resides in the home. The primary caregiver may only grow plants for use by the qualifying patient and the primary caregiver if he or she is also a qualifying patient.
  2. A person engaging in the activities of a primary caregiver in a residential district may only grow marihuana plants in his or her primary residence.
  3. Medical marihuana home uses must adhere to the following minimum distances:
    - a. More than 1,000 feet from a daycare facility (see PA 110 of 2006);
    - b. More than 1,000 feet from a church, synagogue, mosque, or other religious institution;
    - c. More than 1,000 feet from a public park or community center, library, or Township Hall;
    - d. More than 1,000 feet from a public or private pre-school, elementary school, high school, community college (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age;
    - e. More than 1,000 feet from an adult use as defined by this Ordinance; and
    - f. More than 1,000 feet of another medical marihuana home use or medical marihuana grow facility.
  4. No more than 24 marihuana plants may be grown in a medical marihuana home use, this number being 12 plants for a registered qualifying patient, not including the caregiver, plus 12 plants if the primary caregiver is also a registered qualifying patient. The plants maintained for each qualifying patient must be kept in a separate locked facility, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient.
  5. A primary caregiver, on behalf of a qualifying patient with whom the primary caregiver resides, may possess an amount of medical marihuana that does not exceed 2½ ounces of usable marihuana (and an additional 2½ ounces if the primary caregiver is also a qualifying patient) , plus an incidental amount of seeds, stalks, and roots.
  6. The use of the dwelling unit as a medical marihuana home use must be clearly incidental and subordinate to its use for residential purposes and no more than 20% of the gross floor area of the dwelling may be used in any way for the medical marihuana home use.

7. No change may occur to the outside appearance of the dwelling and no signs may be posted on the dwelling or lot advertising the medical marihuana home use.
8. Equipment not normally used for purely domestic or household purposes or any portion of the dwelling where energy use and heat generation resulting from the growth of marihuana exceeds levels reasonably attributable to residential uses are permitted if the Building Inspector, or his or her designee, approves such use. The zoning administrator must approve of such use if he or she is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the dwelling and that any energy use and heat generation resulting from the growth of marihuana exceeding levels reasonably attributable to residential uses has been approved by the [fire chief] and the Township Building Inspector.
9. No activity related to the medical marihuana home use occurring on the premises may adversely impact the surrounding neighborhood or the right of surrounding residents to quiet enjoyment of their property, including but not limited to, the creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference detectable beyond the property line.
10. Storage and manufacture of medical marihuana shall only be permitted inside of an enclosed, locked facility such as a closet, room or other closed area equipped with locks or other security devices that only permit access by the qualifying patient or registered primary caregiver.
11. Qualifying patients, and their primary caregivers, may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, and Macon Township accepts no legal liability in connection with the approval and operation of the medical marihuana home use; and
12. There is no authorization for marihuana-related stores, dispensaries, cooperatives, or other businesses that do not meet the regulations set by this section for a medical marihuana home use or medical marihuana caregiver grow facility and may market to a wide customer base (see Michigan Attorney General Opinion No. 7259 of 2011).

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**ARTICLE V**  
**NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING**  
**STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.**

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structures which were lawful prior to adoption of this Ordinance but were made unlawful by regulations imposed by this Ordinance, they shall be termed non-conforming. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance to permit no addition of other structures or uses prohibited elsewhere in the same district.

Section 5.01. NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS). If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and area as established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this resolution.

Section 5.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Board of Appeals.
2. Should a non-conforming structure or a portion of a non-conforming structure be destroyed by any means to an extent of more than one-hundred (100) percent of State Equalized Valuation (SEV), it shall not be reconstructed. However, such reconstruction shall not increase the non-conformity to an extent greater than that which existed prior to destruction.
3. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Section 5.03. NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance lawful use of the land exists which would not be permitted by the regulations imposed by this Ordinance, such use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such non-conforming use shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;

3. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 5.04. NON-CONFORMING USES OF STRUCTURES. If a lawful use involving an individual structure, and/or premises, exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be counted so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. There shall be a specific exemption from the preceding prohibitions, whether in Section 5.04, or any other Section of Article V, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a non-conforming use when such use is occupied as a dwelling unit.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Board of Appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use;
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than one-hundred (100) percent of State Equalized Valuation (SEV) at time of destruction.

Section 5.05. REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current State Equalized Valuation (SEV) of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the volume of the structure existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspec-

tor to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulation of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 5.06. NON-CONFORMING USE - BUILDING DAMAGED BY FIRE, ETC. Any non-conforming use or non-conforming building which has been destroyed by fire, explosion, Act of God, or by public enemy to the extent of one hundred (100) percent of its State Equalized Valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage is less than one hundred (100) percent of its State Equalized Valuation, exclusive of the foundation, then such structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

Section 5.07. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

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**ARTICLE VI**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 6.01. **PARKING REQUIREMENTS.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the building hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from a street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one (1) parking space.
3. Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
4. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Seating Capacity of Seats. Seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for the required parking space.
6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. Protective Screening. Whenever off-street parking facilities abut a residential district, a masonry obscuring wall of not less than four (4) feet in height and not more than six (6) feet in height shall be provided.
8. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
9. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities

collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02, Table of Off-Street Parking Requirements.

10. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage or in long-term parking facilities, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.
11. Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use of said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property.
12. Joint Use. Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.

Section 6.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

Use	Minimum Number of Parking Spaces Per Unit of Measure
A. <u>Residential</u>	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit
2. Residential, Multiple Family	Two (2) for each dwelling unit
3. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the trailer or mobile court. Plus one (1) for every four (4) sites adjacent to a recreation area.

Use	Minimum Number of Parking Spaces Per Unit of Measure
5. Boarding House	One (1) for each sleeping room.
<b>B. Institutional</b>	
1. Churches, Temples or Synagogues	One (1) for each three (3) seats in the main unit of worship.
2. Homes for the Aged and Convalescent Homes	One (1) per six hundred (600) square feet gross floor area.
3. Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator in addition to the requirements of the auditorium.
4. Senior High Schools	One (1) for each one (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
5. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
6. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses	One (1) for each two (2) member families or individual.
7. Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) General Public, Except for each one (1) employee.
8. Stadium, Sports Arena, Speedway or Similar Place of Outdoor Assembly	One (1) for each three (3) seats or six (6) feet of benches.
9. Theater and Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
10. Theaters (Drive-in)	One (1) for each vehicle plus a ten (10) percent reservoir of the total vehicle capacity.
<b>C. Business and Commercial</b>	
1. Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
2. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) Shop beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.

Use	Minimum Number of Parking Spaces Per Unit of Measure
3. Bowling Alleys	Five (5) for each one (1) bowling lane.
4. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls Without Fixed Seats	One (1) for each three (3) seats.
5. Drive-in Establishments	One (1) for each seventy-five (75) square feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
6. Establishments for Sale and Consumption on the Premises of Beverage, Food, or Refreshments	One (1) for each seventy-five (75) square feet of and Consumption on the gross floor area.
7. Carry-out Restaurant	One (1) for each one hundred and fifty (150) square feet of gross floor area.
8. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses.	One (1) for each one thousand (1,000) square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein)
9. Automobile Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
10. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines
11. Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
12. Mortuary Establishments	One (1) for each one hundred (100) square feet of gross floor area.
13. Motel, Hotel, or Other Commercial Establishments	One (1) for each one (1) occupancy unit plus one (1) employee, plus extra spaces for dining rooms, or meeting rooms.

Use	Minimum Number of Parking Spaces Per Unit of Measure
14. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) square feet of gross floor area of sales room
15. Open Air Businesses	One (1) for each seven hundred (700) square feet of lot area.
16. Retail Stores Except as Otherwise Specified Herein	One (1) for each two hundred (200) square feet of gross floor area.
17. Riding Stables or Academies	Three (3) for each employee.
<b>D. Offices</b>	
1. Banks	One (1) for each two hundred (200) square feet of gross floor area.
2. Drive-in Banks	Waiting space equivalent to six (6) spaces for each drive-in window.
3. Business Office or Professional Offices as Indicated in the Following Item.	One (1) for each four hundred (400) square feet of gross area.
4. Medical or Dental Clinics, Professional Offices of Doctors, Dentists, or Similar Professions	One (1) for each two hundred (200) square feet of gross floor area.
<b>E. Industrial</b>	
1. Industrial or Research Establishments	Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale Establishments	Five (5) plus one (1) every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area whichever is greater.

**Section 6.03. OFF-STREET PARKING DESIGN REQUIREMENTS.** Wherever the off-street parking requirements above, require the building of an off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

- Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Veering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 feet	8 feet	23 feet	20 feet	28 feet
30° to 53°	12 feet	9 feet	20 feet	32 feet	52 feet
54° to 74°	18 feet	9 feet	21 feet	39 feet	60 feet
75° to 90°	25 feet	9 feet	19 feet	44 feet	63 feet

- All such parking lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain on adjoining private property.
- All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
- Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.
- Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- Wheel chocks shall be provided located as to prevent any vehicle from projecting over the lot line.

**Section 6.04. OFF-STREET LOADING REQUIREMENTS.** On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, restaurant, hospital, convalescent home, mortuary, dry cleaning, or other uses similarly involving the receipt of distribution or vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

<b>Gross Floor Area In Square Feet</b>	<b>Loading and Unloading Spaces Required</b>
0 - 2,000	None
2,000 - 20,000	One space
20,000 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,000 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one for each 80,000 square feet in excess of 500,000 square feet.

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**ARTICLE VII  
ALTERNATIVE ENERGY PRODUCTION**

Section 7.01. STATEMENT OF PURPOSE. The rising cost of electricity and other forms of energy and technological improvements have made alternative forms of production such as wind energy and solar energy available to consumers. Therefore, in all zoning districts facilities for the alternative production of electricity and other forms of energy shall be allowed as herein prescribed, unless specified otherwise.

Section 7.02. WIND ENERGY FACILITY. Wind is utilized to generate electricity through a facility consisting of one or more wind turbines under common ownership, operation, or control. Such a facility may include substations, meteorological towers used for the measurement of wind speed, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity on-site or to off-site customer(s).

A. RESERVED.

B. SMALL WIND ENERGY FACILITY. Notwithstanding other provisions of this section of the ordinance, a Small Structure-Mounted Wind Energy Turbine (SSMWET) and Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a permitted use in all zoning districts. A Small Structure Mounted Wind Energy Turbine and/or Small Tower-Mounted Wind Energy Turbine shall be required to have appropriate building permits. All Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines are subject to the following minimum requirements:

1. Siting and Design Requirements.

a. "Upwind" turbines shall be required for all horizontal Wind Energy Turbines.

b. Visual Appearance

(1) A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower and any ancillary facility shall be maintained in 'working condition and free of rust and corrosion by the owner of the SSMWET or STMWET throughout the life of the SSMWET or STMWET.

(2) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

(3) A SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacturer.

c. Ground Clearance: The lowest extension of any blade or other exposed moving component of the SSMWET shall be at least fifteen (15) feet above the ground. The lowest extension of any blade or other exposed moving component of the STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower). In

addition, the lowest extension of any blade or other exposed moving component of the SSMWET or the SSMWET shall be at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens that are located directly below the SSMWET or STMWET.

- d. Noise: Level shall not exceed forty-five (45) decibels (dba) at any property line of a residential use parcel or from the property line of parks, schools, businesses, hospitals or churches.
  - e. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET.
  - f. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.
  - g. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
    - (1) Height: The height of the SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other STMWET protuberances.
    - (2) Setback: The setback of the SSMWET shall be a minimum of one and a half (1.5) times the height to the upper most tip of the blade from the property line, public right-of-way, public easement or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is fixed by extension to the side, roof or other elevated surface, then the setback from the property lines or public right-of way shall be a minimum of twenty-five (25) feet. The setback shall be measured from the furthest outward extension of all moving parts.
    - (3) Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
  - h. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
    - (1) Height: The total height of a STMWET in any district shall not exceed one hundred (100) feet.
    - (2) Other Setbacks: The setback shall be equal to one and a half (1.5) times the total height of the STMWET, as measured from the base of the tower, from the property line, public right-of way, public easement, occupied building(s) or overhead utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the Wind Energy Turbine is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine.
2. Application Requirements. The following information should be submitted with the

proposed site plan.

- a. Applicant must show manufacture's sound levels, not to exceed forty-five (45) decible (dba) sound levels.
- b. Documented compliance from the manufacture with the applicable local, state and national regulations including but not limited to, all applicable safety, construction, environmental, electrical, communications and FAA requirements.
- c. Proof of applicant's liability insurance.
- d. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such a connection has been approved. Off-grid systems shall be exempt from this requirement.
- e. The STMWET application shall also include the following from the manufacture: A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

3. Safety Requirements:

- a. If the SSMWET or STMWET is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities and the connection shall be inspected by the appropriate public utility.
- b. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacture certifies that a braking system is not necessary.
- c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET. The sign shall contain at least the following:
  1. Warning high voltage.
  2. Manufacturer's and owner(s)/operator(s) name(s).
  3. Emergency contact numbers (listing more than one number).
- d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and or IEC 61400-23, "Blade Structural Testing" or any STMWET successor standards.

4. Signal Interference:

- a. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, satellite or emergency communication

systems.

5. Decommissioning:

- a. The Small SSMWET or STMWET owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET and for a good cause, the Township Board may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
- b. If the Small SSMWET or STMWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the Township Board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner, a bond must be provided to the Township for the cost of decommissioning each SSMWET or STMWET.
- c. In addition to the decommissioning requirements listed above, the STMWET shall also be subject to the following:
  - (1) Decommissioning shall include the removal of each STMWET, buildings, electrical components and any other associated facilities. Any foundation shall be completely removed.
  - (2) The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

Section 7.03. SOLAR ENERGY FACILITY. Sunlight is utilized to generate energy through a facility consisting of one or more solar devices under common ownership or operation control. Such a facility may include substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply energy on-site or to off-site customer(s):

A. RESERVED.

B. SMALL SOLAR ENERGY FACILITY. Notwithstanding other provisions of this section of the ordinance, a Small Roof-Mounted Solar Energy Facility (SRMSEF) and Small Ground-Mounted Solar Energy Facility (SGMSEF) shall be considered a permitted use in all zoning districts. A Small Roof Mounted Solar Energy Facility and/or Small Ground-Mounted Solar Energy Facility shall be required to have appropriate building permits.

1. All Small Roof-Mounted Solar Energy Facilities and Small Ground-Mounted Solar Energy Facilities are subject to the following minimum requirements:
  - a. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
  - b. A solar energy system shall provide power for the principal use and/or accessory

use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

- c. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to Macon Township acknowledging and approving such connection.
- d. A roof-mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
- e. A ground mounted system shall not exceed the maximum building height for accessory buildings.
- f. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
- g. A ground mounted system or system attached to an accessory building shall not be located within the required front yard setback.
- h. The minimum ground-mounted solar energy system setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
- i. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
  - (1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.
  - (2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
  - (3) Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
- j. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- k. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.

- l. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
  - m. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
  - n. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
  - o. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained from the Building Inspector. In the case of a roof-mounted facility, the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a solar energy system permit.  
  
All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.
  - p. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
  - q. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.
2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
  3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense.

Section 7.04. OUTDOOR WOOD BURNER. The use of an outdoor wood burner to provide heat and/or hot water is permitted provided that the following standards are met:

- A. A permit is obtained from the Building Inspector to place or replace an outdoor wood burner.
- B. The site plan must include the location of all buildings —on the parcel and adjacent parcels— within three hundred (300) feet of the final location of the outdoor wood burner.

- C. The outdoor wood burner must be located in such a way as to satisfy the following requirements:
1. Be at least forty (40) feet from any property line or right-of-way.
  2. Be at least forty (40) feet from any building on the parcel in which the outdoor wood burner is located, with the exception of an open metal structure with roof designed to store wood exclusively.
  3. Be at least three hundred (300) feet from the nearest building which is not located on the same property as the outdoor wood burner.
  4. Is not located in the front of the principal structure on the property.
- D. The outdoor wood burner must have an overall stack height of at least fifteen (15) feet above the ground level of adjacent properties.

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## **ARTICLE VIII AG, AGRICULTURAL DISTRICT**

Section 8.01. STATEMENT OF PURPOSE. The purpose of this district is to preserve, for agricultural activity, to the greatest extent possible those areas in the township which have been designated as essential agricultural lands in the township's land use plan, while allowing a limited amount of non-farm housing. To this end the number of non-farm dwellings allowed on a parcel of land, which is a parcel of record at the time this ordinance is adopted, shall be based on a schedule of density contained in Article XV. However, it should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities which are not compatible with residences.

It is recognized that the public health and welfare of the citizens of Macon Township, Lenawee County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to insure that land areas within Macon Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural practices and irretrievably deplete agricultural lands.

The Essential Agricultural District has the following specific purposes and objectives.

1. Protect prime farmland from speculative increases in land values.
2. Prevent fragmentation of farmlands by division into small parcels.
3. Prevent loss of prime farmland.
4. Prevent conflicts between agricultural activities and residences.
5. Prevent encroachment of urban and suburban services into agricultural areas.
6. Minimize cost of providing services to rural areas.
7. Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
8. Reduce the amount of land consumed in rural areas for nonagricultural use.
9. Prevent intrusion of uses into farm areas which are incompatible with general farming activities.
10. Permit services which are necessary to support farming activities.

The Agricultural District is intended to be used in those parts of Macon Township which are designated for permanent agricultural use in the township's land use plan.

Section 8.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an AG, Agricultural District. Any use not expressly permitted is prohibited.

1. Accessory uses and buildings customarily incidental to the Permitted Principal Uses, listed below.
2. Adult foster care family homes.
3. Apiaries.

4. Conservation areas for flora or fauna.
5. Family child day care homes.
6. Farms, including field crops, livestock, dairy, poultry, and horticulture; except intensive animal feeding operations.
7. Forest preserves.
8. Game refuges.
9. Home occupations as defined in Article XX.
10. Nursery stock, farming, and commercial green houses.
11. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education and not operated for profit on sites of not less than ten (10) acres.
12. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities and conservation.
13. Roadside stands for the marketing of agricultural products produced on the premises.
14. Single-family detached dwellings, both farm and non-farm related.
15. Stables, private.
16. Transmission and distribution lines and pipelines, related structures, and telephone repeater structure, but not including buildings of public utility companies when located in an existing right-of-way or utility easement.
17. State Licensed Residential Facilities, except those licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
18. Confined Animal Feeding Operations, subject to state law and regulation.
19. Medical marihuana caregiver grow operation (subject to the provisions of Sec. 4.24 (A)).
20. Medical marihuana home use (subject to the provisions of Sec. 4.24 (B)).

Section 8.03. SPECIAL LAND USES. The following special land uses shall be permitted subject to the standards hereinafter imposed and the provisions of Article XVI.

1. Adult foster care group homes.
2. Airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations subject to the following:
  - a. The runway shall be of a length appropriate to safely accommodate aircraft which will use the facility, but no less than 1200 feet in length.
  - b. A 20:1 approach surface clearance shall exist over obstructions.
  - c. An area clear of any obstructions, and under control of the applicant through ownership or easement for a distance of 125 feet either side of the runway, and 200 feet beyond the runway ends, shall be maintained.
  - d. Noise levels perceptible on adjacent properties shall not exceed:

1. 20 dB in excess of the ambient level, for any period of time,
  2. 15 dB in excess of the ambient level, for a cumulative period of more than one minute in any hour,
  3. 10 dB in excess of the ambient level, for a cumulative period of more than five minutes in any hour,
  4. 5 dB in excess of the ambient level, for a period of more than fifteen minutes in any hour.
- e. The runway shall be aligned on the parcel so as to avoid aircraft take-off or landing in a manner directly aligned with any dwelling or church located within 1500 feet of the runway.
  - f. The airport or airstrip shall not be located within 2000 feet of a school, or within a distance from a farm which would affect livestock production.
  - g. The applicant shall request a review of proposed airport or airstrip plans from the Federal Aviation Administration (FAA) and the Bureau of Aviation, Michigan Department of Transportation (MDOT). Comments received from the FAA and MDOT shall be submitted to the Township with the request for special land use permit. All requirements of the FAA and MDOT, other Federal, and State agencies; and all Federal and State laws, regulations, rules, and standards shall apply. In addition, the applicant shall meet, to the satisfaction of the Township Board, all recommendations of the FAA regarding public health, safety, and welfare.
  - h. Any building, hanger, or other structure associated with aircraft or aircraft operations shall be located a minimum of one-hundred (100) feet from any street or property line.
3. Agricultural service establishments engaging in the performance of agricultural, animal husbandry or horticultural services on a fee or contractual basis, including corn shelling; grain storage; hay bailing and threshing; sorting, grading, and packing fruits and vegetables for the grower; agricultural produce milling and processing; crop dusting; fruit picking; grain cleaning; harvesting and plowing; animal hospitals; animal cemeteries; and veterinary services.
  4. Ambulance stations.
  5. Bed and Breakfast Establishments subject to the following conditions:
    - a. Each premise must be occupied and operated by its owner.
    - b. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
    - c. No bed and breakfast sleeping room shall be located in a basement or above the second story of the dwelling.
    - d. There shall be no separate cooking facilities used for bed and breakfast stay.
    - e. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

- f. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which list shall be available for inspection by township officials at any time.
  - g. Adequate bath and toilet facilities shall be provided for all bed and breakfast guests.
  - h. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
  - i. Sufficient off-street parking shall be provided in addition to that required by Section 6.02.A.1 for residential purposes, at the rate of one space per double-occupied room.
6. Bulk feed and fertilizer outlets.
7. Campgrounds, travel trailer parks and tent sites subject to the following requirements:
- a. Minimum lot size shall be twenty (20) acres. The lot shall provide direct vehicular access to public street or road. The term "lot" shall mean a campground or travel trailer park.
  - b. Public stations, houses in all-weather structures, containing adequate water outlet, toilet, waste contained and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one such station per each fifty (50) sites.
  - c. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
  - d. Each lot shall provide vehicle parking areas for site occupants and guest parking. Such parking area shall be treated in a manner so as to minimize dust and shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
  - e. Each site shall contain a minimum of fifteen hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
  - f. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
  - g. A minimum of ten (10) percent of the total lot shall be left in open space developed for recreation purposes. Such area shall not include roads, sidewalks, land under water or having excessive grades and shall be so developed as to have adequate drainage and usability by users of the lot.
8. Cemeteries, provided that the principal access shall be directly to a County Primary or Township Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced in accordance with Section 4.12.
9. Churches, subject to the following requirements:
- a. Minimum lot width of two hundred (200) feet.
  - b. Minimum site size of five (5) acres.

- c. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.
10. Colleges and universities.
  11. Eleemosynary, philanthropic institutions.
  12. Golf courses, which may or may not be operated for profit, subject to the following conditions:
    - a. The site shall be planned so as to provide all ingress and egress onto a County Primary Road.
    - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two (200) feet from any property line of abutting residentially zoned lands.
  13. Golf driving ranges subject to following conditions:
    - a. Minimum lot size of ten (10) acres.
    - b. The site shall be so planed as to provide all ingress and egress directly onto a County Primary Road.
    - c. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
  14. Government buildings.
  15. Gravel pit and sand extraction, quarries:
 

The removal of soil, sand, grave, stone, and other earth materials shall be subject to the following conditions:

    - a. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
    - b. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
    - c. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line, or greater distance as may be required by prevailing conditions.
    - d. On said lot all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet to any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads nuisance caused by wind-borne dust.
    - e. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

- f. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
- g. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- h. All fixed equipment and machinery shall be located at least (100) feet from, any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
- i. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
- j. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- k. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
- l. The operator shall file with the Township of Macon a performance bond, payable to the Township of Macon and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of the restoration shall be fixed by the Macon Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
- m. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

16. Group child day care homes.
17. Hospitals, nursing homes, sanitariums.
18. Kennels subject to the following requirements:
  - a. Minimum lot size shall be 10 acres.
  - b. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
19. Livestock auction yards.
20. Police and fire stations.
21. Private parks, country clubs, gun clubs, hunting preserves, skeet-shooting ranges and botanical gardens subject to the following conditions:
  - a. The lot size shall be a minimum of ten (10) acres.
  - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - c. There shall be provided at least one hundred (100) foot setback from the property line abutting the County Primary Road.
  - d. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
  - e. Facilities utilizing fire arms, bows and arrows, etc. shall have the site plan approved by the Lenawee County Sheriff to insure adequate safety.
22. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
23. Radio, TV broadcasting stations.
24. Riding stables and riding academies (public).
25. Sand and gravel pits.
26. Sales or repair of farm machinery; equipment; and supplies, including feed grain elevators, and fertilizer, and feed sales; subject to the following conditions:
  - a. The site shall have direct access to a County Primary Road.
  - b. Such use shall be located at least fifty (50) feet away from any property line of abutting residentially zoned lands.
27. Seasonal housing for agricultural workers (on farms of 60 acres or larger).
28. Snowmobile trails, motorcycle trails.
- 28.5. State Licensed Residential Facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
29. Swimming pools, public or community.

30. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
31. The raising of fur-bearing animals subject to the following conditions:
  - a. The commercial raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of land twenty (20) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet.
  - b. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other similar animals shall be located on a parcel of property not less than ten (10) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
32. Transient or temporary amusements and carnivals.
33. Transmission and distribution lines pipelines, of public utility companies when new rights-of-way or easements are required; and structures of public utility companies provided that there shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and zoning district in which located.
34. Tree and sod farms.
35. Communication towers, subject to regulations contained in Section 4.23.

Section 8.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XV, "Schedule of Regulations."

**ARTICLE IX**  
**R-1, SINGLE FAMILY RESIDENTIAL**

Section 9.01. STATEMENT OF PURPOSE. The Single Family Residential District is established as district in which the principal use of land is for single-family dwellings. For the single-family residential district, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for single-family dwellings.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.
6. To encourage single-family development in those areas which have suitable soils.

Section 9.02. PERMITTED PRINCIPAL USES. The following provisions apply in all Single Family Residential Districts. Any use not expressly permitted is prohibited.

1. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
2. Adult foster care family home.
3. Family child care homes.
4. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum site size of ten (10) acres.
5. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation.
6. Single-family detached dwellings.
7. Transmission and distribution lines and pipelines and related structures, but not including buildings of public utility companies when located in an existing right-of-way or utility easement.
8. State Licensed Residential Facility, except those licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
9. Medical marihuana home use (subject to the provisions of Sec. 4.24 (B)).

Section 9.03. SPECIAL LAND USES. The following special land uses shall be permitted subject to the standards hereinafter imposed and the provisions of Article XVI.

1. Adult foster care group home.

2. Ambulance station.
3. Bed and breakfast establishments subject to the requirements set forth in Section 7.03.14.
4. Cemeteries, provided that the principal access shall be directly to a County Primary or Township Road as defined in the Lenawee County Comprehensive Development Plan. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.12.
5. Churches, subject to the requirements set forth in Section 7.03.4
6. Convalescent and/or nursing home, when the following conditions are met:
  - a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.
  - b. No building shall be closer than forty (40) feet from any property line.
7. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.
8. Group child day care homes.
9. Home Occupations as defined in Article XX.
10. Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
  - a. Cottage-type dwellings and/or apartment-type dwelling units.
  - b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
  - c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
  - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.
11. Library or museum (non-commercial).
12. Multiple family dwelling units housing not more than four (4) dwelling units per structure subject to the following conditions:
  - a. Approval by the Lenawee County Health Department for the installation of an on-site water well and sewage disposal system.

- b. Minimum lot size shall be one (1) acre for each structure.
- c. Required minimum floor area for each dwelling unit shall be:

<b>Dwelling Unit Size</b>	<b>Area in Square Feet</b>
Efficiency unit	400
One bedroom unit	600
Two bedroom unit	750
Three bedroom unit	950

- 13. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
- 14. Police and/or fire stations.
- 15. Public office buildings.
- 16. Public parks and playgrounds.
- 16.5 State Licensed Residential Facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- 17. Swimming pool (community or public).
- 18. Temporary building for use incidental to construction work for a period not to exceed one (1) year.
- 19. Transmission and distribution lines pipelines of public utility companies when new rights-of-way or easements are required; and structures of public utility companies, provided that there shall be no storage of materials, equipment vehicles, or supplies on the premises, except a required for maintenance of a permitted or conditional use; provided further that no personnel shall be quartered on the premises and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located.

Section 9.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XV, "Schedule of Regulations."

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**ARTICLE X**  
**R-2, SINGLE FAMILY RESIDENTIAL**

Section 10.01. STATEMENT OF PURPOSE. The R-2, Single Family Residential District is established as a district in which the principal use of land is for single-family dwellings in the older developed area of the unincorporated Village of Macon. For the single-family residential district, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the continued use of the land for single-family dwellings at the existing density of development.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.
6. To encourage single-family development in those areas which have suitable soils.

Section 10.02. PERMITTED PRINCIPAL USES. The following provisions apply in all Single Family Residential Districts. Any use not expressly permitted is prohibited.

1. Single-family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum site size of ten (10) acres.
4. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
5. State Licensed Residential Facility, except those licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
6. Family child day care homes
7. Medical marihuana home use (subject to the provisions of Sec. 4.24 (B)).

Section 10.03. SPECIAL LAND USES. The following special land uses shall be permitted subject to the standards hereinafter imposed and the provisions of Article XVI.

1. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum

area of at least five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.

2. Cemeteries, provided that the principal access shall be directly to a County Primary or Township Road as defined in the Lenawee County Comprehensive Development Plan. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.12.
3. Churches, subject to the requirements set forth in Section 7.03.4.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary building for use incidental to construction work for a period not to exceed one (1) year.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Home Occupations as defined in Article XX.
8. Multiple family dwelling units housing not more than four (4) dwelling units per structure to the following conditions:
  - a. Approval by the Lenawee County Health Department for the installation of an on-site water well and sewage disposal system.
  - b. Minimum lot size shall be one (1) acre for each structure.
  - c. Required minimum floor area for each dwelling unit shall be:

<b>Dwelling Unit Size</b>	<b>Area in Square Feet</b>
Efficiency unit	400
One bedroom unit	600
Two bedroom unit	750
Three bedroom unit	950

9. Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
  - a. Cottage-type dwellings and/or apartment-type dwelling units.

- b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
  - c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
  - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.
10. Convalescent and/or nursing home, when the following conditions are met:
- a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.
  - b. No building shall be closer than forty (40) feet from any property line.
11. State Licensed Residential Facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Section 10.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XV, "Schedule of Regulations."

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- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. The proposed site shall have at least one property line abutting a County Primary Road. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road.
  - c. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
  - d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
  - e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25).
  - f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Section 4.12.
  - g. Development Plan shall show any future construction and projected maximum patient census.
  - h. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.
2. Convalescent and/or nursing home, when the following conditions are met:
- a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.
  - b. No building shall be closer than forty (40) feet from any property line.

Section 11.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, height, bulk and placement requirements unless otherwise specified are provided in Article XX, "Schedule of Regulations".

## **ARTICLE XII C, COMMERCIAL DISTRICT**

Section 12.01. STATEMENT OF PURPOSE. The C, Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential area. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along heavily traveled roads.

Section 12.02. PERMITTED PRINCIPAL USES. The following provisions apply in all C, Commercial Districts. All business or servicing shall be conducted with a completely enclosed building. When such business or establishment abuts a residential district, a minimum fifty (50) foot side yard setback shall be required. Outdoor storage yards are prohibited. Any use not expressly permitted is prohibited.

1. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
2. Ambulance stations.
3. Banks, credit unions, savings and loan associations, except drive-in types.
4. Business or private schools operated for a profit.
5. Churches.
6. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
7. Eleemosynary, philanthropic institutions.
8. Hospitals.
9. Household appliance stores.
10. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry Cleaning or laundry plants serving more than customer service outlet are prohibited.
11. Medical or dental office, including clinics and medical laboratories.
12. Nursing, convalescent homes.
13. Office buildings resulting from any of the following occupations; executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; sales and governmental service.
14. Party stores.
15. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
16. Pet stores.

17. Photographic studios.
18. Police and fire stations.
19. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
20. Retail establishments for the sale of alcoholic beverages, antiques, baked goods, bicycles, books, candy, clothing, confection, drugs, flowers, gifts, groceries, hardware, hobby equipment, jewelry, meat, music, notions, paints, periodicals, sundry small household articles, tobacco, variety and dry goods, and similar establishments.
21. Schools.
22. Shoe repair shops.
23. Tailor, seamstress shop.
24. Transmission and distribution lines, pipelines, structures of public utility companies.
25. Upholstery shops.
26. Medical marijuana home use (subject to the provisions of Sec. 4.24 (B)).

Section 12.03. SPECIAL LAND USES. The following special land uses shall be permitted subject to the standards hereinafter imposed and the provisions of Article XVI.

1. Adult day care facility.
2. Animal hospital, kennel (commercial).
3. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing; provided further than off-street storage space for at least ten (10) cars waiting to be washed per car wash line is provided for manual or self-serve establishments and at least twenty-five (25) storage spaces for automatic establishments.
4. Automobile service stations subject to the following requirements:
  - a. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
  - b. An automobile service building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
  - c. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

- d. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
  - e. Where an automobile service station adjoins property located in any residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.
  - f. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
  - g. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.
5. Child care center.
6. Eating and drinking, and banking establishments of a drive-in or carry-out character as defined in Article XX, subject to the following:
- a. The establishment shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
  - b. All driveways providing ingress or egress shall be not more than thirty (30) feet wide at the property line. No drive-way or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same establishment.
  - c. Where an establishment adjoins property located in an residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.
  - d. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
  - e. There may be nor more than one (1) freestanding sign per street frontage, each face not exceeding one hundred (100) square feet in area, which shall display only the name of the user or occupant of the premises.
7. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, and health clubs, indoor ice skating and roller skating rinks, subject to the following:
- a. Minimum lot size shall be two (2) acres.
  - b. Minimum lot width of one hundred fifty (150) feet.
  - c. All front, side and rear yard space shall be a minimum of thirty (30) feet each from adjoining lot lines.

8. Funeral homes.
9. Libraries and museums.
10. Open air business uses including as follows: retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment; as follows: retail sale of fruits and vegetables; tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreation uses; bicycle, trailer, motor vehicle used car lots, mobile home, boat or farm equipment sale or rental services; and outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses;
  - a. The minimum area of the site shall be ten thousand (10,000) square feet.
  - b. The minimum street frontage shall be one hundred (100) feet.
  - c. Where the site abuts properly in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
  - d. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooked or shielded so as to be deflected away from adjacent property.
  - e. All open air business shall comply with all applicable township and county health regulations.
11. Private service clubs, fraternal organizations and lodge hall subject to the following:
  - a. The minimum lot area shall be five (5) acres.
  - b. The site shall have at least one (1) property line abutting a County Primary Road.
  - c. All vehicular ingress and egress to the site shall be directly from said County Primary Road.
12. Recreation facilities, commercial.
13. (Reserved)
14. Swimming pools, commercial.
15. Theaters, dance halls, assembly halls or other similar places of assembly, hotels and motels, subject to the following:
  - a. Minimum site size of five (5) acres.
  - b. Minimum lot width of two hundred (200) feet.
  - c. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

Section 12.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified, are as provided in Article XV, "Schedule of Regulations".

**ARTICLE XIII**  
**I, INDUSTRIAL DISTRICT**

Section 13.01. STATEMENT OF PURPOSE. The intent of this Article is to permit industrial uses to locate in desirable areas of the Township, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township.

Section 13.02. PERMITTED PRINCIPAL USES. The following provisions apply in the, I, Industrial District. Any uses not expressly permitted are prohibited.

1. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
2. Ambulance stations.
3. Fire and police stations.
4. Industrial Establishments:
  - a. The assembly, fabrication, manufacture, packaging or treatment of such products as agricultural products; biological products; food products (excluding butchering, animal slaughtering); candy; cosmetics and toiletries; drugs; electrical components, instruments, supplies, and appliances; musical instruments; novelties; optical goods; toys; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay; and sporting goods.
  - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
  - c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing or forming of box, carton, and cardboard products.
  - d. Laboratories - research or testing.
  - e. Central dry cleaning plants and laundries.
4. Monument sales and yards.
5. Public Utility Uses: Electric transformer station and sub-station; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
6. Radio, TV broadcasting stations, and transmitting and receiving towers.
7. Retail and Service Establishments:
  - a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
  - b. Truck tractor and trailer sales, rental and repair.

- c. Dog kennels.
- d. Automobile service stations.
- 8. Transmission and distribution lines, pipelines, structures of public utility companies.
- 9. Vehicle service and repair (except bumping and painting).
- 10. Warehousing and material distribution centers.
- 11. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.
- 12. Self service storage facilities.
- 13. Medical marihuana caregiver grow operation (subject to the provisions of Sec. 4.24 (A)).
- 14. Medical marihuana home use (subject to the provisions of Sec. 4.24 (B)).

Section 13.03. SPECIAL LAND USES. The following special land uses shall be permitted subject to the standards hereinafter imposed and the provisions of Article XVI.

- 1. Industrial establishments:
  - a. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories; cigars and cigarettes; and treatment and/or manufacture of chemicals.
  - b. Breweries, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
  - c. Automobile bump and/or paint shops, tire vulcanizing and recapping shops.
- 2. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.
  - a. Such uses shall be located at least two hundred (200) feet from any residential district.
  - b. A fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material if it is deemed essential to prevent loose materials from blowing into adjacent properties.
  - c. No required yard spaces shall be used for the storage of equipment or material.
- 3. Junk Yards, subject to any Federal, State, County, or Township regulations.
- 4. Bulk storage of refined petroleum products, liquids, and gases located above or below ground.
- 5. Collection center for household waste material to be recycled.

Section 13.04. "INDUSTRIAL PERFORMANCE STANDARDS" IN ACCORDANCE WITH ARTICLE XIV.

Section 13.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified as are provided in Article XV, "Schedule of Regulations".

**ARTICLE XIV  
INDUSTRIAL PERFORMANCE STANDARDS**

Section 14.01. SCOPE. After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract of land developed, constructed or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the District involved.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the District involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Any use established in the I, Industrial District, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

1. Hot Forging, Steam or Board Hammers: Not Permitted.
2. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness. Noise as measured at the street or property line may not exceed eighty (80) decibels with a center frequency of 125 cycles per second.
3. Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with applicable State and County health laws as pertaining to air pollution and smoke abatement.
4. Glare and Heat: Other than for normal maintenance and/or construction of principal and accessory buildings and structures, arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
5. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, of the Public Acts of 1941, as amended. Further, all above ground storage tanks for flammable, corrosive, or otherwise hazardous liquid materials will be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which shall contain the total capacity of all tanks so enclosed.
6. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of 10 cycles per second.

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**ARTICLE XIVA**  
**PUD - PLANNED UNIT DEVELOPMENT DISTRICT**

Section 14a.01. PURPOSE AND INTENT. The Planned Unit Development (PUD) District is intended to provide a mix of land uses planned in a manner which shall:

- a. Encourage the use of land in accordance with its character and adaptability;
- b. Conserve natural resources, including agriculture, and energy;
- c. Encourage innovation in land use planning;
- d. Bring about a greater compatibility of design and use.

The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for rezoning to a PUD District.

Section 14a.02. PUD QUALIFICATIONS. An applicant must demonstrate all of the following qualifications as a condition to being considered for review as a planned unit development:

- a. Approval of the PUD will result in one (1) or more of the following:
  1. A recognizable and material benefit to the ultimate users of the project and to the Township, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  2. Long-term protection and preservation of natural resources, including agriculture, and natural features of a significant quantity and/or quality, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  3. A non-conforming use, to a material extent, is rendered more conforming, or less offensive, to the District in which it is situated.
- b. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.
- c. The proposed PUD shall have a minimum of five (5) contiguous acres.

SECTION 14a.03. PROCEDURE FOR APPLICATION AND REVIEW

- a. The PUD approval shall require a rezoning to the PUD District upon receipt of a recommendation of the Planning Commission and approval of the Township Board.
- b. Pre-application Conference. Prior to the submission of an application for a PUD, the applicant shall meet with the Building Inspector, together with any staff and consultants the Building Inspector deems appropriate. The applicant shall present at the conference, a sketch plan of the proposed PUD, as well as the following information:
  1. Total number of acres in the project;
  2. Number and type of uses,
  3. Number of acres to be occupied by each type of use;

4. Known deviations from Ordinance regulations to be sought;
5. Number of acres to be preserved as open and recreational space and/or agricultural areas; and,
6. All known natural resources, including agriculture, and natural features to be preserved.

c. Preliminary Plan.

1. Site Plan and Narrative Report. Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed PUD. A narrative report shall accompany that plan providing a description of the project and explaining the manner in which the criteria set forth in this Article have been met. The preliminary site plan for a PUD shall contain, at a minimum, the following information:
  - a. Evidence of ownership, location and description of site dimensions and areas;
  - b. General topography and soil information;
  - c. Scale, north arrow, and date of plan;
  - d. Existing zoning of site, the existing land use and zoning or adjacent parcels, and the location of existing buildings, drives, and streets on the site and within five hundred (500) feet of the site;
  - e. Location, type, and land area of each proposed land use, including building density (i.e., buildings per acre);
  - f. Location, size, and uses of open and agricultural space;
  - g. General description of the method and organization that will maintain any common areas and facilities;
  - h. General landscape concept showing tree masses to be preserved or added, buffers designed to lessen the impact of uses on the surrounding area, and similar features;
  - i. General descriptions of any proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins;
  - j. Existing natural and man-made features to be preserved or removed, the location of existing structures, streets, and drives, and the location, width, and purpose of existing easements;
  - k. General location, function, surface width, and right-of-way of proposed public and private streets;
  - l. General location of proposed parking areas and approximate number of spaces to be provided in each area; and
  - m. Location and area of each development phase.
2. Planning Commission Action. The Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:
  - a. Approval. Upon finding that the preliminary plan meets the criteria set forth in

this Article, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall only confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not bind the Township Board to approval of the final plan or the rezoning.

- b. Tabling. Upon finding that the preliminary plan does not meet the criteria set forth in this Article, but could meet the criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.
- c. Denial. Upon finding that the preliminary plan does not meet the criteria set forth in this Article, the Planning Commission shall deny preliminary approval.

d. Final Plan.

- 1. Within six (6) months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this Subsection. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void. In the event it is likely that a final site plan will not be submitted before that period has expired, the applicant may ask the Planning Commission, in writing, to extend the period by an additional six (6) months.
- 2. Information Required. A final site plan and application for a PUD rezoning shall contain the following information:
  - a. A final site plan meeting all requirements of Article XVII, Site Plan Review, of this Ordinance.
  - b. A separately delineated specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this Article.
  - c. A specific schedule of the intended development and construction details, including phasing and timing.
  - d. A specific schedule of the general improvements to constitute a part of the development which includes, without limitation, lighting, signs, utilities, visual screening features, and the mechanisms designed to reduce noise.
  - e. Specification of exterior building materials with respect to the structures proposed in the project.
  - f. Signatures of all parties having an interest in the property.
- 3. Planning Commission Recommendation and Township Board Action.
  - a. The final plan shall constitute an application to rezone the property to the PUD District, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the County, and the Township Board, using the procedures and requirements necessary for the re-

zoning of property contained in Section 18.02 of this Ordinance.

- b. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
  - c. The Township Board, upon the recommendation of the Planning Commission, shall ensure that all applicable regulations of the Zoning Ordinance, the applicable provisions of the Master Plan, and other Township standards or policies are met.
  - d. When approved, the PUD—with all conditions imposed, if any—shall constitute the rezoning of land to the PUD District and act as the land use authorization for the property, and all improvements and uses shall conform to that approval.
  - e. Notice of adoption of the rezoning, including the final PUD plan and conditions, shall be recorded at the office of the Lenawee County Register of Deeds.
- e. In addition to the requirements of Article XVII, Site Plan Review, the Planning and Commission and Township Board shall find prior to approving the final site plan and rezoning that the PUD application complies with the following standards:
- 1. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, street and utilities.
  - 2. The proposed development shall be consistent with the public health, safety and welfare of Township residents.
  - 3. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
  - 4. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  - 5. The proposed development shall be consistent with the Goals and Policies of the Macon Township Master Plan.
- f. Conditions.
- 1. Reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities will be sufficient to serve the proposed land use, protecting the natural environment, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
  - 2. Conditions imposed shall be:
    - a. Designed to protect public health, safety, and welfare reasonably related to the purposes affected by the PUD;
    - b. Necessary to meet the intent and purpose of this Ordinance, and;
    - c. Related to the objective of ensuring compliance with the standards of this Ordinance.

d. Made a part of the record of the approved PUD.

g. Phasing and Commencement of Construction.

1. Phasing. Where a project is proposed for construction in phases, each phase, upon completion, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural and agricultural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
2. Mix of Uses. The relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission. Uses within each phase shall meet the requirements of Section 14a.04.c.3.d.
3. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final site plan approval of the PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by this Article. If construction is not commenced within this time, the approval of a final site plan shall expire and be null and void. The Township Board may grant an extension of the approval for a specified period upon good cause shown, if the request is made in writing to the Township Board prior to the expiration of the initial period.
4. Expiration of Final Site Plan. In the event a final site plan has expired, the Township Board, based on a recommendation from the Planning Commission, may rezone the property in any reasonable manner, or, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in accordance with the requirements of this Ordinance.

SECTION 14a.04. PUD DESIGN REQUIREMENTS

- a. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is first listed as a Permitted Principal Use or Special Land Use. In all cases, the strictest provisions shall apply.  
  
Deviations from specific regulations may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives of this Article.
- b. To the maximum extent feasible, the development shall be designed so as to preserve natural resources, including agriculture, and natural features.
- c. There shall be a perimeter setback and berming, as found to be necessary by the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the PUD includes nonresidential uses adjacent to residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Township Board. The setback distance need not be uniform at all points on the perimeter of the development.

- d. Thoroughfare, drainage, and utility design shall meet or exceed the applicable requirements in connection with each of the respective types of uses served.
- e. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township Board.
- f. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares, as found necessary by the Township Board.
- g. Signs, lighting, landscaping, building materials for the exterior of all structures, and other features of the PUD, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the Township, surrounding development or developments, and natural features of the area.
- h. Where non-residential uses adjoin residential districts or uses, noise reduction and visual screening methods such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Township Board, in its discretion, shall review and approve the design and location of these methods.
- i. Open Space and Agricultural Areas. Any open space and agricultural areas provided in the PUD shall meet the following considerations and requirements:
  - 1. The PUD shall have a minimum of thirty percent (30%) open space and agricultural areas.
  - 2. Open space and agricultural areas shall be large enough and of proper dimensions so as to constitute a useable area. Open space areas must have adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
  - 3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
  - 4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space and agricultural areas are encouraged to be located between neighborhood clusters of housing units or used to separate residential and non-residential land uses.
  - 5. All open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
  - 6. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

ARTICLE XV  
SCHEDULE OF REGULATIONS

Zoning District		Lot Requirements			Minimum Yard Requirements (c)			Maximum Building Height	Minimum Floor Area per Dwelling Unit (d)
		Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear		
AG, Agricultural	Single-Family Dwellings (f)	1 Acre min.	150'	10%	50'	20'	20'	2-½ Story or 35'	1,000 sq'
	All Other Uses	5 Acres min.	300'	10%	50'	20' (g)	20'	2-½ Story or 35' (h)	(d)
R-1, Single-Family Residential		1 Acre min.	150'	10%	50'	20' 40' Total	20'	2-½ Story or 35'	1,000 sq' (d)
R-2, Single-Family Residential		12,000 sq. ft. min.	100'	30%	40'	15' 30' Total	20'	2-1/2 Story or 35'	1,000 sq' (d)
RM, Multiple Family and Manufactured Housing Residential		1 Acre min (e)	150'	30%	50'	40'	40'	2-1/2 Story or 35'	600 sq'
C, Commercial		1 Acre min.	150'	30%	30'	15'*	30'	2-½ Story or 35'	-
I, Industrial		1 Acre min.	150'	30%	30'	30' (l)	50'	-	-

- (a) Side yards required only when abutting residential districts.
- (b) Minimum of 80 mobile home sites.
- (c) Building setbacks for lands abutting lakes, creeks, and drainage ditches shall be in accordance with Section 4.21.
- (d) Required minimum floor area for each dwelling unit shall not include area of basement, utility rooms, breezeways, porches, or attached garages.
- (e) Additional land area may be required based upon the application of the following schedule:

<u>Dwelling Unit Size</u>	<u>Required Land Area in Square Feet</u>
Efficiency or one-bedroom unit	3,000
Two-bedroom unit	4,200
Three-bedroom unit	5,400
Four+ bedroom units	7,200

- (f) Schedule of density table for use in the AG, agricultural district. The following sliding scale shall be applied:

<u>Area of Lot of Record</u>	<u>Maximum Number of Additional Lots Permitted</u>
0 to 2 acres	0
2 to 40 acres	1
41 to 80 acres	2
81 to 120 acres	3
121 to 160 acres	4
161 to 200 acres	5
201 to 240 acres	6
241 to 280 acres	7
281 to 320 acres	8
over 321 acres	9

The application of these sliding scale provisions shall be applied in a manner consistent with the provisions of the Land Division Act.

- (g) Where livestock is raised or kept, any structure for housing of livestock, or any storage of hay, feed, or manure, shall be located not less than fifty (50) feet from any property line.

- (h) The following exception shall apply to the height of certain structures or classes of structures as specified:
  - 1. Line and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Article.
  - 2. The maximum height of farm structures shall be seventy-five (75) feet.
- (i) A transition strip of 50 feet shall be required whenever any lot in an industrial district abuts a lot in an agricultural, residential, or commercial district.
- (f) Require that lots that abut railroad ROW's to have a minimum depth of at least 250'. Further, no dwelling is permitted to be nearer than 175' from the railroad ROW.

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## **ARTICLE XVI SPECIAL LAND USES**

Section 16.01. - INTENT. The formulation and enactment of this Ordinance is based upon the division of the Township of Macon into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location and operation for the protection of the Township of Macon. Such uses, on account of their peculiar location need or the nature of the service offered, cannot be reasonably allowed as a permitted use, but are permitted as special land uses in accordance with this Article.

Section 16.02. AUTHORITY TO GRANT PERMITS. The Planning Commission as hereinafter provided, shall have the authority to recommend to the Township Board of Macon to grant special land use permits, subject to such conditions of design operation, and safeguards as the Township of Macon Board may determine for all special land uses specified in the various district provisions of this Ordinance.

Section 16.03. APPLICATION AND FEE. Application for any special land use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township of Macon Clerk by completion of an official special land use permit application form, submitting a site plan in accordance with Article XV, submitting required data, exhibits, and information and depositing the required fee as established by resolution by the Township of Macon Board. No part of such fee shall be returnable to the applicant.

Section 16.04. DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION. An application for a special land use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, site plan, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

Section 16.05. PUBLIC HEARINGS. After a preliminary review of the site plan and application for a special land use permit, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given by one (1) publication in a newspaper of general circulation in the Township of Macon not less than fifteen (15) days before the date of the hearing. Notice of public hearing shall be sent at least ten (10) days prior to the hearing to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to occupants of all single and two-family dwellings within three hundred (300) feet.

Section 16.06. REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATION. The Planning Commission shall review the site plan and the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

- b. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for public facilities and services.
- f. All standard specific and applicable to special land uses identified in other sections of this ordinance shall apply.

Section 16.07. DETERMINATION AND IMPOSITION OF CONDITIONS. If the facts presented in the application, and the review and hearing procedures established herein, do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township of Macon Board that said Township of Macon Board grant a special land use permit. In recommending that a special land use permit be granted, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the Township of Macon and the surrounding property owners and occupants to achieve the objectives of this ordinance. These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 16.08. APPROVAL, GRANT OR PERMIT. Upon holding a public hearing and the finding that the requirements of Sections 16.03 through 16.07 of this ordinance have been satisfactorily met by the applicant, the Planning Commission shall, within thirty (30) days, recommend approval, approval with conditions, or disapproval to the Township of Macon Board. When the Board gives final approval, a special land use permit shall be issued to the applicant.

The Township of Macon Board shall, within sixty (60) days, approve, approve with condition, or disapprove or such permit, and if approved, it shall forward copies of this permit to the applicant, Clerk, Zoning Inspector and Planning Commission.

Approval and issuance of a special land use permit by the Township of Macon Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such.

The decision to approve or disapprove a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent

with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township of Macon Board upon recommendation of the Planning Commission and is documented as such. The developer/owner shall agree in writing to the conditions set forth as recommended to and approved by the Township of Macon Board by the Planning Commission. Then the Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the special land use permit approved by the Township of Macon Board and has determined that the stipulated conditions have been met.

Section 16.09. VOIDING OF SPECIAL LAND USE PERMIT. Any special land use permit granted under this ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than two hundred ten (210) days and completed within a period of not more than five hundred and seventy-five (575) days of the date of issuance. The period for initiating and completion of said special land use shall be determined at the time that the special land use permit is granted. No use provided for under the special land use granted shall be initiated until all the terms and conditions of the special land use permit are met.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the Township Board to terminate and cancel such special land use permit.

Section 16.10. PERFORMANCE GUARANTEE. In authorizing a special land use permit, the Township of Macon Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township of Macon Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township of Macon Board shall limit the amount to reasonable improvements required to meet the standards of this ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, screening and drainage. The term "improvements" does not include the entire project which is the subject of special land use permit approval not to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township of Macon Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as a element of the conditions surrounding the approval of the special land use permit.

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**ARTICLE XVII**  
**SITE PLAN REVIEW**

Section 17.01. - INTENT. It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Township Board on recommendation by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

Section 17.02. BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN. The Zoning Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Township Board Planning Commission and such approval is in effect.

- a. any special land use
- b. any commercial use
- c. any industrial use
- d. any other use, as required in this ordinance

Section 17.03. APPLICATION AND FEE FOR SITE PLAN REVIEW. Any person may file a request for a site plan review by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Township Board. Fees applicable to site plan reviews for special land uses are waived in lieu of fees established by resolution of the Township Board for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

Section 17.04. PLANNING COMMISSION REVIEW OF SITE PLAN. Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days recommended the approval or disapproval of the site plan to the Township Board. The Township Board shall review the site plan, and the recommendation of the Planning Commission and, approve or disapprove such site plan within thirty (30) days, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

Section 17.05. REQUIRED DATA FOR DETAILED SITE PLAN. Every site plan submitted shall be in accordance with the following requirements:

- a. Every site plan submitted, except site plans required for uses as prescribed in subsection 17.05.b of this Ordinance, shall be drawn to a readable scale and shall include the following:
  - 1. the name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
  - 2. all property boundaries and dimensions thereof; the location and use of all existing and proposed structures;

3. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
  4. the current zoning classifications on the subject property and all adjacent property.
  5. additional data or information, as determined to be necessary to evaluate conformance to this ordinance for particular land uses shall be provided as requested by the Planning Commission or Township Board.
- b. Site plans submitted for the following uses shall be subject to the requirements of subsection 17.05.c.
1. The following conditional uses:
    - a. Quarries
    - b. Travel trailer parks
    - c. Intensive animal feeding operations
    - d. Airports, airstrips, airfields and runways
    - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
    - f. Amusement parks
    - g. Automobile service stations
    - h. Hotels or motels
    - i. Drive-in businesses
    - j. Automobile repair garages
  2. All industrial uses
- c. Site plans submitted for the uses prescribed in subsection 17.05.b shall be submitted in accordance with the following requirements:
1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission and Township Board can readily interpret the site plan, and shall include more than one drawing where required for clarity.
  2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
  3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as, wood, lots, streams, rivers, lakes, drains, and similar features.
  4. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excava-

tions, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.

5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space.
6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
8. Additional data or information, as determined to be necessary to evaluate conformance to this ordinance for particular land uses shall be provided as requested by the Planning Commission or Township Board.

Section 17.06. STANDARDS FOR SITE PLAN REVIEW. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Subsections 17.03 and 17.05 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance. A site plan shall be approved if it contains the information required in Subsection 17.03 and 17.05 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.

In addition, each of the following standards shall apply:

- a. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The use shall not inappropriately change the essential character of the surrounding area.
- c. The use shall not interfere with the general enjoyment of adjacent property.
- d. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- e. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.

- f. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- g. The use shall not place demands on public services and facilities in excess of current capacity.
- h. The use shall be consistent with the intent and purpose of this Ordinance.

Section 17.07. APPROVAL OF SITE PLAN. Upon the Township Board approval of a site plan, the applicant shall file with the Clerk four (4) copies thereof. The Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Inspector shall not issue a zoning compliance permit and building permit until a certified approved site plan is received.

The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with Subsection 17.09.

Section 17.08. EXPIRATION OF SITE PLAN CERTIFICATE. The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

Section 17.09. AMENDMENT, REVISION OF SITE PLAN. A site plan and site plan certificate, issued thereon, may be amended by the Township Board upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Article XVII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

## **ARTICLE XVIII ZONING ADMINISTRATION**

Section 18.01. ZONING ADMINISTRATION. It is hereby provided that the provisions of this Ordinance shall be administered and enforced by the Township Building Inspector or other Township official so designated by the Township Board or deputies of same being delegated to enforce the provisions of this Ordinance.

Section 18.02. FEES. Except as may be provided otherwise in this Ordinance, the Township Board shall, by Resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, and fees for appeals to the Board of Appeals. The Board may revise said fees from time to time by Resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Building Inspector or prior to issuance of said permit or certificate.

Section 18.03. APPLICATIONS FOR PERMITS. Applications for Land Use Permits shall be filed in quadruplicate with the Building Inspector upon forms furnished and approved by the Township Board and said application shall be printed in ink or typewritten and shall furnish a general description of the contemplated construction and definite information as to area of the lot on which the building is to be constructed and its location thereon. Said applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.

Section 18.04. BUILDING PERMITS. If the Building Inspector finds the application conforms to the requirements of this Ordinance and the statutes, he shall mark all copies of the application approved over his signature, one copy of which shall be retained by him, one copy shall be filed with the Township Treasurer, one copy to be filed with the Township Supervisor, and the other copy shall be returned to the applicant, together with a construction card signed by the Building Inspector stating the extend of the work authorized. The approval of the application and the issuance of construction card by the Building Inspector shall not be binding upon the Township Board or the Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

Section 18.05. ERECTION OR ALTERATION. No building or structure excepting farm outbuildings shall hereafter be erected or altered and no land shall be used until a permit shall first have been obtained by the owner of the said building or land to be improved, except that no permit shall be required for minor alterations or repairs to existing structures costing five hundred (\$500) Dollars or less, or for wrecking of buildings or structures of less than one thousand (1,000) cubic feet capacity.

Section 18.06. CONFORMANCE. No Building Permits shall be issued to erect or alter a building or structure or make a use of land or make any changes in use thereof unless the same shall be in conformity with the provisions of this Ordinance. The Building Inspector shall record all non-conforming uses existing at the effective date of this Ordinance.

Section 18.07. INSPECTION. The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

Section 18.08. RESPONSIBILITY. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that a proper Building Permit has been granted therefore and that such work and land use is in conformity with the provisions of this Ordinance.

Section 18.09. RECORDS. A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township Records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee of established by the Township Board for such requests.

Section 18.10. ZONING COMPLIANCE PERMITS. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

1. The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
  - a. The actual dimensions and shape of the lot to be built upon and,
  - b. The exact size and location of existing structures on the lot, if any; and,
  - c. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for the Zoning Inspector's files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals, Planning Commission, or Township Board is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

2. Any zoning compliance permit granted under this Ordinance shall become null and void, and fees forfeited, if any facts are knowingly falsified or misrepresented by the petitioner.
3. Any zoning compliance permit granted under this ordinance shall become null and void, and fees forfeited if construction is not completed and use initiated within five hundred forty-five (545) days of the date of issuance.
4. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

Section 18.11. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use any building or struc-

ture hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Certificates of Occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
3. Buildings or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
4. Applications for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt, if it is found in compliance with paragraph (1) above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

Section 18.12. ZONING ORDINANCE AMENDMENT. The Zoning Ordinance, and any amendments thereto, shall be maintained by the Township and accessible to the public. The official zoning map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. One copy of the Official Zoning Map and above mentioned records (see Section 18.09) shall be maintained and kept up to date by the Township Clerk's office, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

1. Fees. Any applicant desiring to have any change made in this Ordinance shall, with his petition for change, deposit the required fee as established by the adopted fee schedule with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No part of this fee is returnable.
2. Procedure. The procedure for making amendments of this Ordinance shall be as follows:
  - a. Each petition for amendment by one or more owners of property shall be submitted to the Township Clerk who shall refer the same for recommendation to the Planning commission and who shall report the receipt of a requested zoning change to the Township Board at its next meeting.
  - b. A notice of the proposed amendment shall be prepared which shall describe the nature of the request. If the request involves an amendment to the zoning map, the notice shall indicate the property that is subject to the request. The notice for an amendment to the zoning map shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used. The notice shall state when and where the request will be considered, and indicate when and where written comments will be received concerning the request.

- c. All proposed amendments to the Zoning Ordinance, including both amendments to the text of the ordinance, and those to the zoning map, shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing.
- d. Where an individual parcel of property has to be rezoned, notice of public hearing shall be given by first class mail to all property owners and occupants of property, any part of which lies within three hundred (300) feet from the boundary of the property to be rezoned. Notice shall be addressed to the person whose name is shown as owner upon the tax rolls of the Township.
- e. After initial consideration, the Planning commission shall hold the public hearings as required by law.
- f. Notice of public hearings on any petition for amendment of this Ordinance which proposes to change Zoning Districts as shown on the Zoning Map within five hundred (500) feet of the boundary of adjacent townships or municipalities may be sent to the Planning Commission or other zoning agencies representing such townships or municipalities in order that coordination with adjacent zoning ordinances may be promoted .
- g. The petition, if approved by the Planning Commission shall be submitted to the Lenawee County Planning Commission for review.
- h. Following action by the Lenawee County Planning Commission the petition may be reviewed, and action taken, by the Township Board in accordance with State law.

## **ARTICLE XIX BOARD OF APPEALS**

Section 19.01. CREATION OF BOARD OF APPEALS. There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Board of Appeals shall consist of three (3) members as follows:

1. The first member shall be the Chairman of the Planning Commission.
2. The second member shall be a member of the Township Board, appointed by the Township Board, for the period of his term of office.
3. The third member shall be a property owner selected and appointed by the first two (2) members of the Board of Appeals, from among the electors, residing in the unincorporated area of the Township, for a period of one (1) year. Provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the third member of, or as an employee of the Board of Appeals.
4. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

Section 19.02. MEETINGS. All special meetings of the Board of Appeals shall be held at the call of the Chairman, and regular meetings at such times as the Township Board may determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the Office of the Township Clerk and shall be a public record.

Section 19.03. APPEALS. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by an officer, department, board of bureau affected by a decision of the Building Inspector. Such appeals shall be taken within such time as shall be prescribed by the Township Board by resolution by filing with the Building Inspector and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown.

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 19.04. NOTICE OF HEARING. Notice of the hearing of the appeal shall be given by the Township Clerk to all owners of record of property within a radius of three hundred (300) feet of the premises involved by mail addressed to the respective owners at the address given in the latest assessment roll. The time, place and subject matter of such hearing before the Board of Appeals shall be printed in a newspaper of general circulation in the Township once not less than fifteen (15) days prior to such hearing.

Section 19.05. POWERS OF BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES. The Board of Appeals as herein created, is a body of limited powers. The Board of Appeals shall have the following specific powers and duties:

1. Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
2. Authorization. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured, and substantial justice done, including the following:

- a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

In case of any question as to location of any boundary line between zoning districts, the Board of Appeals shall interpret the Zoning Map after recommendation from the Planning Commission.

- b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
- d. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribu-

tion and/or sanitary sewage are provided),. Whenever the Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

3. Conditions. The Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as ought to be made and to that end shall have all the powers of the Building Inspector for whom the appeal is taken.

Section 19.06. STANDARDS. In consideration of all appeals for variances, the Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

- a. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
- b. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.
- c. Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- d. Will be such that the proposed location and height of buildings or structure and location, nature of height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- e. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shipping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- f. Is necessary for the public convenience at that location.
- g. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- h. Will not cause injury to the value of other property in the neighborhood in which it is to be located.

Section 19.07. BOARD OF APPEALS APPROVAL. The Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Board of Appeals to investigate thoroughly the matter before it. The Board of Appeals may impose such conditions or limitations

in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Section 19.08. APPROVAL PERIODS. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals, permitting a use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

## **ARTICLE XX DEFINITIONS**

Section 20.01. For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

Section 20.01.1. **ACCESSORY BUILDING:** A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.

Section 20.01.2. **AGRICULTURE:** The use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

Section 20.01.3. **ALLEY:** A public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Section 20.01.4. **ALTERATIONS:** Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".

Section 20.01.5. **APPEAL.** An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

Section 20.01.6. **ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Section 20.01.7. **AUTOMOBILE SERVICE STATION:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, re-finishing, major repairs and overhaul, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

Section 20.01.8. **AUTOMOBILE WASH ESTABLISHMENT:** A building, or portion thereof, the primary purpose of which is that of washing vehicles.

Section 20.01.9. **BASEMENT:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "Basement and Story Definitions".)

Section 20.01.9.5. BED AND BREAKFAST ESTABLISHMENTS. A non-transferable use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Section 20.01.10. BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

Section 20.01.11. BILLBOARD: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

Section 20.01.12. BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way; unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Section 20.01.13. BOARDING HOUSE: A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent home or nursing home.

Section 20.01.14. BOARD OF APPEALS: The term "Board of Appeals": shall mean the Macon Township, Lenawee County, State of Michigan, Zoning Board of Appeals.

Section 20.01.15. BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion hereof is completely separated from every other part of division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Section 20.01.16. BUILDING INSPECTOR: The term shall refer to the Building Inspector of Macon Township, or his authorized representative.

Section 20.01.17. BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Section 20.01.18. BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.

Section 20.01.19. BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Section 20.01.20. CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

Section 20.01.21. COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

Section 20.01.22. COMMISSION: This term, and the term "Planning Commission", shall mean the Macon Township Planning Commission.

Section 20.01.22.05. COMMUNICATION TOWER: A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennae, aerials, or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in Article XV (Area, yard Height and Bulk Requirements).

Section 20.01.23. CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

Section 20.01.24. DISTRICT: A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Section 20.01.25. DRIVE-IN ESTABLISHMENTS: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).

- a. DRIVE-IN RESTAURANT: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:
1. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
  2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

- b. **FAST-FOOD RESTAURANT:** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:
  - 1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
  - 2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- c. **STANDARD RESTAURANT (FOR COMPARISON):** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages as to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
  - 1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
  - 2. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

Section 20.01.26. **DWELLING:** A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, or tent be considered as a dwelling; the part is so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relating to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

- a. **DWELLING, MULTIPLE:** A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels.
- b. **DWELLING, ONE-FAMILY:** A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.
- c. **DWELLING, TWO-FAMILY:** A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- d. **DWELLING UNIT:** A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, or tent be considered a dwelling in single family, two family

or multiple family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. In addition, a dwelling unit shall meet the following requirements:

1. A minimum exterior width of twenty (20) feet a minimum floor area of one-thousand (1,000) feet, exclusive of areas not a part of the main living area (porches, architectural features, etc.).
2. Firmly attached to a foundation constructed in accordance with the BOCA and/or HUD Building Code.
3. No exposed wheels, towing mechanisms, undercarriage or chassis, no storage in any crawl space or skirted area.
4. Shall be connected to a public water and sewer supply or to private water and sewer supply facilities approved by the County Health Department.
5. Shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles, and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten (10%) percent of the interior living space.
6. Shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes by having:
  - a. A roof pitch of three (3) inches to one (1) foot.
  - b. A roof overhang of not less than six (6) inches along all sides of the dwelling.
  - c. Not less than two (2) exterior doors with one being in the front of the unit and the other being in either the rear or side of the unit.
  - d. A roof drainage system to avoid drainage along the sides of the dwelling.
7. All additions shall be constructed with a permanent foundation and compatible materials in similar quality of workmanship as the original structure.
8. Compliance with pertinent building and fire codes and conformance with applicable Township Building, Plumbing, Electrical and Energy codes.
9. "Dwelling" shall include earth sheltered homes constructed in conformance with the BOCA Building Code.
10. Covered window sills with drip seals.
11. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by Macon Township, State or Federal laws and regulations.

- e. **EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than four hundred (400) square feet of floor area.

Section 20.01.27. **ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Section 20.01.28. **ESSENTIAL SERVICES:** Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Same shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.

Section 20.01.29. **FAMILY:** One (1) or more persons living together in one dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one (1) kitchen facility for normal meal preparation--sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, or tourist home. Every additional person or group of two (2) or more persons not related or included in the family as herein defined, shall be considered a separate family for the purpose of this Ordinance.

Section 20.01.30. **FARM:** All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm thereunder shall include a continuous parcel of more than ten (10) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding, or boarding stables, commercial dog kennels, game fish hatcheries, stockyards, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than forty (40) acres.

Section 20.01.31. **FARM BUILDINGS:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

Section 20.01.32. **FILLING:** Shall mean the depositing or dumping of any matter ONTO or INTO the ground, except common household gardening and general farm care.

Section 20.01.33. FILLING STATION: A building designed or used for the retail sale of fuel (stored in underground tanks), lubricants, air, water, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles.

Section 20.01.34. FLOOR AREA:

- a. FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches, (enclosed or unenclosed) or attached garages are not included.
- b. FLOOR AREA, USABLE: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology.")

Section 20.01.35. FOOD: For purposes of this Ordinance, the word "food" used in connection with restaurant facilities shall include frozen desserts and non-alcoholic beverages.

Section 20.01.36. GARAGE:

- a. GARAGE, COMMUNITY: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.
- b. GARAGE, PRIVATE: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.
- c. GARAGE, PUBLIC: A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this Ordinance.

Section 20.01.37. GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

Section 20.01.38. GREENBELT: A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission and Building Inspector.

Section 20.01.39. HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements".)

Section 20.01.40. HIGHWAY: A public thoroughfare or street, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the office of the Register of Deeds for Lenawee County, Michigan.

Section 20.01.41. HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. One (1) non-illuminated nameplates, not more than two (2) square feet in area, may be attached to the building which shall contain only the name of the occupant and the nature of the home occupation. Day care centers, tea rooms, veterinarian's office, tourist homes, animal hospitals, kennels, real estate offices, millinery shops, among others shall not be deemed to be home occupations.

Section 20.01.42. HOTEL: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.

Section 20.01.43. INDUSTRIAL PARK: A parcel of land to be used for manufacturing purposes and designed as a planned development on a parcel or parcels not under separate ownership.

Section 20.01.44. (Reserved)

Section 20.01.45. JUNK: For the purpose of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured, and the storage or maintaining of such items is adjudged to be a nuisance per se.

Section 20.01.46. JUNK YARD: For the purpose of this Ordinance, junk yard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas and any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk and scrap metals.

Section 20.01.47. KENNEL: Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boarded. All kennels shall comply with all applicable Township, County and State regulations.

Section 20.01.48. LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Section 20.01.49. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot."

- a. LOT, DEPTH: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- b. LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
- c. LOT, INTERIOR: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
- d. LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

Section 20.01.50. LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

- a. LOT LINE, FRONT: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.

- b. LOT LINE, REAR: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be assumed line parallel to the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission or Zoning Board shall designate the rear lot line.
- c. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Section 20.01.51. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by meters and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

Section 20.01.52. LOT AREA, NET: The total horizontal area within the lot lines of a lot.

Section 20.01.53. LOT AREA, GROSS: The net lot area plus one-half (1/2) the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Planning Commission or Zoning Board.

Section 20.01.54. LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See illustration entitled "Corner, Interior, and Double Frontage Lots.").

Section 20.01.54.5 Medical marihuana terms: The following terms are associated with medical marihuana as regulated by the Township of Macon.

- a. Marihuana – Marihuana, according to the Public Health Code (MCL 333.1101), "means all parts of the plant *Canabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination."
- b. Medical marihuana – Medical marihuana, according to the MMMA (see below), "means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the debilitating medical condition."
- c. Michigan Medical Marihuana Act (MMMA) – The MMMA (MCL 333.26421 et. seq.) is an initiation of legislation to allow under state law the medical use of marihuana; provide

protections for the medical use of marihuana; and provide for a system of registry identification cards for qualifying patients and primary caregivers. The MMMA is supplemented by administrative rules promulgated by the Michigan Department of Community Health (R 333.101 et seq). The MMMA defines the following specific categories of people:

1. Primary caregiver – A primary caregiver is an individual, as defined by the MMMA, and is authorized by and registered through the Michigan Department of Community Health (MCDH) to grow and distribute medical marihuana to qualified patients. The primary caregiver must have a valid registry card.
  2. Qualifying patient – A qualifying patient is an individual, as defined by the MMMA, that has been diagnosed by a licensed physician, as defined by the MMMA, as having a medical condition alleviated by the use of medical marihuana, and who is registered through the Michigan Department of Community Health (MCDH) to grow and/or consume medical marihuana. The qualifying patient must have a valid registry card.
- d. Medical marihuana caregiver grow operation – A medical marihuana caregiver grow operation is an establishment used by 1 registered primary caregiver for the purposes of the growing and dispensing of medical marihuana outside the privacy of a personal dwelling for up to 5 qualifying patients (as well as the caregiver if he or she is also a qualifying patient), but where there is no consumption of marihuana on the premises.
- e. Medical marihuana home use – A medical marihuana home use is a dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their own dwelling, and/or where a registered primary caregiver, serving not more than 1 qualifying patient who resides with the primary caregiver, grows or distributes medical marihuana for the qualifying patient in the privacy of the primary caregiver’s own dwelling, and is allowed as a use by right wherever dwellings are permitted.

Section 20.01.55. MOBILE HOME: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equals or exceeds eight (8) feet in width and thirty-two (32) feet in length, and not motorized or self-propelled. Also known as a trailer coach or house trailer. A unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, shall not be considered a mobile home.

Section 20.01.56. MOBILE HOME PARK: For the purpose of this Ordinance, is a specifically designated parcel of land designed and developed to accommodate two (2) or more mobile home sites for residential use. Also known as a trailer coach park.

Section 20.01.57. MOBILE HOME SITE: For the purpose of this Ordinance is a plot of ground with a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.

Section 20.01.58. MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.

Section 20.01.59. MOTOR COURTS - MOTELS: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.

Section 20.01.60. MUNICIPAL PARK: A parcel of land that is used as a park and is operated under the supervision of the Township Board.

Section 20.01.61. NON-CONFORMING USE OR BUILDING: Non-Conforming Use: A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Non-Conforming Building: A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located.

Section 20.01.62. OCCUPIED: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

Section 20.01.63. OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two (2) vehicles.

Section 20.01.64. OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:

- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- d. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale; rental or repair services.
- e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

Section 20.01.65. PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

Section 20.01.66. PERMIT, MOBILE HOME PARK: This term shall mean a written permit issued by the Building Inspector permitting the construction, alteration or enlargement of a Mobile Home Park, subject to all applicable provisions of this Ordinance and all other applicable local, State, and Federal regulations.

Section 20.01.67. PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Section 20.01.68. PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Section 20.01.69. PRIVATE PARK: A parcel of land for use as a recreation area, play area, picnic area, or nature area, without commercial trade.

Section 20.01.70. PUBLIC NOTICE: A notice of the time, place and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having a general circulation in the Township not less than fifteen (15) days prior to the date of such hearing.

Section 20.01.71. PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

Section 20.01.72. QUARRY EXCAVATION: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

Section 20.01.73. RETAINING WALL: A permanent solid barrier of brick, stone, wood or other opaque material approved by the Building Inspector intended to enclose an area. For the purpose of this or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed and/or painted, tinted or colored in one (1) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

Section 20.01.74. ROADSIDE STANDS: A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised on said premises by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be an agricultural district, nor shall its use be deemed a commercial activity, but such stand if of a permanent character, shall not be more than one (1) story high nor larger in floor area than twenty (20) feet by twenty (20) feet and must be set back from the nearest highway right-of-way line at least thirty-five (35) feet.

Section 20.01.74.5. SELF-SERVICE STORAGE FACILITY. A building or group of buildings used exclusively as a dead storage facility for residential and commercial goods and wares in varying sizes of individual, compartmentalized and controlled-access stalls or lockers available for rent as individual leases.

Section 20.01.75. SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does to own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this

Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

Section 20.01.76. SETBACK: The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines. (See illustration "Lot Terms.")

Section 20.01.77. SIGN: Any device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a.
  1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;
  2. Flags and insignia of any government except when displayed in connection with commercial promotion;
  3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
  4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
  5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- b. NUMBER: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of element shall be considered to be a single sign.
- c. SURFACE AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- d. SIGN, ACCESSORY: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Section 20.01.78. SOIL REMOVAL: Shall mean removal of any kind of soils or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

Section 20.01.78.25. SOLAR ENERGY FACILITY: An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:

- a. MECHANICAL EQUIPMENT: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.
- b. SOLAR ENERGY SYSTEM: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.
- c. SOLAR GLARE: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Section 20.01.78.50. STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, and providing residential services for six (6) or fewer individuals under 24-hour supervision or care.

Section 20.01.79. STORY: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

- a. MEZZANINE: A "Mezzanine" floor may be used in this definition of a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- b. BASEMENT: For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- c. HALF: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

Section 20.01.80. STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Section 20.01.81. SWIMMING POOL: The term "swimming pool" shall mean any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

Section 20.01.82. TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Section 20.01.83. TOWNSHIP BOARD: Whenever in this Ordinance appear the words "Township Board," it shall mean the Township Board of Macon Township.

Section 20.01.84. TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or thirty-two (32) feet in length. This term also includes folding campers and truck mounted campers but not mobile homes.

Section 20.01.85. TRAVEL TRAILER PARK: A family recreation -oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a camp ground.

Section 20.01.86. USE: The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

- a. ACCESSORY: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- b. LEGAL NON-CONFORMING: An existing use of land and/or structures as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district, but which is not construed by this Ordinance as a nuisance, or damaging to abutting property, or hazardous to persons.
- c. ILLEGAL NON-CONFORMING: An existing use of land and structures as of the effective date of this Ordinance as a nuisance, or damaging to abutting property or hazardous to persons; such uses to be discontinued and abated.

Section 20.01.87. UTILITY ROOM: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

Section 20.01.88. VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

Section 20.01.88.5. WIND ENERGY FACILITY: An electricity generating facility consisting of one or more wind turbines under common ownership or operation control and may include substations, MET Towers (i.e., meteorological towers used for the measurement of wind speed), cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity on-site or to off-site customer(s).

- a. SMALL TOWER-MOUNTED WIND ENERGY TURBINE (STMWET): A small wind energy system mounted on a tower that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. The Small Tower-Mounted Wind Energy Turbine (STMWET) has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred (100) feet.

- b. **SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINE (SSMWET):** A small wind energy system mounted on a structure that converts energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. A Small Structure-Mounted Wind Energy Turbine (SSMWET) is attached to a structure's roof, walls or other elevated surface, including accessory structures such as but not limited to cellular phone towers. The Small Structure-Mounted Wind Energy Turbine has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other Small Tower-Mounted Wind Energy Turbine protuberances.

Section 20.01.89. **YARD, REQUIRED SIDE-REAR-FRONT:** An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled "Lot Terms.")

- a. **FRONT:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way.
- b. **REAR:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way, except as otherwise provided in this Ordinance.
- c. **SIDE:** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way.

Section 20.01.90. **YARD, SIDE-REAR-FRONT:** A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building. (See illustration entitled "Lot Terms".)

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**ARTICLE XXI**  
**REPEAL, INTERPRETATION, SEVERABILITY, PENALTIES,**  
**RIGHT AND REMEDIES, GENERAL RESPONSIBILITY, AND**  
**ENACTMENT AND EFFECTIVE DATE**

Section 21.01. REPEAL OF PRIOR ORDINANCES. The Zoning Ordinance previously adopted by the Township of Macon, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 21.02. INTERPRETATION. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 21.03. SEVERABILITY. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

Section 21.04. VIOLATION-PENALTY. Any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Board of Appeals or Township Board adopted pursuant thereto, on conviction thereof, shall be punished by a fine not to exceed One Hundred (\$100.00) Dollars and costs of prosecution, or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

Section 21.05. RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 21.06. GENERAL RESPONSIBILITY. The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Macon Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 21.07. ENACTMENT AND EFFECTIVE DATE. The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Macon Township Board, held at the Macon Township Hall in said Township on July 11, 1994, after approval of the same by the Macon Planning Commission following a public hearing on April 7, 1994. Said Ordinance was ordered published in the Tecumseh Herald, newspaper having general circulation in Macon Township, Lenawee County, Michigan, pursuant to the requirements of Act 191 of the Public Acts of Michigan for the year 1939, as amended. This ordinance shall become effective thirty (30) days after the date of such publication.

EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective thirty days following adoption.

Adopted this 12th day of December, 1996.

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SEAL

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MACON TWP. CLERK

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MACON TWP. SUPERVISOR

# MACON TOWNSHIP LENAWEE COUNTY, MICHIGAN

## Zoning

### Legend

-  AG Agriculture
-  R-1 Single-Family Residential
-  R-2 Single-Family Residential
-  RM Multiple-Family Residential
-  C Commercial
-  I Industrial

Revised to: June, 28, 2006

