

APPENDIX A - ZONING

Footnotes:

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Editor's note— Printed herein is the zoning ordinance, Ord. No. 39, adopted on Oct. 28, 1968, as updated through Ord. No. 39.50, adopted May 26, 1993. Amendments subsequent to Ord. No. 39.50 will be inserted and indicated by a history note in parentheses following the amended section. For a complete history of any particular section or provision, the user is directed to the Code Comparative Table at the back of this volume or to the township building department.

Obvious misspellings have been corrected without notation and a uniform capitalization style has been implemented. Other changes made for clarity have been enclosed in brackets.

Cross reference— Any ordinance pertaining to zoning saved from repeal, § 1-5(12); buildings and building regulations, Ch. 3; flood damaged control, Ch. 7; streets, sidewalks and other public places, Ch. 14; subdivision of land, Ch. 15.

State Law reference— Township Rural Zoning Act, MCL 125, 271 et seq.; township planning, MCL 125.321 et seq.

PREAMBLE

ZONING ORDINANCE NO. 39

DELHI CHARTER TOWNSHIP

An Ordinance to provide for the establishment of zoning districts to encourage and regulate the proper location and use of land, buildings and structures for residence, trade, industry or other purposes; to regulate the height and bulk of buildings, the density of population and the minimum dimensions of yards, courts, and other open spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said Ordinance; and to provide for the repeal of the Delhi Township Zoning Ordinance Numbers 13, 16, 21, 23, 24, 26, 28, 30, 31, 33, 34 and 35.

Delhi Charter Township, under the authority of Act 184, Public Acts of 1943, as amended, and the Charter Township Act, Act 359 of the Public Acts of 1947, as amended, of the State of Michigan, hereby enacts as follows:

ARTICLE I. - SHORT TITLE

This Ordinance shall be known as the "Zoning Ordinance of Delhi Charter Township."

ARTICLE II. - PURPOSES

It is the purpose of this Zoning Ordinance to promote the safety, health, morals, convenience and general welfare; to encourage the use of lands and natural resources in the township in accordance with their character, adaptability, and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to lessen congestion on the public streets and highways; to facilitate the adequate provision of streets and highways, sewerage and drainage, water supply and distribution, educational, recreational, and the expenditure of funds for public facilities and services by establishing herein standards for physical development in accordance with the objectives and policies contained in the Comprehensive Development Plan for Delhi Township; and to provide for the enforcement of such standards.

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

Footnotes:

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Cross reference— Administration, Ch. 2.

Section 3.1 - Administration.

3.1.1 *Administration.* The provisions of this Ordinance shall be administered by the Delhi Township Planning Commission and the Delhi Township Board in accordance with the State of Michigan Municipal Planning Commission Act, Act 285 of the Public Acts of 1931, as amended, and the Charter Township Act, Act 359 of the Public Acts of 1947, as amended.

The Charter Township Board shall employ a director of community development to act as its officer to effect proper administration of this Ordinance. The term of employment, rate of compensation and any other conditions of employment shall be established by the township board. For the purpose of this Ordinance, the director of community development shall have the power of a police officer.

All applications for building permits shall be submitted to the director of community development who may issue building permits and certificates of occupancy when all applicable provisions of this Ordinance have been complied with and authorized by the director of community development or his/her designee. The director of community development or his/her designee shall be empowered to make inspections of buildings or premises to carry out his/her duties in the enforcement of this Ordinance.

The director of community development or his/her designee shall keep a record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of article VI, section 6.7

Under no circumstances is the director of community development permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties.

3.1.2 *Building permits.* The following shall apply in the issuance of any permit:

- 1) *Requirements for.* Excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of or moving of any building or structure shall not be undertaken; or any land shall not be used or an existing use of land shall not be changed to a use of a different type or class, until a building permit or a certificate of occupancy has been secured from the director of community development. Except upon a written order of the zoning board of appeals, no such building permit or certificate of occupancy shall be issued for any building or use of land where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
- 2) *Application requirements.* There shall be submitted with all applications for building permits one (1) copy of a site layout or plot plan, drawn to scale, showing:
 - a) The location, shape, area and dimension of the lot.
 - b) The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered or moved on the lot.
 - c) The intended uses.
 - d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
 - e) The yard, open space and parking space dimensions.
 - f) Any other information deemed necessary by the director of community development to determine and provide for the enforcement of this Ordinance.
- 3) *Voiding of permit.* Any permit granted under this section shall become null and void sixty (60) days from the date of granting such permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the director of community development shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.
- 4) *Inspection.* The development or usage proposed by any building permit shall be subject to two (2) zoning inspections; concurrent with the first and final inspections required by the township building code. It shall be the duty of the permit holder to notify the director of community development regarding the time that construction will

be ready for inspection. Failure of the permit holder to make proper request for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

- 5) *Fees.* Fees for inspection and the issuance of permits or certificates required under this Ordinance may be collected by the community development department in advance of issuance. The amount of such fees shall be established by the Charter Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.
- 6) *[Site plan review.]* Prior to the issuance of a building permit, all uses except for one- and two-family residential and agricultural shall be subject to site plan review as specified in section 3.3 of this Ordinance.

3.1.3 *Certificate of occupancy.* No land shall be occupied or used and no building shall be erected, altered, used or changed in use until a certificate of occupancy shall have been issued by the director of community development. No certificate of occupancy shall be valid without the authorization of the director of community development or his/her designee. The following shall apply in the issuance of a certificate of occupancy:

- 1) *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance, including screening, planting, fences and parking, except as provided in 6) below.
- 2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used or the same caused to be done unless and until a certificate of occupancy shall have been issued for such building or structure.
- 3) *Certificates for existing buildings.* Certificates of occupancy may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such uses of land are in conformity with the provisions of this Ordinance.
- 4) *Certificates for nonconforming use.* Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the nature of the authorized nonconforming use, the approximate date of commencement of said use, the dimensions of the building, if any, being utilized for said nonconforming use, and any limiting conditions imposed upon said use.
- 5) *Application for certificates.* Application for certificates of occupancy shall be made at the time of application for building permit or, in the case of existing buildings or uses of land, by application in writing to the director of community development. A certificate of occupancy applied for coincidentally with an application for a building permit shall be issued at the completion of the final inspection and, in the case of existing buildings or uses of land, a certificate of occupancy shall be issued within ten (10) days after the receipt of such application if the building, structure, or use of land is in accordance with the provisions of the Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal in writing within the aforesaid ten-day period.
- 6) *Temporary certificates of occupancy.* The director of community development or his/her designee may issue a temporary certificate of occupancy for a specified period of time for a principal building on a project before full completion of screening, planting, fencing and parking if such items could not have been completed at the same time as the principal building; and, further, where a performance bond equal to the estimated cost of these improvements has been posted.
- 7) *Records of certificates.* A record of all certificates issued shall be kept on file in the community development department and copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

3.1.4 *Performance guarantee.*

- 1) In order to insure strict compliance with the performance of certain physical site improvements, engineering,

supervision, and review as a contingency to securing a zoning amendment, special approval, site plan approval, site improvement, variance or enforcement activity that is delegated by this Zoning Ordinance to the township board, the planning commission, the zoning board of appeals, the director of community development, or any other township body or official, that body or official may require the furnishing of one of the following financial instruments:

- a) Cash deposit,
- b) Certified check,
- c) Irrevocable bank letter of credit,
- d) Or surety bond.

Such financial instrument shall be deposited with or made payable to the township treasurer in the amount determined to be reasonably necessary to insure full compliance with the intent of this Ordinance, however it shall not be for entire cost of the project. In establishing the required amount of financial instrument, the body or official shall take into account a recommendation of the township engineer or other appropriate party that considers:

- a) The size and scope of the proposed improvement project,
 - b) Current prevailing cost of rehabilitating the premises upon default,
 - c) Can estimate of costs to compel operator to comply by court action, and
 - d) Other factors and conditions relevant in determining a reasonable sum considering the circumstances surrounding a specific case.
- 2) The performance guarantee shall be deposited prior to the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee before the date on which the township is prepared to issue the permit or implement a variance.
 - 3) On a case by case basis, the director of community development may establish procedures to allow a rebate of cash deposits in a reasonable proportion to the ratio of work completed on the required improvements for which cash or a financial instrument has been deposited.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.93 § 1, 3-7-00; Ord. No. 39.104, 1-20-04)

Section 3.2 - Enforcement.

3.2.1 *Violations and penalties.* The building inspector, zoning enforcement officer, or other authorized agent, under the authority of the director of community development, shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to police and fire department employees or to any other Charter Township official shall be reported to the director of community development.

- 1) *Penalties.* It shall be unlawful and punishable as provided herein for any person, firm, corporation or entity to commence, to continue, or maintain any use, condition, or maintain any condition or conduct contrary to the provisions of this Ordinance. Persons, firms, corporations, or entities violating any provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a fine not to exceed five hundred dollars (\$500.00) plus court cost and abatement costs.
- 2) *Cumulative rights and remedies.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law, including, but not limited to, such injunctive relief as may be appropriate.

3.2.2 *Conflicting regulations.* In the interpretation, application and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern; provided, that whenever the

provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

(Ord. No. 39.61, § 1, 9-19-95; Ord. No. 39.78, 11-17-98; Ord. No. 39.93 § 1, 3-7-00)

Section 3.3 - Site plan review, approval and permits.

3.3.1 *Intent and purposes.* The Board of Trustees and the Planning Commission of the Charter Township of Delhi find that commercial, industrial, and multifamily residential and other uses in Delhi Charter Township have a substantial impact upon the character of the community, and upon traffic, utilities, property values open space, naturally sensitive areas, and environmentally sensitive areas thereby affecting the public health, safety, and general welfare. Therefore, in order to foster the attractiveness of the community and to enhance and preserve its desirability as a place to live and to work, and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, it is hereby determined that plans for such uses shall be referred to the Planning Commission of the Charter Township of Delhi in accordance with this section.

3.3.2 *Site plan review.*

- 1) *Site plan required.* Except as provided in subsection 3.3.2(2), the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other building or development activities shall require site plan review prior to construction and/or occupancy pursuant to this article. For example, site plan review is required for any of the following activities:
 - a) Erection, moving, relocation, or conversion of a building or structure to create additional floor space, other than a single-family dwelling or duplex.
 - b) Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single-family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single-family dwellings.
 - c) Development of nonresidential uses or multiple-family dwelling uses (other than duplexes) in single-family districts.
 - d) Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
 - e) The development or construction of any accessory uses or structures, except for uses or structures that are accessories to a single-family dwelling.
 - f) Any use or construction for which submission of a site plan is required by any provision of these regulations, such as a special land use.
- 2) *Site plan not required.* Notwithstanding subsection 3.3.2(1), site plan approval is not required for the following activities:
 - a) Construction, moving, relocating or structurally altering a single-family home in a residential district, including any customarily incidental accessory structures.
 - b) Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single-family uses described in this subsection for which site plan approval is not required.
 - c) Customarily incidental to single-family uses described in this subsection for which site plan approval is not required.
 - d) A change in the ownership of land or a structure.

- e) A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided modification to the site is proposed or required by the standards of the regulations and that the site maintains full compliance with these regulations.
- 3) *Waiver of site plan review.* Site plan review requirements may be waived in whole or in part, by the director of community development for minor development projects which have a limited potential of causing serious impact on the land in question, the neighboring properties, or the community as a whole.
- 4) *Minor and major development projects.*
- a) *Minor development projects.* A minor development project, for the purpose of this section, is defined as follows:
- (1) Grading, including cut or fill up to five hundred (500) cubic yards based on the size of the site at the discretion of the director of community development;
 - (2) Remodeling or alteration of an existing commercial or industrial building of less than ten thousand (10,000) square feet;
 - (3) Additions to existing commercial or industrial buildings or sites of less than ten thousand (10,000) square feet when such addition is less than twenty-five (25) percent of the existing gross square feet of floor area;
 - (4) On-site use wind energy systems and anemometer tower, subject to the requirements of section 6.2.2.1.
 - (5) Wireless telecommunications facilities, as defined in subsection 6.11.3(2) of this chapter, which are:
 1. Located on property zoned for industrial land uses; and/or
 2. Located on property owned by Delhi Charter Township; and/or
 3. Any co-location or modification that adds to the visual impact of an existing wireless telecommunications facility.
- b) *Major development projects.* Major development projects are not listed above, and include, but are not limited to:
- (1) Multiple-family developments; subdivisions, condominium development, or other similar residential development projects (except duplex units);
 - (2) All new nonresidential construction;
 - (3) Remodeling or alterations of an existing commercial and industrial building of ten thousand (10,000) square feet or more;
 - (4) Additions to existing commercial or industrial buildings of less than ten thousand (10,000) square feet when such addition is twenty-five (25) percent or greater of the existing gross square footage of floor space;
 - (5) Additions to existing commercial or industrial buildings of ten thousand (10,000) square feet or more;
 - (6) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

Projects, which have been determined to be major development projects, are required to be submitted for preliminary site plan review and for final site plan review.

3.3.3 *Approval authority.* Site plans shall be reviewed and approved, approved with conditions or disapproved under the authority of the planning commission. Such authority shall include review by the director of community development in accordance with procedure, requirements, and standards assigned by the planning commission. The director of community development, using such qualified assistance as may be necessary, shall be the approving authority of site plans which are defined as minor developments. Major developments shall be reviewed by both the director of community development and the planning commission. The planning commission shall be the approving authority for major developments.

3.3.4 *Conceptual development site plan review.* Applicants are required to submit a conceptual development site plan for review by the director of community development. The intent of the conceptual site plan review is to minimize errors, miscalculations, or misconceptions prior to the submission for preliminary site plan review. Conceptual site plans shall include a property survey, public rights-of-way, public utilities, proposed buildings, and proposed parking on a scale drawing.

3.3.4.1 *Combined preliminary and final site plan option.* The developer may, at their option, combine their submission for preliminary and final site plan review into one (1) step. If this option is selected, all information that is required for both preliminary and final site plan review must be submitted to the director of community development as a single combined application. All provisions of section 3.3 of this article shall still apply.

3.3.5 *Preliminary site plan review procedures.* Both minor and major development projects shall require preliminary site plan review, unless waived pursuant to subsection 3.3.2(3) above.

- 1) Applicants for preliminary site plan review shall be responsible for placing a sign, as supplied by the community development department, on the site. This sign shall state that development is proposed for the site and include the telephone number of the community development department for contact purposes. Said sign shall be placed on the subject property by the applicant within seven (7) days of submission of the application and should remain for a thirty-day period.
- 2) The director of community development or his/her designee shall review the preliminary site plan and approve, approve with conditions, or deny the plan, based on compliance of the plan with this Zoning Ordinance of Delhi Charter Township. If denied, reasons for the denial shall be cited. If approved, the applicant may submit a final site plan for the development or phase of the development.
 - a) The director of community development shall process minor development projects.
 - b) Major development projects shall be processed by the director of community development and forwarded to the planning commission for action.
- 3) Applications for preliminary site plan approval for all projects (minor or major) shall consist of the following, unless otherwise stipulated by the director of community development pursuant to section 3.3.2:
 - a) Application form and appropriate fee as adopted by the Delhi Township Board and the quantity of site plans as determined by the director of community development.
 - b) Fifteen (15) full-size copies and one (1) reproducible copy of the preliminary site plan, no larger than eleven (11) inches by seventeen (17) inches, with an appropriate text and graphic scale, shall be submitted with the application.
 - c) Legal description, lot line dimensions and bearings, tax parcel number(s), and address of the site.
 - d) Name and address of property owner of record and the developer.
 - e) Existing development.
 - (1) Zoning and property information:
 - (a) Zoning district of site and all adjacent property;
 - (b) Land use of the site and adjacent property;
 - (c) Proposed use of site;
 - (d) Lot area, in acres and/or square feet, excluding existing road right-of-ways as well as that in proposed right-of-ways.
 - (2) Existing deed restrictions, if any.
 - (3) Location and outline of all existing development and natural features on the site and adjacent sites within

two hundred (200) feet of the property line, such as buildings, drives, parking areas, wells, septic tanks, drain fields, utilities, poles, ditches, underground storage tanks, above ground storage areas, woods, streams, marshes, wetlands, fence rows, individual trees of six (6) inches or larger caliper when not located in a woods, 100-year flood hazard area depicted in plan view.

- (4) Location, width, and purpose of existing easement.
 - (5) Location of adjacent buildings, drives and parking areas.
 - (6) Indicate the nearest public transportation route and stop.
 - f) Proposed development:
 - (1) Ground floor and total floor area to be constructed;
 - (2) Floor coverage ratio (ground floor area/lot area);
 - (3) Floor area ratio (total floor area divided by net lot area);
 - (4) Number and types of dwelling units and density, for residential projects;
 - (5) Building height, in feet and number of floors;
 - (6) Number of buildings;
 - (7) Required yards and transition strips (delineated on the plan);
 - (8) Number of parking spaces required and provided with supporting calculations;
 - (9) Size of parking spaces and parking lot aisles;
 - (10) Proposed deed restrictions, if any;
 - (11) Proposed construction and completion dates.
 - g) General proposed utility layout for sanitary sewer, water, lighting and stormwater systems.
 - h) Location and screening of trash storage areas.
 - i) The location and elevations of existing watercourses and waterbodies, including county drains and manmade surface drainage ways, floodplains and wetlands.
 - j) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drain and pipes shall be specified on the site plan.
 - k) Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes.
 - l) Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the township fire chief (include CAS numbers).
 - m) Description and location for any existing or proposed above ground and below ground storage facilities.
 - n) Descriptions of type of operations proposed for the project and drawings showing size, location and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes and/or polluting materials.
 - o) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
 - p) Completion of the environmental permits checklist on the form provided by the director of community development.
- 4) Approval of the preliminary site plan is valid for a period of one (1) year. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. Preliminary site plans whose approval has expired shall be required to be resubmitted and be processed as a original approval.

3.3.6 *Final site plan review.* Major and minor projects shall require final site plan review, unless waived pursuant to subsection 3.3.2(3) above.

- 1) Applications for final site plan approval shall be submitted to the director of community development.
- 2) The final plan for developments which have been proposed in phases shall generally conform to the approved preliminary site plan.
- 3) The director of community development or their designee shall review the final site plan and application and forward a report, with recommendation for action, to the planning commission.
- 4) Application for final site plan approval shall consist of the following:
 - a) Application form and appropriate fee as adopted by the Delhi Township Board.
 - b) Two (2) full-size copies of the final site plan and all supporting details.
 - c) One (1), eleven (11) inch × seventeen (17) inch copy of the final site plan with an appropriate text and graphic scale.
 - d) All information required for "preliminary site plan review" as per this section that is applicable to the property or phase of development must also be covered by the "final site plan review".
 - e) Professional seal of the preparer of the plan. The preparer must be licensed by the State of Michigan as either a professional architect, engineer, land surveyor or landscape architect.
 - f) Vicinity map showing the location of the site, in relation to the nearest cross street and section corner.
 - g) Additional existing condition information:
 - (1) Existing topography, at two-foot contour intervals.
 - (2) Centerline, right-of-way dimensions including that proposed for the future, and name of each street bordering the site.
 - (3) Location and type of natural features on or adjacent to the site, such as woods, streams, marshes, wetlands, fence rows, individual trees of six (6) inches or larger caliper when not located in a woods, 100-year flood hazard area depicted in plan view.
 - (4) Soils information, for sites utilizing on-site septic tanks and drainfields; location and extent of soils that are unbuildable in their natural state because of organic content or water table 1 level.
 - (5) Location and overall dimensions of existing structures and drives.
 - (6) Surface type and width of street adjacent to site; surface elevations of existing street at the intersection of each proposed driveway or street.
 - (7) USGS based benchmark on the site.
 - (8) Existing utilities serving the site location, size, inverts, fire hydrants, gatewells, manholes, and catch basins; location and elevations of ditches, culverts, and bridges adjacent to the site; location of utility poles and lines; location and size of natural gas lines and appurtenances.
 - (9) Natural features to remain.
 - (10) Existing improvements to remain.
 - h) Layout plan - showing proposed buildings and other structure locations, dimensions, walks, drives, parking areas, and layout information. Layout plan shall include:
 - (1) Proposed drives and/or streets, surfaces, right-of-way, easements, location and type of curbing, length and width of turning lanes; and curve radii.
 - (2) Proposed parking areas - number, size and location of spaces. Show type of surface, typical cross-section, aisle width, aisle of spaces, location of wheel stops and number and location of accessible parking spaces.

- (3) Proposed loading areas and service areas.
 - (4) Proposed open space and recreation areas showing location, use, size and proposed amenities.
 - (5) Proposed fences or screens - location, height, type and typical details.
- i) Grading and drainage plan. With (two-foot contour intervals) off-site elevations within approximately one hundred (100) feet of the property. Include finish floor elevations, drainage and typical cross sections. Drainage plan shall address natural drainage, storm sewer systems, subdrainage, and soil sedimentation and erosion control. Proposed storm drainage systems shall include location, dimensions and calculations of stormwater detention and retention areas (native species landscaping recommended); location, size, calculations, and material type of storm sewers; location and centerline elevations of swales or ditches; inverts; location of manholes and catch basins; direction of flow; drainage patterns; profiles of sewers; detention and retention basins; culverts; swales; ditches; and design basis. Include proposed retaining walls - location, dimensions, materials of wall and fill, typical vertical sections and design calculations. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater. The landscape plan, the utility plan, and the grading and drainage plan may be combined if the required information can reasonably be portrayed.
 - j) Landscape plan showing existing plant material to remain; proposed planting, buffer areas, screening, turf, bed areas, and other landscape features; location, type and size of trees and shrubs. Landscape plan shall include a plant list of proposed plant material including horticultural name of plants, sizes and details of planting.
 - k) Utilities plan - showing on-site utility locations, including sanitary sewer sanitary sewer service, waterlines, gas, electrical, telephone, cable television and other pertinent utility information.
 - l) Lighting diagram - showing all exterior proposed on-site lighting and the area to be illuminated by each lighting source in accordance with section 5.1.16. The lighting diagram will also show proposed site lighting - location, type, height, intensity, direction and typical details.
- 5) The director of community development and/or the planning commission may require "impact analysis" relative to the effects of the proposed development on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment, or natural features. A traffic impact analysis shall be required when it is recommended in "evaluating traffic impact studies". The impact analysis shall be at the expense of the applicant. Other required information shall include but not necessarily be limited to the following:
- a) Phase lines, for projects to be constructed in two (2) or more phases. In phased projects, the zoning information required in section 3.5 preceding, shall be provided for each phase and for the total site.
 - b) Concurrent with the submission of a site plan for review, the planning commission may require a site analysis where it is necessary to evaluate the design and development potential of the site, to identify the nature and the effect of existing conditions on design and development for the site, and to determine the site's relation to neighboring properties as well as physical and natural features in the area. The analysis shall show a correlation of the principal characteristics of the development site that will affect the layout and future use of the property and that is the basis for the site plan submittal. The analysis shall be in graphic form and may be supplemented by text.
 - c) Proposed outdoor trash storage - location, dimensions and typical details of the enclosure. If no outdoor trash storage is intended, the plan shall so state.
 - d) Proposed location of central mailboxes if applicable, or, if individual boxes will be used, a note so stating.
 - e) Proposed identification and advertising sign locations, dimensions, area, height, illumination and typical copy.
 - f) Proposed traffic control signs - location, type.

- g) Evidence of approval by:
- (1) Michigan Department of Natural Resources - wetlands, lakes, streams, dams, floodplains, where applicable.
 - (2) Ingham County Road Commission and/or Michigan Department of Transportation right-of-way.
 - (3) Ingham County Drain Commission - drainage districts.
 - (4) All applicable federal, state, county, or special purpose regulations that apply and evidence of approval by same. (Examples: Floodplains, wetlands, roadways, drains, wells, sewers, septic systems, pollution prevention and cleanup plans, etc.)
- h) Proposed building and address number locations, typical copy, dimensions.
- 6) Site condominium projects shall submit a preliminary site plan containing the information required herein, to the extent applicable, in accordance with section 5.14 of the Zoning Ordinance and shall include all land intended for the site condominium project. Where buildings or structures are not proposed at the time of review, the location and dimensions of lots, including required yards, shall be provided.
- 7) Planning commission review:
- a) Except as noted in section 3.3.5, the planning commission shall review the application and final site plan and shall approve with conditions, approve with modifications, or deny the submitted final site plan. If denied, the planning commission shall cite reasons for denial. If approved, the applicant may submit the necessary plans and documents for a building permit(s).
 - b) The director of community development shall affix a stamp and/or signature to the approved final site plan.
- 8) Standards for site plan approval. Prior to approving a site plan, the planning commission, township board, and/or director of community development, where applicable, shall require that the following standards be satisfied. If these standards and the other requirements noted in this article or other township ordinances are met, the site plan shall be approved:
- a) For uses having frontage and/or access on a regional arterial, the number, design and location of access driveways and other provisions for vehicular circulation shall comply with the requirements of the Ingham County Road Commission.
 - b) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of section 6.10, landscape requirements.
 - c) All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alternations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
 - e) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and between nonsimilar uses. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
 - f) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the fire department.
 - g) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as sidewalks, crosswalks, cross signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.

- h) The arrangement of public or common ways for vehicle and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the township's comprehensive plan.
- i) All streets shall be developed in accordance with the Township Subdivision Control Ordinance No. 88 and Ingham County Road Commission specifications, unless developed as a private road in accordance with the requirements of section 6.13.
- j) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. All on-site storm drainage facilities shall be developed in accordance with the specifications of the Ingham County Drain Commissioner's Office and/or the township engineer, as applicable.
- k) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- l) Properties abutting streets which have right-of-way deficiencies, as identified in the Delhi Township Access Management Plan as administered by the Ingham County Road Commission, shall provide additional right-of-way to the appropriate agency as determined by the director of community development. The additional right-of-way shall be provided to the appropriate agency via written documentation prior to final site plan approval by the director of community development.
- m) Safe, suitable and adequate access shall be provided that complies with the requirements of the Ingham County Road Commission. The following factors shall be considered when determining whether safe and adequate access exists:
 - (1) Generally, developments generating more than five hundred (500) trips per day shall be required to provide a second access point. Trip generation estimates shall be based upon equations/rates provided in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
 - (2) Topography and natural features surrounding the subject parcel shall be considered.
 - (3) The provision of outlots, stub streets, etc., which may facilitate future access.
 - (4) The likelihood of adjacent properties being developed in the near future such that they could be connected to the subject parcel.
 - (5) Proximity to emergency services.
 - (6) The adequacy of the proposed street intersection in terms of sight distances, spacing, slope, etc.
- n) The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds and wetlands.
- o) Stormwater detention, retention, transport, and drainage facilities shall, insofar as feasible, be designed to use or enhance the natural stormwater system on-site, including the storage and filtering capacity of wetlands, watercourses, and waterbodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall be designed so as not to cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
- p) General purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit

has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains which discharge to groundwater are generally prohibited.

- q) Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- r) Secondary containment facilities shall be provided for above ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the state (including groundwater).
- s) Underground storage tanks shall be registered, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
- t) Above ground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
- u) Built storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
- v) Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the Ingham County Health Department.
- w) State and federal requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from appropriate state, county and local agencies.

3.3.6.1 *Plans for anemometer tower, utility grid wind energy system, and on-site use wind energy system.* In addition to the requirements for site plan review and approval found elsewhere in this article, site plans and supporting documents for anemometer tower, utility grid wind energy system and on-site use wind energy systems which are over twenty (20) meters high shall include the following:

- 1) *Site plan requirements.*
 - a) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan shows compliance with these issues.
 - b) Proof of the applicant's public liability insurance for the project.
 - c) A copy of that portion of all the applicant's lease(s) with the land owners granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property(ies), lease units(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
 - d) The phases, or parts of construction, with a construction schedule.
 - e) The project area boundaries.
 - f) The location, height, and dimensions of all existing and proposed structures and fencing.
 - g) The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest country or state maintained road.
 - h) All new infrastructure above ground related to the project.

- i) A copy of the manufacturer material safety data sheet(s) which shall include the type and quantity of all materials and the operation of all equipment including, but not limited to, all lubricants and coolants.
- j) For utility grid wind energy systems only:
 - (1) A copy of a noise modeling and analysis report and the site plan shall show location of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After the installation of the utility grid wind energy systems, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a type II sound meter. Documentation of the sound pressure level measurements shall be provided to Delhi Township within sixty (60) days of the commercial operation of the project.
 - (2) A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four (4) viewable angles.
 - (3) A copy of an environment analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - (4) A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measure to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be done.

- (5) A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- (6) A site plan drawing which details the restoration plan for the site after completion of the project which includes the following supporting documentation:

- (a) The anticipated life of the project.
 - (b) The estimated decommissioning costs net of salvage value in current dollars.
 - (c) The method of ensuring that funds will be available for decommissioning and restoration.
 - (d) The anticipated manner in which the project will be decommissioned and the site restored.
- (7) A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on the complaint. The process shall not preclude the township from acting on a complaint.

3.3.7 *Special land uses.* For special land uses, as regulated by article III, a final site plan shall be submitted within one (1) year of the approval date of the special use permit unless that date is otherwise extended by Delhi Charter Township Planning Commission.

3.3.8 *Validity of final site plans:*

- 1) Approval of final site plan is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan have not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- 2) Upon written application, filed prior to the termination of the one-year site plan review/approval period, the planning commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within, but not to exceed, a one-year extension.

3.3.9 *Conformance prior to site plan approval.* Prior to approving a site plan, the planning commission, shall require that the site plan conform to the township Zoning Ordinance, as amended.

3.3.10 *Conditions of approval:*

- 1) As part of an approval to any site plan, the planning commission may impose any additional conditions or limitations as in its judgment may be necessary for the protection of the public health, safety and general welfare.
- 2) Such conditions shall be related to and ensure that the site plan review requirement of section 3.3.6 are met.
- 3) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- 4) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved.
- 5) A record of the decision of the planning commission, the reason for the decision reached and any conditions attached to that decision shall be kept and made part of the minutes of the planning commission. The director of community development, where applicable, has the final review authority.
- 6) The director of community development or his/her designee shall make periodic investigations of development for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission or director of community development, whichever had final review/approval authority, to terminate said approval following a hearing, of which the applicant or owner shall be given notice by certified mail.

3.3.11 *Amendments to approved plans:*

- 1) Any person who has been granted site plan approval should notify the director of community development of any proposed amendment to such approved plan. The director of community development shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to the

following:

- a) The addition of land to the legal description of the original site plan approval;
- b) The establishment of another use or uses;
- c) The additional of more sales or service area, or the addition of dwelling units;
- d) An expansion or increase in intensity of use.

2) A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. The director of community development may approve a minor amendment.

(Ord. No. 39.51, 11-16-93; Ord. No. 39.55, 4-5-94; Ord. No. 39.66, 10-1-96; Ord. No. 39.76, 9-1-98; Ord. No. 39.78, 11-17-98; Ord. No. 39.88, § 1, 2, 1-18-00; Ord. No. 39.92, § 1, 2-1-00; Ord. No. 39.97, § 1, 12-5-00; Ord. No. 39.100, § 2, 8-8-02; Ord. No. 39.104, 1-20-04; Ord. No. 39.125, 6-19-07; Ord. No. 39.155, § I, 2-16-10; Ord. No. 39.156, § I, 8-2-11)

ARTICLE IV. - BOARD OF APPEALS

Section 4.1 - Creation and membership.

4.1.1 *Establishment.* There is hereby established a board of appeals in accordance with Act 110 of the Public Acts of 2006 (MCL 125.3101 et seq.) and as same may be amended from time to time. The board of appeals shall perform its duties and exercise its powers in such a way as the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety and welfare of the public be secured; and that substantial justice be secured.

4.1.2 *Membership, terms of office.* The township board of appeals shall consist of five (5) members. The first member of such board of appeals shall be a member of the Charter Township Planning Commission; the remaining members of such board of appeals shall be selected and appointed by the township board from the electors residing in the unincorporated area of the township; all members shall be appointed for a term of three (3) years. One (1) member of such board of appeals may be a member of the township board, but such elected officer of the township shall not serve as the chairperson of the board of appeals.

Members of the board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

All vacancies shall be filled not more than one (1) month after the vacancy occurs.

The township board may appoint not more than two (2) alternate members who are electors of the township for the same terms as regular members. An alternate member may be called as specified to serve as a member of the board of appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the board of appeals.

(Ord. No. 39.104, 1-20-04; Ord. No. 39.132, 7-3-07)

Section 4.2 - Organization and procedures.

4.2.1 *Rules of procedure.* The board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function; however, a quorum of three (3) members must be present in order for business to be conducted. The board shall choose its own chairperson and, in his/her absence, an acting chairperson.

4.2.2 *Meetings*. Meetings shall be held at the call of the chairperson and at such times as the board of appeals may determine. All meetings by the board of appeals shall be open to the public. The board of appeals may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

4.2.3 *Records*. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the township clerk and shall be made available to the general public.

The board of appeals shall select one (1) of its members to act as secretary and all records of the board's action shall be taken and recorded under his/her direction.

4.2.4 *Hearings*. When a notice of appeal has been filed in proper form with the director of community development, the township staff shall place said request for appeal on the calendar for hearing and, not less than fifteen (15) days before the date of the hearing, shall cause notice of the hearing to be published in a newspaper of general circulation in the township, and a copy of said notice shall be sent to the person requesting a zoning board of appeals interpretation or an appeal. In addition, if a request for an interpretation or appeal of an administrative decision involves a specific parcel, a written notice stating the nature of the requested interpretation or appeal and the time, date and place of the proposed hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the property in question, including those residing outside of the township. The notice must describe the nature of the request, state when and where the request will be considered, indicate when and where comments will be received concerning the request, indicate the property that is the subject of the request, and for a request involving ten (10) or fewer adjacent properties, the notice shall include a listing of all existing street addresses within the property.

Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The zoning board of appeals may recess such hearings from time to time and, if the time and place of the continued hearing is publicly announced at the time of adjournment of the zoning board of appeals hearing, no further notice shall be required.

4.2.5 *Decisions*. The zoning board of appeals shall return a decision upon each case within one hundred twenty (120) days after a request or appeal has been filed, unless a further time is agreed upon between the parties concerned. An appeal from a decision of the zoning board of appeals shall be filed within thirty (30) days after the zoning board of appeals issues its decision in writing, signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within twenty-one (21) days after the zoning board of appeals approves the minutes of its decision.

4.2.6 *Majority vote*. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the director of community development or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

4.2.7 *Conflicts*. A member of the zoning board of appeals who is also a member of the planning commission or the township board shall not participate in a public hearing on or vote on an appeal originating from the same matter that the member voted on as a member of the planning commission or the township board. However, the member may consider

and vote on other unrelated matters or variance requests involving the same property.

(Ord. No. 39.104, 1-20-04; Ord. No. 39.132, 7-3-07; Ord. No. 39.152, § I, 5-31-09)

Section 4.3 - Appeals.

4.3.1 *Filing of appeals.* Appeals to the board of appeals may be made by any person aggrieved or by any officer, department, or board of the township.

Any appeal from the ruling of the director of community development concerning the enforcement of the provisions of this Ordinance may be made to the board of appeals within ten (10) days after the date of the mailing of the decision by the director of community development. Such appeal shall be filed with the community development department and shall immediately transmit to the chairperson of the board of appeals all papers constituting the record upon which the action appealed was taken.

4.3.2 *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the director of community development certifies to the board of appeals after notice of appeal has been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals, or on application, by a court of record.

4.3.3 *Fees.* A fee as established by the township board of trustees shall be paid to the township at the time of filing applications with the community development department. The purpose of such fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the board of appeals in connection with the appeal.

(Ord. No. 39.104, 1-20-04; Ord. No. 39.132, 7-3-07)

Section 4.4 - Duties and powers.

The board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation or variance. The board of appeals shall not hear or decide appeals from decisions relating to special land uses or planned development requests.

4.4.1 *Review.* The board of appeals shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit decision, or refusal made by the director of community development, planning commission, or by any other official in administering or enforcing any provisions of this Ordinance.

4.4.2 *Interpretation.* The board of appeals shall have the power to:

- 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
- 2) Determine the precise location of the boundary lines between zoning districts.
- 3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- 4) Determine the off-street parking and loading space requirements of any use not specifically mentioned in article VII, sections 7.1 or 7.2.

4.4.3 *Variations.* The zoning board of appeals, upon a showing of practical difficulty or difficulties, shall have the power to authorize, upon an appeal, specific variations from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided that no

use variances shall be considered or granted by the zoning board of appeals. The granting of any variance as permitted herein shall be predicated upon a demonstration that all of the basic conditions listed herein and any one (1) of the special conditions listed thereafter can be satisfied.

- 1) *Basic conditions:* That any variance granted from this Ordinance:
 - a) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - b) Shall not permit the establishment within a district of any use, which is not permitted by right within that zone district, or any use or dimensional variance for which a special use permit is required.
 - c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d) Will relate only to property that is under control of the applicant.
- 2) *Special conditions:* When all of the forgoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
 - a) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
 - b) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- 3) *Rules:* The following rules shall be applied in the granting of variances:
 - a) The zoning board of appeals may specify, in writing, such conditions regarding the character, location and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such conditions shall automatically invalidate the permit granted.
 - b) Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance. The director of community development may, upon written request, grant no more than two (2), six-month extensions.
 - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
 - c) No application for a variance which has been denied wholly or in part by the zoning board of appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the zoning board of appeals to be valid.
- 4) *Hearings:* Following receipt of a written request for a variance, a public hearing shall be scheduled with notice given as provided in section 4.2.4 (Hearings) of this article.

4.4.4 *Special exceptions.* When in its judgment the public welfare will be served and the use of neighboring property will not be injured thereby, the board may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this Ordinance in harmony with the general character of the district and the intent and purposes of this Ordinance. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district affected, nor on the property wherein the exception is permitted.

ARTICLE V. - DISTRICT REGULATIONS

Section 5.1 - General provisions.

5.1.1 *Establishment of districts.* For the purpose of promoting the public health, safety, morals, convenience and general welfare, the area within Delhi Charter Township is hereby divided into the following districts:

| | |
|------|--|
| R-1A | One-Family Rural Residential District |
| R-1B | One-Family Low-Density Residential District |
| R-1C | One-Family Medium-Density Residential District |
| R-1D | High-Density One- and Two-Family Residential District |
| R-1E | One-Family High-Density Residential District |
| R-M | Multiple-Family Residential District |
| R-M1 | Multiple-family Residential District <i>(No longer available for new developments)</i> |
| R-M2 | Multiple-family Residential District <i>(No longer available for new developments)</i> |
| C-1 | Low-Impact Commercial District |
| C-2 | General Business District |
| C-3 | Highway Service District |
| TC | Town Center District |
| IW | Industrial Warehouse District |

| | |
|-----|--|
| IR | Industrial Research District |
| IA | Industrial Assembling District |
| IM | Industrial Manufacturing District |
| IP | Industrial Park District |
| A-1 | Agricultural District |
| PP | Public Property District |
| OS | Open Space Option Overlay District <i>(PUD Overlay District no longer available)</i> |
| PD | Planned Development District |

5.1.2 *Zoning district map.* The boundaries of these districts are hereby defined and established as shown on a map entitled, "Zoning District Map of Delhi Charter Township, Ingham County, Michigan", which accompanies this Ordinance and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

The official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk and bearing the following words:

"This is to certify that this is the official zoning map referred to in article V, section 5.1.2 of the Delhi Charter Township Zoning Ordinance adopted on October 28, 1968".

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall not be considered final and building permits shall not be issued until changes have been made on the official zoning map. Such map changes shall be made within three (3) normal working days after the effective date of the ordinance amendment. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the township board. Two (2) copies of the official zoning map are to be maintained and kept up-to-date, one (1) in the township clerk's office and one (1) in the building inspector's office.

5.1.3 *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the streets or highways, the centerlines of said streets or highways shall be construed to be such boundaries.
- 2) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following township boundary lines shall be construed as following such township boundaries.
- 4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being

parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.

- 6) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- 7) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the township board of appeals after recommendation from the township planning commission.

5.1.4 *Scope of regulations.* No building or structure or part thereof shall hereafter be erected, moved, construed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the district in which it is located.

- 1) The regulations applying to each district include specific limitations on the use of land and structures, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.
- 2) The township board of appeals shall have the power to classify a use which is not specifically mentioned for the purpose of clarifying the use regulations in any district.
- 3) All dwellings hereafter erected, other than mobile homes in designated mobile home parks, shall be no less in length along any continuous side measured horizontal along the base of the main floor than the average length along said side of all houses within one (1) mile within the same zoning district wherein it is proposed to be constructed.
- 4) All dwellings hereafter constructed shall be provided with a storage area equal to ten (10) percent of the total floor area of the dwelling. Such storage area may be in the form of basement, crawlspace, garage or storage building.

5.1.5 *Uses not permitted in any district.* The following uses are not allowed in any district, subject to the conditions imposed herein:

- 1) The wrecking, storage or dismantling of automobiles, or the maintenance and/or operation of junk cars is prohibited, except as provided for in section 5.15.4.
- 2) The keeping of cattle, hogs, sheep, goats, horses, or other animals shall be prohibited, except in A-1, Agricultural and R-1A, Residential Districts as provided for; provided, however, cats, dogs, or other household pets may be kept as personal pets only.
- 3) No conditions shall be allowed to exist which will constitute a hazard to health, welfare or safety, are unsightly, or in any way create a nuisance or damage adjoining property.
- 4) Commercial marihuana and/or commercial medical marihuana grower(s), processor(s), provisioning center(s), secure transporter(s), safety compliance facility(ies), dispensaries, compassion clubs, or medical marihuana compassion clubs are not permitted as a land use in any zoning district within Delhi Charter Township.
- 5) A commercial marihuana facility, or commercial activities associated with the growing, processing, sales, transporting or testing of marihuana, are not be permitted as a business, home business, activity, or accessory use, nor may such activities include accessory uses in any zoning district within Delhi Charter Township.

5.1.6 *Road frontage required.* Unless otherwise provided for within this ordinance, all lots or metes and bounds descriptions shall front on public roads or streets.

5.1.7 *Design standards for one-family dwelling units.*

- 1) Every one-family dwelling unit hereafter erected with the exception of manufactured homes within manufactured

housing parks shall have a minimum square footage of floor space as required in the schedule of regulations for the zoning district in which the dwelling is located. For the purpose of this Ordinance, a basement or cellar shall not count as a story and a breezeway or garage shall not be included in the computation of ground floor area.

- 2) One-family dwelling units shall have a minimum width across the front elevation of twenty-four (24) feet and minimum dimensions along any side or rear elevation of no less than sixteen (16) feet and comply in all respects with the currently adopted township building codes. If there are any extensions or additions to the front of the dwelling, the minimum width of any such secondary front elevation shall be twelve (12) feet and shall also comply in all respects with the township building codes.
- 3) One-family dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building codes and coextensive with the perimeter of the building. The attachment shall meet all applicable building codes and other state and federal regulations.
- 4) One-family dwellings shall be connected to potable water and sanitary sewage facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said dwelling shall be connected thereto.
- 5) One-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - a) Dwellings shall have either:
 - Except for gable roofs, a roof overhang of not less than six (6) inches, nor more than three (3) feet on all sides, or
 - Roof drainage systems concentrating roof drainage along the sides of the dwelling.
 - b) Evaluation of the appearance of a project shall be based on the overall quality of its design and relationship to its surroundings.
 - c) All one-family dwelling units shall have a good scale and be in harmonious conformance with permanent neighboring development.
 - d) Materials.
 - (1) Materials shall have good architectural character and shall be selected for harmony of the building with neighboring structures and buildings.
 - (2) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Walls shall be architecturally harmonious with other exterior components of the building that are visible from any public right-of-way.
 - (3) Materials shall be of durable quality.
 - (4) In any design in which any part of the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - e) Building components, such as windows, doors, eaves, and parapets, shall have workman-like proportions and relationships to one another.
 - f) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public way.
 - g) Any determination of incompatibility shall be based upon the standards set forth in this section, as compared with the character, design, and appearance residential dwellings within one thousand (1,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.
- 6) There shall be not less than one (1) exterior door in the front of the dwelling with permanently attached steps connected to this exterior door area where a difference in elevation requires the same.

- 7) The dwelling complies with all pertinent building and fire codes. In the case of mobile/manufactured homes, the standards for manufactured housing construction as contained in United States Department of Housing and Urban Development (HUD) regulations shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements for Delhi Charter Township.
- 8) The foregoing standards shall not apply to any manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.
- 9) All construction required should be commenced only after a building permit has been obtained in accordance with the applicable township requirements.
- 10) If placed within a floodplain, a one-family dwelling unit shall meet all requirements for construction of dwellings within said floodplain.

5.1.8, 5.1.9 *Reserved.*

Editor's note— Ord. No. 39.104, adopted Jan. 20, 2004, deleted and eliminated in their entirety §§ 5.1.8 and 5.1.9, which pertained to the compatibility of mobile homes and mobile home defined.

5.1.10 *[Certificate of occupancy required.]* No person shall occupy any mobile home as a dwelling within the township until a certificate of occupancy shall be issued by the township building inspector or zoning administrator, which permit shall indicate satisfactory compliance with all requirements of the Delhi Charter Township Zoning Ordinance and Building Code.

5.1.11 *Home occupations:* Except as provided in section 5.1.11.4 relating to medical marihuana, home occupations shall be permitted within any residential, town center or agricultural zoning district, provided that the specific occupation is not in conflict with this or any other ordinance, statute or regulation.

- 1) *Intent.* Home occupations are intended to provide and allow some auxiliary commercial use while at the same time protecting and maintaining the residential character of the neighborhood.
- 2) *General restrictions.* To achieve this objective, the residential districts can allow compatible residential and auxiliary commercial use. All uses within this district must be conducted entirely within an enclosed building. No outdoor displays are permitted. Except as provided in section 5.1.11.4 relating to medical marihuana, signage shall be permitted as provided in subsection 6.9.9(B) for wall Signs (Home Occupations) only.
- 3) *Uses in different districts.* It is possible for a particular use to be allowed in one residential district and not be allowed in another.

5.1.11.1 *Definition.* Except as provided in section 5.1.11.4 relating to medical marihuana, "home occupations" shall be defined as businesses operated continuously from an area which is zoned residential, town center, or agricultural, wherein the owner and all employees and workers of the home business are members of the immediate family which resides within the residence and which definition shall include, among other things, the giving of instruction in a craft or fine art within the residence, subject to regulations relating to noise, traffic, advertising, hours of operation, and other conditions that may relate to the use of the residence. For purposes of this definition, "immediate family" shall include father, mother, sister, brother, son, daughter, sister-in-law, brother-in-law, father-in-law or mother-in-law. In addition, no more than one (1) nonfamily nonresident worker may be involved in the home occupation.

5.1.11.2 *Permitted uses.* Except as provided in section 5.1.11.4 relating to medical marihuana, all uses shall be permitted pursuant to this section, except the following uses:

- 1) Any occupation requiring a special use permit in any commercial or industrial zone or any occupation listed under special conditions in any commercial or industrial zone except that of hair shops and beauty shops with only one (1)

hairdresser or barber and one (1) chair may be a permitted home occupation.

- 2) Any occupation requiring the use of hazardous materials as defined by the Michigan Department of Natural Resources, the Michigan Department of Health or the Ingham County Health Department if that identified material is used or stored in a quantity that exceeds that of a normal residence.
- 3) Any occupation which involves the use of mechanical, electrical, or similar machinery or equipment other than that used for normal domestic or hobby purposes.
- 4) Any occupation which involves outdoor storage or display of products or equipment.
- 5) Retail sale of goods from stock to the general public. This subsection shall not prohibit sale of goods which are specifically ordered by customers.

5.1.11.3 *Space restrictions.* No more than twenty-five (25) percent of the building area shall be devoted to home occupation use(s). The term "building area" is defined in section 10.2. This section shall not apply to day care or foster care uses which involve children and/or adults.

5.1.11.4 *Medical marihuana activities.*

- 1) *Medical marihuana primary caregiver.* Commercial marihuana and commercial medical marihuana activities shall not be permitted as a home occupation or business. A primary caregiver, subject to the restrictions set forth in the definitions to this ordinance and requirements of the Michigan Medical Marihuana Act and the general rules of the Michigan Department of Public Health and this Ordinance, may furnish and provide the services of a registered primary caregiver in a residence subject to the following restrictions:
 - (a) The provisions and restrictions set forth in section 5.1.11.3 shall be applicable to this use.
 - (b) The growing of medical marihuana by a primary caregiver shall be limited to the A-1, TC, R1-A, R1-B, R1-C, R1-D and R1-E zoning districts only.
 - (c) No signs or advertisements of any kind shall be permitted or visible on or from the exterior of the property or structure involved in primary caregiver activities relating to the medical marihuana activities.
 - (d) A registered primary caregiver's medical marihuana growing activities shall be limited to the number of plants allowed by law, subject to application for and issuance of a medical marihuana location permit for such growing operation issued by the township.
 - (e) A registered primary caregiver, excluding the primary caregiver as a registered patient, shall not in providing services to other registered patients, grow, possess, furnish, transfer, or allow to be used, medical marihuana for other registered patients within any non-owner occupied dwelling wherever situated in the Delhi Charter Township, or any structure or dwelling within one thousand (1,000) feet from the property line of any real property upon which any school, child care facility, preschool, or church is situated. Any person who violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
 - (f) The use of a dwelling under this section shall be limited to two (2) primary caregivers residing within said facility and providing usable medical marihuana to not more than five (5) qualifying patients registered to each such caregiver.
 - (g) Transfers of medical marihuana from the registered primary caregiver to his or her qualifying patients shall be accomplished only by the delivery of medical marihuana by the primary caregiver at the home of the qualifying patient.
 - (h) Lighting for medical marihuana growing operations shall not be visible from the building exterior.
 - (i) All medical marihuana, whether in plant form, "usable marihuana," or "edibles" shall be contained within the dwelling within a secure, enclosed, locked facility, accessible only by the registered primary caregiver or registered

qualifying patient. The storage facility and marihuana may be subject to inspections from time to time by authorized township personnel.

- (j) Medical marihuana growing facilities shall be subject to electrical, mechanical, plumbing and fire department inspections, and issuance of a permit as required by the applicable building and construction codes.

2) *Confidentiality.* Application for permits submitted by a registered caregiver, including information regarding the patient's primary caregiver, is confidential, to the extent provided by applicable law.

5.1.12 *Walkways.* Sidewalks shall be provided where required by township ordinance and by the planning commission to achieve convenient pedestrian movement about and among properties. In general, sidewalks shall be located within the street rights-of-way, one (1) foot from and parallel to the future right-of-way line. Exceptions will be made to accommodate existing conditions such as trees, utility poles and appurtenances, and distance to curbs.

5.1.13 *Walkway construction.* Sidewalks located within street rights-of-way shall be poured-in-place Portland cement concrete or premanufactured concrete unit pavers placed on prepared aggregate base and subject to approval of Delhi Charter Township. Sidewalks and/or pedestrian paths located outside street rights-of-way may be constructed of materials other than Portland cement concrete and are subject to approval of Delhi Charter Township. Materials other than poured-in-place Portland cement concrete shall be clearly shown on the site plan documents and may be modified or denied by Delhi Charter Township. Walkways shall have a minimum clear width of five (5) feet, except when a walk abuts parking, the minimum width of the walk shall be six (6) feet. Poured-in-place concrete sidewalks shall be at least four (4) inches thick, except at driveway crossings where the minimum thickness shall be at least six (6) inches thick. Concrete shall be laid on a four-inch-thick sand base.

5.1.14 *Drainage.* No downspout or sump pump discharge drainage shall be designed or constructed in such a manner as to permit such drainage to flow directly and immediately over any sidewalk.

5.1.15 *Barrier-free access.* In accordance with federal, state, and local requirements, all sidewalks shall be designed and constructed to be barrier-free. The maximum slope shall not exceed five (5) percent (one (1) foot of vertical change in twenty (20) lineal feet). The ramp shall have at least the same width as its sidewalk approach. The upper and lower ends of the ramp shall have the same elevation as the adjacent sidewalk and pavement surfaces. Access shall conform to the current barrier-free design rules of the State of Michigan Bureau of Construction Codes and the ADA (Americans with Disabilities Act) Access Guidelines for Buildings and Facilities.

5.1.16 *Site lighting requirements:* Exterior site lighting shall be permitted in any zoning district subject to the restrictions provided in this section.

5.1.16.1 *Purpose and intent.* The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent of this section is to encourage lighting that provides safety and security; also to prevent glare on public roadways, protect the privacy of residents; and reduce atmospheric light pollution and light trespassing.

5.1.16.2 *Definitions:*

- 1) *Fully shielded fixture.* An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.
- 2) *Glare.* Light that causes annoyance, discomfort, or loss in visual performance and ability because the luminance is sufficiently greater than the luminance to which the human eyes are adapted.
- 3) *Outdoor lighting fixture.* An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot, flood, and area lighting.

4) *Recessed canopy fixture.* An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

5.1.16.3 *Outdoor lighting compliance statement.* The applicant for any permit work involving outdoor lighting fixtures governed by this section shall submit, as a part of the site plan, evidence that the proposed work will comply with this section. This information shall contain but not be limited to the following:

- 1) The location, height, make, model, lamp type, intensity, direction, and wattage of each outdoor lighting fixture;
- 2) A lighting diagram indicating the outermost limits of exterior illumination provided by all exterior lighting sources on a site; and
- 3) Additional information the zoning administrator may determine necessary, including but not limited to illuminance level profiles.

5.1.16.4 *Approved materials and methods of construction.* The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The zoning administrator may approve any such proposed alternative provided it:

- 1) Provides at least approximate equivalent to the applicable specific requirement of this section; and
- 2) Is otherwise satisfactory and complies with the purpose and intent of this section.

5.1.16.5 *General requirements.*

- 1) All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary. Residential districts shall be exempt from the provisions of this subsection, provided that any on-site lighting does not project onto adjacent properties or create glare on an adjacent roadway.
- 2) Auto/truck filling stations. Island canopy ceiling fixtures shall be recessed.
- 3) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective as described in the definition section of this Ordinance.

5.1.16.6 *Table of shielding requirements.*

| Fixture lamp type | Shield Requirement |
|--|--------------------|
| Low/High pressure sodium, mercury vapor, metal halide, and fluorescent over 50 watts | Fully |
| Incandescent over 160 watts | Fully |
| Incandescent 160 watts or less | None |
| Fossil fuel | None |
| Any light source of 50 watts or less | None |

5.1.16.7 *Exemptions.* The following uses shall be exempt from the provisions of this Ordinance:

- 1) Roadway and airport lighting;
- 2) Temporary circus, fair, carnival, or civic uses;
- 3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
- 4) Temporary lighting; and
- 5) Lighting associated with agricultural pursuits.

(Ord. No. 39.51, 11-16-93; Ord. No. 39.54, 6-7-94; Ord. No. 39.63, 1-2-96; Ord. No. 39.88, § 3, 1-18-00; Ord. No. 39.92, § 2, 2-1-00; Ord. No. 39.95, § 1, 7-18-00; Ord. No. 39.102, 4-20-04; Ord. No. 39.104, 1-20-04; Ord. No. 39.120, 2-22-06; Ord. No. 39.121, 2-22-06; Ord. No. 39.130, 6-5-07; Ord. No. 39.157, §§ I, I, IV, 2-15-11; Ord. No. 39.162, § I, 5-6-14; Ord. No. 39.165, §§ I, II, 5-16-17)

Section 5.2 - R-1A District: One-family rural residential.

5.2.1 *Intent and purpose.* This section establishes the R-1A One-Family Rural Residential District to encourage the development of residential properties of a semirural character within areas of the township presently without public water and sewerage services and likely to remain without such services for an indefinite period. This district includes existing low-density one-family properties as well as areas within which such development appears both likely and desirable.

In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality residential environment, all nonresidential land and structur[al] uses in this district, as well as other residential districts in this Ordinance, have been classified into three (3) categories:

- 1) Those uses permitted by "right";
- 2) Those uses permitted under "special conditions"; and
- 3) Those uses permitted by "special permit."

The latter classification has been established to facilitate the inclusion within the district of certain nonresidential uses that have been generally accepted as reasonably compatible with one-family neighborhoods, but that present potential injurious effects upon residential and other property, unless authorized under specific and controlled conditions.

5.2.2 *Uses permitted by right:*

- 1) One-family dwelling.
- 2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - b) The leasing of rooms by a resident family to nontransient roomers when the total number of roomers does not exceed two (2) in any one (1) dwelling and provided that no sign is displayed.
 - c) Additional supplementary uses, including accessory buildings as stipulated in article VI, section 6.2.
- 3) Public recreation.
- 4) Name plates and signs—Signs may be permitted as provided in article VI, section 6.9.
- 5) Automobile parking—Off-street spaces shall be provided as specified in article VI, section 7.1.
- 6) Cemeteries which lawfully occupied land at the time of the adoption of this Ordinance.
- 7) Private swimming pools; provided, that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence four (4) feet in height and entry shall be provided by means of a controllable gate.

This restriction shall not be construed to require fences around private temporary swimming pools erected entirely above grade.

5.2.3 *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- 1) *Railroad right-of-way:* Including all necessary trackage, switches and operating devices, but excluding storage, marshalling yards, freight yards or sidings.
- 2) *Golf courses and country clubs:* Other than golf driving ranges and miniature golf courses, subject to the following conditions:
 - a) The site area shall be fifty (50) acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major arterial.
 - b) A site plan of the proposed development shall be reviewed and approved by the township planning commission. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.
 - c) Development features shall be shown on said site plans, including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
 - d) The minimum number of off-street parking spaces shall be provided as required in article VII, section 7.1, including additional spaces which may be required for each accessory use, such as a restaurant or bar.
 - e) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be provided with a protective fence four (4) feet in height and entry shall be by means of a controlled gate.
 - f) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- 3) *Cemeteries:* Public or private, subject to the following conditions:
 - a) The site shall be so designed as to provide all ingress and egress directly onto or from a major arterial.
 - b) The location of proposed service roads, entrances and driveways shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.
 - c) No principal or accessory building shall be closer than fifty (50) feet from any butting residentially zoned property line.
- 4) *Customary agricultural operations:* Including general farming, truck farming, fruit orchards, nursery, greenhouses and usual farm buildings, but subject to the following restrictions:
 - a) No storage of manure or odor or dust-producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
 - b) A minimum of one (1) acre shall be provided for one (1) horse or pony kept within a private stable and one (1) additional horse or pony may be kept for each twenty thousand (20,000) square feet by which the lot exceeds one (1) acre. Private stables and buildings housing other farm animals shall not be closer to any adjoining lot line than one hundred (100) feet.
 - c) All farm buildings shall be located no closer than fifty (50) feet to any lot line.
 - d) Customary farm animals may be kept on a noncommercial basis when adequately housed and fenced on a parcel of land not less than forty thousand (40,000) square feet in area.
 - e) No products shall be publicly displayed or offered for sale from the roadside.

- 5) *Funeral homes*: Subject to section 8.2.4 site development requirements for institutions.
- 6) One (1) on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.2.4 *Uses permitted by special use permit*. The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and sections cited, are complied with:

- 1) *Religious institutions*: Churches, convents, parsonages and other housing for religious personnel: Refer to article VIII, section 8.2.
- 2) *Educational and social institutions*: Public or private elementary and secondary schools, institutions for higher education, auditoriums and other places for assembly and centers for social activities: Refer to article VIII, section 8.12.
- 3) *Public buildings and public service installations*: Publicly-owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and substations: Refer to article VIII, section 8.2.
- 4) *Institutions for adult care and living*: Public or private nursing or convalescent homes, homes for the aged, adult interim care facilities and adult foster care facilities.
- 5) Anemometer tower over twenty (20) meters high, utility grid wind energy system, and/or on-site use wind energy system over twenty (20) meters high, and/or more than one (1) on-site use wind energy systems and/or anemometer tower.

5.2.5 *Dimensional requirements*. The following minimum dimensions for lot area, and width, front, side and rear yard, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in the district, except noted:

- 1) *Minimum lot area*: Forty thousand (40,000) square feet. There shall not be more than one (1) dwelling upon each lot. Refer to supplementary area regulations, article VI, section 6.3, for permitted exceptions to lot area.

- 2) *Minimum lot width*: One hundred fifty (150) feet along the street upon which the lot principally fronts.

In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted; provided, that the lot width at the building line is no less than one hundred fifty (150) feet: Refer to supplementary area regulations, article VI, section 6.3, for permitted exceptions to lot widths.

- 3) *Maximum lot coverage*: All buildings, including accessory buildings, shall not cover more than twenty (20) percent of the lot area.
- 4) *Minimum yard dimensions*:
 - a) Front yard: Thirty-five (35) feet.
 - b) Side yard: Fifteen (15) feet, except in the case of a corner lot where the side yard on the street side shall be not less than thirty-five (35) feet.
 - c) Rear yard: Thirty-five (35) feet.

For permitted reductions in yard dimensions, for permitted yard encroachments and for placement of accessory buildings in yard area: Refer to supplementary yard regulations, article VI, section 6.4.

- 5) *Maximum building heights*: For residential structures, two and one-half (2½) stories, but not exceeding thirty-five (35) feet.

For permitted exceptions to residential building heights: Refer to supplementary heights regulations, article VI, section 6.5.

For building height limitations for nonresidential structures in residential districts: Refer to article VIII, section 8.2.4.

6) *Minimum dwelling floor area:*

- a) One thousand ninety-two (1,092) square feet for single-story residences.
- b) One thousand five hundred forty-eight (1,548) square feet for two-story residences.
- c) One thousand three hundred forty (1,340) square feet for multistory residences.

All of the above exclusive of any attached porch or breezeway.

- d) In the event there is an attached garage, the minimum requirement in subsections b) and c) above, may be reduced as follows:
 - (1) Not less than one thousand two hundred forty-eight (1,248) square feet for two-story residences.
 - (2) Not less than one thousand forty (1,040) square feet for multistory residences.

(Ord. No. 39.59, 6-6-95; Ord. No. 39.69, 11-18-97; Ord. No. 39.111, 5-4-05, eff. 5-15-05; Ord. No. 39.155, § II, 2-16-10)

Section 5.3 - R-1B District: One-family low-density residential.

5.3.1 *Intent and purpose.* The only essential difference between R-1A and R-1B Districts is that a higher density of population will be permitted by allowing one-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have, or will have within a reasonable future period, public water and sewer facilities.

5.3.2 *Uses permitted by right.* All uses permitted, except agricultural, in the R-1A District, subject to all restrictions specified therefor.

5.3.2.1 *Uses permitted under special conditions.* All uses permitted under special conditions, except agricultural, in the R-1A District, subject to all restrictions specified therefor.

5.3.3 *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and sections cited, are complied with:

- 1) All uses permitted the R-1A District except agricultural, child care centers and adult foster care centers, anemometer tower over twenty (20) meters high, utility grid wind energy system, on-site use wind energy system over twenty (20) meters high, more than one (1) on-site use wind energy system and/or anemometer tower, subject to all the restrictions specified therefore.
- 2) Private, noncommercial recreation areas: Private, nonprofit swimming pool clubs, community recreation centers or other noncommercial recreation activities.

5.3.4 *Dimensional requirements.* The following minimum and maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district, except as noted:

- 1) *Minimum lot area.* Fifteen thousand (15,000) square feet. There shall not be more than one (1) dwelling upon each lot. For permitted exceptions to lot area, refer to article VI, [section 6.3](#).
- 2) *Minimum lot width.* One hundred (100) feet along the street upon which the lot principally fronts, except as follows:
 - a) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is no less than one hundred (100) feet: Refer to article VI, [section 6.3](#) for permitted exceptions to lot widths.
 - b) A single-family dwelling may be constructed on a lot of record as of October 28, 1968, which is of smaller

dimensions and of less gross area than the minimum specified, provided that any lot so excepted shall be no less than fifty (50) feet wide at the street line and that no lot shall be so reduced in area that required open spaces will be smaller than those established as a minimum for the district in which the lot is located.

- 3) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than twenty (20) percent of the total lot area: Refer to article VI, section 6.3.
- 4) *Minimum front yard.* Thirty (30) feet, except in the case where forty (40) percent or more of lots are occupied with residential structures in any block, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty-five (25) feet.
- 5) *Minimum side yard.* No building shall be closer than ten (10) feet from any side lot line except in the case of a corner lot where the side yard on the street side shall be not less than thirty (30) feet.
- 6) *Minimum rear yard.* For lots up to one hundred fifty (150) feet in depth, the rear yard shall not be less than thirty (30) feet in depth. For lots over one hundred fifty (150) feet in depth, the rear yard shall not be less than forty (40) feet in depth.
- 7) *Maximum building height.* For residential structures: Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

Refer to article VI, section 6.5, for building height limitations for nonresidential structures in residential districts.

8) *Minimum dwelling floor area:*

- a) One thousand ninety-two (1,092) square feet for single-story residences.
- b) One thousand five hundred forty-eight (1,548) square feet for two-story residences.
- c) One thousand three hundred forty (1,340) square feet for multistory residences.

All of the above exclusive of any attached porch or breezeway.

- d) In the event there is an attached garage, the minimum requirements in subsections b) and c) above, may be reduced as follows:

- (1) Not less than one thousand two hundred forty-eight (1,248) square feet for two-story residences.
- (2) Not less than one thousand forty (1,040) square feet for multistory residences.

(Ord. No. 39.52, 12-7-93; Ord. No. 39.77, 10-6-98; Ord. No. 39.119, 2-7-06; Ord. No. 39.155, § III, 2-16-10)

Section 5.4 - R-1C District: One-family medium-density residential.

5.4.1 *Intent and purpose.* The only essential difference between the R-1C and the R-1A Districts or the R-1B District is that a higher density of population will be permitted through one-family dwelling unit construction on smaller lot areas. This district has been designed to include existing one-family developments within the township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.

5.4.2 *Uses permitted by right.* All uses permitted by "right" in the R-1A District or the R-1B District, subject to all restrictions specified therefor.

5.4.2.1 *Uses permitted under specified conditions.* All uses permitted under "special conditions", except agricultural, in the R-1A District or the R-1B District, subject to all restrictions specified therefor.

5.4.2.2 *Uses permitted by special use permit.* All uses permitted under "special use permit" in the R-1A District and the R-1B District, subject to all restrictions specified therefor.

5.4.3 *Dimensional requirements.* The following minimum and maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district, except as noted:

- 1) *Minimum lot area.* Ten thousand (10,000) square feet. There shall be no more than one (1) dwelling upon each lot. For permitted exceptions to lot area: Refer to article VI, section 6.3.
- 2) *Minimum lot width.* Eighty (80) feet along street lot principally fronts upon, except as follows:
 - a) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is no less than eighty (80) feet.
 - b) Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located as provided in article VI, section 6.3, for permitted exceptions to lot widths.
 - c) In any area not required to be serviced by a public sewer, the minimum width of any lot or building site shall be one hundred (100) feet, said minimum width to be determined at the front building line.
- 3) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area: Refer to article VI, section 6.3.
- 4) *Minimum front yard.* Twenty-five (25) feet, except in the case where forty (40) percent or more of lots within a block are occupied with residential structures, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty (20) feet.
- 5) *Minimum side yard.* No building shall be closer than eight (8) feet from any side lot line, except in the case of a corner lot where the side yard on the street side shall not be less than twenty-five (25) feet.
- 6) *Minimum rear yard.* For lots up to one hundred fifty (150) feet in depth, the rear yard shall not be less than thirty (30) feet in depth. For lots over one hundred fifty (150) feet in depth, the rear yard shall not be less than forty (40) feet in depth.
Refer to article VI, section 6.4, for permitted reductions in yard dimensions, permitted yard encroachments and placement of accessory buildings in yard area.
- 7) *Maximum building height.* For residential structures, two and one-half (2½) stories, but not exceeding thirty-five (35) feet: Refer to article VI, section 6.5, for permitted exceptions to residential building heights.
Refer to article VI, section 6.5, for building height limitations for nonresidential structures in residential districts.
- 8) *Minimum dwelling floor area:*
 - a) One thousand (1,000) square feet for single-story residences.
 - b) One thousand four hundred fifty-two (1,452) square feet for two-story residences.
 - c) One thousand two hundred sixty (1,260) square feet for multistory residences.
All of the above exclusive of any attached porch or breezeway.
 - d) In the event there is an attached garage, the minimum requirements in subsections b) and c) above, may be reduced as follows:
 - (1) Not less than one thousand one hundred fifty-two (1,152) square feet for two-story residences.
 - (2) Not less than nine hundred sixty (960) square feet for multistory residences.

Section 5.5 - R-1D District: One- and two-family high-density residential.

5.5.1 *Intent and purpose.* This district provides for a diverse residential environment whereby both single-family and two-family dwellings can be accommodated side by side. It provides for a mixture of these two (2) housing types and thereby offers a greater choice in living environments for township residents.

5.5.2 *Uses permitted by right.* All uses permitted by "right" in the R-1B District, subject to all restrictions specified therefor.

5.5.2.1 *Uses permitted under specified conditions.* All uses permitted under "special conditions", in the R-1B District, subject to all restrictions specified therefor.

5.5.2.2 *Uses permitted by special use permit.* All uses permitted under "special use permit", in the R-1B District, subject to all restrictions specified thereof.

5.5.3 *Dimensional requirements.* The following minimum dimensions for lot and area width: Front, side and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted:

- 1) *Minimum lot area.* Six thousand six hundred (6,600) square feet for single-family dwelling and ten thousand (10,000) square feet for a two-family dwelling. For permitted exceptions to lot area, refer to article VI, section 6.3.
- 2) *Minimum interior lot width.* Sixty-six (66) feet for single-family and eighty (80) feet for two-family units along the street upon which the lot principally fronts, except as follows:
 - a) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that a lot width at the building line is no less than the above dimensions.
 - b) Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located as provided in article VI, section 6.3, for permitted exceptions to lot widths.
 - c) In any area not required to be serviced by a public sewer, the minimum width of any lot or building site shall be one hundred (100) feet, said minimum width to be determined at the front building line.
- 3) *Minimum corner lot width.* Eighty (80) feet for single-family and ninety (90) feet for two-family residences with exception to be allowed for lots or curvilinear streets producing nonparallel side lot lines, except that any minimum lot width shall be ten (10) feet more for corner lots.
- 4) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area for single-family units, not more than forty (40) percent of the total lot area for two-family units. Refer to article VI, section 6.3.
- 5) *Minimum front yard.* Twenty-five (25) feet, except in the case where forty (40) percent or more of lots within a block are occupied with residential structures, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty (20) feet.
- 6) *Minimum side yards.* No building shall be closer than six (6) feet on properties used for single-family residential purposes and eight (8) feet on properties used for multiple-family residential purposes, except in the case of a corner lot where the side yard on the street side shall not be less than twenty-five (25) feet.
- 7) *Minimum rear yard.* For lots up to one hundred fifty (150) feet in depth, the rear yard shall not be less than thirty (30) feet in depth for single-family units and forty (40) feet in depth for two-family units. For lots over one hundred fifty (150) feet in depth, the rear yard shall increase by one (1) foot for each ten (10) feet in excess of one hundred fifty

(150) feet. Such rear yards shall not be required to exceed forty (40) feet for single-family and fifty (50) feet for two-family dwellings in any case.

Refer to article VI, section 6.4 for permitted reductions in yard dimensions, permitted yard encroachments and placement of accessory buildings in yard area.

- 8) *Maximum building height.* For residential structures, two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Refer to article VI, section 6.5 for permitted exceptions to residential building heights.

Refer to article VI, section 6.5 for building height limitations for nonresidential structures in residential districts.

- 9) *Minimum dwelling floor area:*

- a) Single-family:

- 1) Seven hundred eighty-six (786) square feet for single-story residences.
- 2) One thousand four hundred fifty-two (1,452) square feet for two-story residences.
- 3) One thousand one hundred sixteen (1,116) square feet for multistory residences.

All of the above exclusive of any attached porch or breezeway.

- b) In the event there is an attached garage, the minimum requirements in subsections 2) and 3) above, may be reduced as follows:

- 1) Not less than one thousand one hundred forty-two (1,142) square feet for two-story residences.
- 2) Not less than eight hundred sixteen (816) square feet for multistory residences.

- c) Two-family residences: Seven hundred (700) square feet per dwelling unit, exclusive of any attached porch, garage or breezeway.

(Ord. No. 39.52, 12-7-93; Ord. No. 39.119, 2-7-06; Ord. No. 39.155, § V, 2-16-10)

Section 5.6 - R-1E District: One-family high-density residential.

5.6.1 *Intent and purpose.* This district provides for one-family residential development with the requirements and purposes of R-1D, but excluding two-family dwellings. This provides for development where more density and small lots may be desirable, but whereby two-family dwellings would not be in character with surrounding areas or may not be desirable.

5.6.2 *Uses permitted by right.* All uses permitted by "right" in the R-1D District, except two-family dwellings, subject to all restrictions specified therefor.

5.6.2.1 *Uses permitted under specified conditions.* All uses permitted under "special conditions" in the R-1D District, subject to all restrictions specified therefor.

5.6.2.2 *Uses permitted by special use permit.* All uses permitted under "special use permit" in the R-1B District, subject to all restrictions specified therefor.

5.6.3 *Dimensional requirements.* All dimensional requirements of section 5.5.3 (R-1D) apply excepting those which apply to the two-family dwellings described in the section 5.5.3.

(Ord. No. 39.52, 12-7-93)

Section 5.7 - RM District: Multifamily residential.

5.7.1 *Intent and purpose:* This district is designed to accommodate multiple-family residential land uses at a higher density than any single-family district, but provide comparable standards of quality. Specifically, this district is provided to accommodate a mixture of housing types, to permit boarding and lodging homes under specified maximum capacities, and to serve the limited needs for garden apartments, townhouses, row houses or other group housing facilities similar in character and density.

The primary purposes of this district are:

- 1) To provide for multiple-family developments that will be harmonious with adjacent properties;
- 2) To maintain the overall intensity of land use, population density and required open space specified in this section and in the comprehensive development plan; and
- 3) To encourage a range of housing types and innovative designs while protecting the interests of residents and the overall attractiveness of the township.

5.7.2 *Uses permitted by right:*

- 1) *Multiple-family dwellings:* Subject to the requirements of section 3.3 relating to site plan submission and review and section 5.7.6. a minimum of seven thousand two hundred sixty (7,260) square feet of land for each dwelling unit must be provided.
- 2) Signs may be permitted as provided in article VI, section 6.9.

5.7.3 *Uses permitted under special conditions:* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- 1) *Group housing developments:* Including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units, and other housing structures of similar character, subject to all the restrictions set forth in this section.
- 2) *Golf courses and country clubs,* in accordance with article V, section 5.2.3; however, golf courses constructed in conjunction with a multiple family housing project shall be owned and operated by the owners of said multiple housing project. Land devoted exclusively to golf course play shall not be counted for purposes of maximum dwelling unit density, although courses' swimming pools or community houses shall be counted as part of any required recreational area.

5.7.4 *Uses permitted by special use permit:* The following uses of land and structures may be permitted by special use permit, in accordance with section 8.1.3, upon the approval of the planning commission, PROVIDED all of the provisions of this Ordinance are met:

- 1) *Multifamily dwellings in excess of six (6) units per acre.* PROVIDED, however, that any applicant for a special use permit hereunder is advised that Delhi Charter Township Planning Commission and Township Board shall have the right to grant a density of less than that requested by the applicant if such lower density is deemed to be more consistent with the intent and purpose of this section. Public hearing notices shall specifically state that: "The Planning Commission or Township Board is considering an application to permit a maximum of ___ units per acre to be constructed" where the number of proposed units is greater than six (6). Criteria used to determine final density will be based in part on the requirements of section 8.1.3 as well as the following considerations:
 - a) Preservation of existing natural assets, such as stands of trees, flood plains, and open spaces.
 - b) Utilization of open space and the development of recreational facilities, in excess of the requirements of this section.
 - c) Adjacent land use and zoning.

- d) Topography of proposed development site.
- 2) *Incorporated retirement centers*, of six (6) or more units, including facilities for care and treatment of the convalescent and aged, PROVIDED such facilities are owned by the corporation and that such care is limited to members of the corporation.
 - a) "Retirement centers" shall be construed to mean an incorporated development whose primary purpose is to provide living facilities for retired persons who are members of the corporation.
 - b) "Retirement centers" shall not be operated on parcels of land of less than ten (10) acres in size.
 - c) A special use permit is not required for state-licensed adult foster care facilities providing services for six (6) or fewer residents pursuant to MCL 125.3206(a) and MCL 125.3102(t).
- 3) *Commercial services*, in conjunction with a multiple housing project, provided that:
 - a) Commercial services shall be for the principal use of the residents.
 - b) There shall be no direct access to the commercial service from any exterior (off-side) road.
 - c) The commercial service shall not be located on the absolute periphery of the multiple housing project.
 - d) There can be no external advertising displays or signs.
 - e) If the commercial service is contained in a separate structure, the agriculture shall be harmonious with the multiple-family structures. Harmonious shall be considered at a minimum to include the following: similar building materials, styles, height, setback and roof pitch.
- 4) *Lodging homes*, provided that not more than four (4) non-transient roomers are accommodated in one (1) dwelling and that said dwelling is occupied by a resident family.
- 5) *Boarding homes*, provided that not more than four (4) non-transient persons are accommodated for the serving of meals.
- 6) *Mobile home park developments*, in accordance with article VIII, section 8.4.
- 7) *Educational, social, and religious institutions*: Private elementary and secondary schools, public or private institutions for higher education, auditoriums and other places for assembly and centers for social activities, and religious institutions provided that:
 - a) Institutional uses may be permitted in existing multiple tenant buildings if all parking requirements for the site, including the institutional use, are provided as established in section 7.1, and the site and structure meet zoning requirements of the district or is a legal nonconformity.
 - b) Institutional uses on single occupant parcels and in single occupant buildings must meet the conditions for the use as stated in section 8.2.4.
- 8) Anemometer tower over twenty (20) meters high, and/or on-site use wind energy system over twenty (20) meters high.
- 9) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.7.5 *Site plan review procedure*: All multiple-family developments are subject to site plan review as specified in section 3.3 of this Ordinance. In addition, architectural sketches or renderings of the proposed buildings shall be provided with any special use permit application. Likewise, applicants are encouraged to submit a conceptual development site plan for review by community development staff and the Delhi Charter Township Planning Commission as outlined in section 3.3.4 of this Ordinance.

5.7.6 *Traffic impact study*: A traffic impact study prepared by qualified personnel may be required to be submitted to the community development department along with any request for a special use permit for any multiple-family dwelling projects (not including lodging houses and boarding house). Said traffic study will be required if any of the following

circumstances exist:

- 1) Traffic issues related to flow and volume have been identified in the area at a previous date by the Ingham County Road Commission, City of Lansing and/or the Michigan Department of Transportation.
- 2) If the proposed development is not located on a primary road as defined by the Ingham County Road Commission.
- 3) If the project shall serve forty (40) or more units.
- 4) Said traffic study shall, as to all roadways abutting said development, set forth:
 - a) Existing daily and peak flow traffic over a period of not less than two (2) weeks.
 - b) Anticipated contribution to daily and peak flow traffic for each use proposed within the development.
 - c) A description of all roadway improvements which the applicant intends to make, if any, including but not limited to, additional turn and deceleration lanes, signals and signage.
 - d) A description of any enhancements to existing intersections, signage, and traffic signals in the area, which may be necessary as a result of the proposed use.
 - e) All traffic studies shall be reviewed by the township consulting engineer and approved, modified if needed, and adopted by the Delhi Charter Township Planning Commission as part of final site plan approval.

5.7.7 *Dimensional requirements:* The following minimum and maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district:

1) *Minimum lot area:*

- a) For all multiple-family dwellings: A site of not less than one (1) acre.
- b) For lodging and boarding houses: Six thousand six hundred (6,600) square feet for each dwelling unit, plus five hundred (500) square feet for each non-transient person accommodated.

2) *Building location:*

- a) *For multiple-family dwellings:* For buildings up to thirty-five (35) feet in height, no building shall be closer than thirty-five (35) feet to any street right-of-way; thirty-five (35) feet to any rear property line; twenty (20) feet to an interior side property line.

For each one (1) foot of building height above thirty-five (35) feet, one (1) foot shall be added to the required front, side and rear yards.

- b) No building in a multiple housing development may be located closer than one hundred (100) feet to the center of the road right-of-way of an arterial street (primary road) as designated in the Comprehensive Development Plan of Delhi Charter Township, the Ingham County Road Commission, or by the Delhi Township Planning Commission.
- c) The minimum distance between buildings shall be twenty-five (25) feet for buildings of one (1) story in height. This distance shall be increased by not less than five (5) feet for each story added.
- d) No building shall be located closer to any private street or access drive than ten (10) feet.
- e) No building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty (20) feet.
- f) No accessory building shall be located between the building line and the street. Any accessory building on the premises shall be at least five (5) feet from the rear property line, not less than three (3) feet from the side yard line, and no closer than ten (10) feet to any existing structure.

3) *Maximum building height:*

- a) *For multiple-family dwellings:* Three (3) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet. No space below grade level shall be used for dwelling purposes except as follows:
 - (1) The finished floor grade of the space below grade level shall be no more than four (4) feet below the finished outside ground level at any point on the periphery of that part of the structure enclosing the below grade dwelling space.
 - (2) On sloping sites, the finished grade of the dwelling space shall be above the finished outside ground level for at least the length of one (1) wall. All such dwelling spaces shall have either adequate through or cross-ventilation.
 - b) *For lodging or boarding houses:* Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.
- 4) *Minimum dwelling floor area:*
- a) *A minimum dwelling unit floor area* does not include common hallways, common storage areas and service areas.
 - b) *Efficiency unit:* Shall have a minimum of four hundred (400) square feet of floor area. No more than ten (10) percent of the total number of completed units may be efficiency units. Efficiency units may be in one (1) building or distributed uniformly throughout the various buildings in the development.
 - c) *One-bedroom unit:* Shall have a minimum of five hundred (500) square feet of floor area. Each one-bedroom unit shall consist of a minimum of a living room, kitchen, or a combined living room, kitchenette and bedroom.
 - d) *First additional room:* The dwelling unit shall be increased by not less than one hundred fifty (150) square feet for the first additional room.
 - e) *For each additional room thereafter,* the dwelling unit shall be increased by two hundred (200) square feet.
- 5) *Minimum lot width:*
- a) *Minimum lot width:* One hundred thirty-two (132) feet along the street on which the lot principally fronts, except where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the building line is no less than one hundred thirty-two (132) feet. Provided that the depth to width ration shall not be greater than 3:1.
 - b) *Minimum lot width for private drive:* Sixty-six (66) feet along the street into which the private drive will exit, PROVIDED that no building construction may take place within such sixty-six (66) foot width.

5.7.8 General standards:

- 1) *Roadway location:* In order to facilitate orderly growth and prevent overburdening of public highways, all roadways which provide direct traffic egress to multiple-family developments must be approved in advance by the Ingham County Road Commission.
- 2) *Automobile parking:*
 - a) Developments of twelve (12) units or less, two and one-half (2½) parking spaces shall be required for each unit.
 - b) Parking areas on sites of five (5) acres or less shall be behind the front building line.
 - c) Parking areas shall not be closer than twenty (20) feet from an adjacent residential zone with a density of less than six (6) units per acre.
 - d) In developments of thirteen (13) units or more, off-street parking spaces shall be provided as specified in article VII, section 7.1.
 - e) All parking spaces shall be a minimum of one hundred sixty-two (162) square feet in area measuring at least nine (9) by eighteen (18) feet.

- 3) *Curb and gutters*: Must be provided for all drives and at the perimeter of all parking area.
- 4) *Sidewalks*: Shall be required to provide smooth on-site movement of pedestrians throughout the development. Location of said sidewalks shall be determined through the site plan review process. All sidewalks shall be a minimum width of five (5) feet.
- 5) *Fencing*: Within the multiple-family residential zoning district fencing shall be regulated as follows:
 1. During site plan review:
 - a. Fencing may be required along the entire length of a property line whenever a multiple-family development abuts property that is zoned other than RM, RM-1 or RM-2. This determination shall be based on the potential as recommended by the director of community development and finally approved by the planning commission for land use conflicts, incompatible uses currently or in the future, traffic volumes, existence of an attractive nuisance, or other factor that is relevant to the use of the subject property or the adjacent property.
 2. Fencing may be constructed on an existing RM site without site plan review provided that it meets the requirements of subsection 5.7.8 5)3.b., below.
 3. Fencing within the RM District shall conform to the following requirements:
 - a. Fencing that is installed as a requirement of site plan review shall comply with the following requirements:
 - (1) Fencing shall not exceed ten (10) feet in height but shall be at least six (6) feet in height and shall be constructed of an opaque material to provide screening and visual separation between properties.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
 - b. Fencing that is installed as an elective property improvement shall conform to the following general requirements:
 - (1) Fencing shall not exceed six (6) feet in height.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
- 6) *Private streets*: Private streets access drives may be permitted within group housing developments, PROVIDED that such street meet or exceed the requirements of section 6.13, and provided further that all parking on said streets and drives shall be prohibited, and the following minimum requirements are met:
 - a) No dead-end street or roadway shall serve more than one hundred (100) dwelling units as a means of vehicular access.
 - b) Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of fifty (50) feet shall be required for all turnarounds; an additional width may be required by the township planning commission after consideration of the vehicular needs of a particular multiple housing development proposal and the requirements of emergency services providers.
 - c) Satisfaction arrangement (including, but not limited to, financial guarantees) shall be made with the township planning commission regarding the maintenance and repair of streets, roadways or access drives.
- 7) *Open space*: A minimum open space consisting of not less than thirty-five (35) percent of the total land area, exclusive of parking area and drives, shall be maintained properly and cared for as open space.
- 8) *Recreation and community area*: One hundred (100) square feet per bedroom but no less in area than twelve hundred (1,200) square feet shall be developed and maintained for recreational use. The following shall be included in the calculation of recreation and community area:
 - a) Play courts, such as sandplay, playground equipment suitable for swinging, climbing, sliding and jumping.
 - b) Community recreational facilities, such as field games (softball, etc.), court games (basketball, tennis, etc.), and swimming pool.

- c) Picnic areas including picnic tables, grills, etc.
 - d) Area of clubhouse or central meeting structure (or appropriate area for said purpose within an existing multiple dwelling structure).
 - e) Other open space areas that can be used for active recreation to be approved by the director of community development or his/her designee.
- 9) *Landscaping:* Acceptable landscaping as defined in section 6.10 and depicted on the site plan shall be provided in open spaces, around buildings, and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the township. Said performance bond shall be forfeited if landscaping has not been completed one (1) year after an occupancy permit has been issued for said building.
- a) In addition to any landscaping required in any particular district, all parking areas of twenty-five (25) or more vehicles shall be landscaped. Such landscaping shall be accomplished throughout the parking areas on the basis of two hundred (200) square feet of landscape area for each twenty-five (25) parking spaces. All parking area landscaping shall be adequately maintained in a healthy condition and conform to the material, curbing, and planting requirements established in section 6.10.1.7.
 - b) When deemed necessary by the planning commission, in order to protect surrounding properties, appropriate screening with plant materials, wood or brick, approved by the planning commission, may be required.
 - c) A landscape buffer, twenty (20) feet in width, shall be required for all RM developments along all side and rear property lines that is adjacent to any residentially zoned property.
- 10) *Utility service:* All utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- 11) *Solid waste disposal:* A satisfactory solid waste disposal system shall be designed in accordance with the following article VI, section 6.1.6, and approved with the site plan.
- a) *Solid waste dumpsters:* Trash dumpsters shall be located throughout the development to facilitate the temporary collection of trash. All dumpsters shall be easily accessible to the dwelling units served. Dumpsters shall be covered and screened from public view with a solid screen constructed on four (4) sides.
 - b) *Solid waste compactors:* Trash compactors, if used, shall be placed in easily accessible locations in the development.
 - c) *Individual solid waste containers* are prohibited. However, for attached or detached cluster housing in condominium developments, individual solid waste containers shall be permitted for waste removal pickup, provided that such pickup is on the same day for the entire development. While use of a single refuse company is preferred, this section shall not be construed to prohibit utilization of more than one (1) company, provided that waste pickup is limited to a single day each week for the entire development.
 - d) *Litter:* Litter shall be collected regularly and the grounds shall be kept neat and orderly in appearance.
- 12) *Security:* In developments where more than one (1) unit enters through a single exterior door into a central corridor, security locks with an intercom device shall be provided.
- 13) *Required amenities:* An exterior deck, patio, porch or balcony of not less than twenty-four (24) square feet shall be provided for, and with direct access to, each dwelling unit in all multiple-family developments.

(Ord. No. 39.92, § 3, 2-1-00; Ord. No. 39.155, § VI, 2-16-10; Ord. No. 39.160, § I, 12-3-13)

Editor's note— Ord. No. 39.160, § II, adopted Dec. 3, 2013, repealed § 5.8, entitled "R-M2 District: Multiple-family residential", which derived from Ord. No. 39.55, adopted Apr. 5, 1994; and Ord. No. 39.80, § 1, adopted Feb. 2, 1999.

Section 5.9 - C-1 District: Low-impact commercial.

5.9.1 *Intent and purpose.* The C-1 District is designed to provide office and service facilities to the community with a minimum of impact upon surrounding residential properties and to provide opportunity for transitional land use between residential neighborhoods and commercial, warehousing or industrial areas.

5.9.2 *Uses permitted by right.* The following uses are permitted by right within the C-1, Commercial District:

- 1) Professional offices as follows:
 - a) Offices of various professional medical persons concerned with improving personal and community health.
 - b) Offices of architects, engineers, urban planners and artists and others employed in the graphic arts.
 - c) Offices in which personnel will be employed for work in one (1) of the following fields: Executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, real estate and other similar enterprises.
- 2) Photography studios.

5.9.3 *Uses permitted under special conditions.*

- 1) *Educational, social and religious institutions:* Public or private elementary and secondary schools, institutions for higher education, auditoriums and other places for assembly and centers of social activities, and religious institutions; provided that:
 - a) Institutional uses may be permitted in existing multiple tenant buildings if all parking requirements for the site, including the institutional use, are provided as established in section 7.1, and the site and structure meet zoning requirements of the district or is a legal nonconformity.
 - b) Institutional uses on single occupant parcels and in single occupant buildings must meet the conditions for the use as stated in section 8.2.4.
- 2) *Funeral homes:* Subject to section 8.2.4, site development requirement for institutions.
- 3) *Veterinary clinics:* Provided that the following conditions are complied with:
 - a) That there is no outdoor area for housing or keeping animals.
 - b) That any outdoor area used to walk animals, or for another similar activity, is kept free from animal waste.
 - c) All animals outside of the facility must be leashed or otherwise restrained.
- 4) *One (1) or more on-site use wind energy systems and/or anemometer tower:* Subject to the requirements of section 6.2.2.1.

5.9.4 *Uses authorized by special use permit.* The following uses may be permitted after issuance of a special use permit as provided in article VIII:

- 1) Barber and beauty shops.
- 2) Banks and financial institutions.
- 3) Research laboratories.
- 4) Veterinary clinics that have outdoor areas for housing or keeping animals, animal day care and other pet related businesses. Minimum criteria for special use permit approval:
 - a) The service is limited to domestic animals with written approval by veterinarian providing regular care and/or treatment.

- b) Provide a plan of operation that provides for animal safety and the control of odor, noise, dust, waste management security and demonstrate the facility will not constitute a nuisance, hazard or health problem to adjoining property director of community development must approve all aspects of the plan.
 - c) The building has masonry construction or other soundproofing.
 - d) Windows remain closed.
 - e) The building is set back a minimum of fifty (50) feet from residentially zoned property.
 - f) All outdoor areas used to house or keep animals shall be enclosed with a solid fence six (6) feet high.
 - g) No more than one (1) dog for every sixty (60) square feet of interior common play space and one (1) dog for every one hundred fifty (150) square feet in exterior common play area.
 - h) For animal day cares, attendants shall accompany dogs at all times and shall not exceed a ratio of fifteen (15) dogs or portion per one (1) attendant.
 - i) For animal day cares, the hours for dropping off and picking up animals shall begin no earlier than 6:00 a.m. and no later than 8:00 p.m.
 - j) All animals shall be current with all normal immunizations and licensing.
 - k) No overnight boarding without approval in a SUP and staff present at all times.
 - l) No more than twenty (20) dogs are permitted.
 - m) Any other conditions deemed necessary by the township to protect the health, safety and welfare of the animals, adjacent property owners or others.
- 5) Small retail shops such as gift shops, floral shops, and arts and crafts shops, provided such shop is less than four thousand (4,000) square feet of retail display area.
- 6) Nondrive-thru restaurants with indoor seating.
- 7) Anemometer tower over twenty (20) meters high, utility grid wind energy system, and/or on-site use wind energy system over twenty (20) meters high.

5.9.5 Site development requirements:

- 1) Minimum lot area: Five thousand (5,000) square feet.
- 2) Minimum lot width: Fifty (50) feet.
- 3) Yards:
 - a) Front yard: Twenty-five (25) feet minimum. No parking, loading, or accessory structures shall be permitted in the front yard.
 - b) Side yard: When abutting residentially zoned properties, a side yard of at least ten (10) feet must be provided. On a corner lot, a side yard of twenty-five (25) feet must be provided on the street side.
 - c) Rear yard: Forty (40) feet minimum.
- 4) Maximum building height: Two (2) stories or twenty-eight (28) feet minimum.
- 5) Off-street parking/loading requirements: Off-street parking and loading/unloading spaces shall be provided in accordance with the requirements specified in article VII, section 7.1. All parking and loading requirements shall be satisfied within the rear or side yard areas. Whenever a side or rear yard is used for parking and abuts a residential district, a solid fence at least four (4) feet high shall be placed along all such boundary lines.
- 6) Signs may be permitted as provided in article VI, section 6.9.
- 7) Lighting: No lighting shall have a source of illumination visible outside the property lines of the parcel or lot and shall in no way impair safe movement of traffic on any street or highway. All lighting shall be directed away from adjoining properties.

5.9.6 *Fencing*. Within the C-1 Commercial Zoning District shall be regulated as follows:

1. During site plan review:
 - a. Fencing may be required along the entire length of a property line whenever a commercial development abuts property that is zoned R-1A, R-1B, R-1C, R-1D, R-1E, TC, RM, RM-1 or RM-2.
2. Fencing may be constructed on an existing C-1 commercial site without site plan review provided that it meets the requirements of subsection 5.9.6(3)(b) below.
3. Fencing within the C-1 District shall conform to the following general requirements:
 - a. Fencing that is installed as a requirement of site plan review shall comply with the following requirements:
 - (1) Fencing shall not exceed ten (10) feet in height and shall be constructed of an opaque material to provide screening and visual separation between properties.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
 - b. Fencing that is installed as an elective property improvement shall conform to the following general requirements:
 - (1) Fencing shall not exceed six (6) feet in height.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.

(Ord. No. 39.76, 9-1-98; Ord. No. 39.77, 10-6-98; Ord. No. 39.83, 4-6-99; Ord. No. 39.101, § 1, 11-4-03; Ord. No. 39.106, 1-18-05; Ord. No. 39.111, 5-4-05; Ord. No. 39.124, 3-7-06; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § VII, 2-16-10)

Section 5.10 - C-2 District: General business.

5.10.1 *Intent and purpose*. This district is intended to cater to the entire community by accommodating those retail, business, and institutional activities used by the general consumer population.

5.10.2 *Uses permitted by right*. Unless otherwise specified, all of the following uses within this district must be conducted wholly within a permanent, fully-enclosed building.

- 1) All uses permitted by "right", "under special conditions", or "special use permit" within the C-1 Low Impact Commercial District, except veterinary clinics, child care centers, and adult foster care centers, and educational, social and religious institutions.
- 2) Retail establishments selling principally new merchandise.
- 3) Offices.
- 4) Banks and financial institutions.
- 5) Personal and business services.
- 6) Commercial schools, including, but not limited to, art schools, modeling schools, and decorating schools. This does not, however, include truck driving and industrial trade schools.
- 7) Public buildings.
- 8) Hospitals, medical clinics and convalescent homes.
- 9) Funeral homes.
- 10) Printing, publishing, photographic reproduction, blueprinting and related trades and arts.
- 11) Building supply and equipment stores.
- 12) Automobile showrooms for display of autos indoors.

5.10.3 *Uses permitted under special conditions*. The following uses of land and structures shall be permitted, subject to the conditions stated:

- 1) *Veterinary clinics*: Provided that the following conditions are complied with:
 - a) That there is no outdoor area for housing or keeping animals.
 - b) That any outdoor area used to walk animals, or for another similar activity, is kept free from animal waste.
 - c) All animals outside of the facility must be leashed or otherwise restrained.
- 2) *Restaurants without drive-through*: Provided that the site has direct access to primary road.
- 3) *Temporary outdoor uses* such as Christmas tree sales, tent sales, amusements, provided:
 - a) Such use shall be limited to thirty (30) days in any calendar year per parcel of land.
 - b) Such use or sales area shall not be located within any required yard or setback area.
 - c) Adequate hard surface, off-street parking shall be maintained at all times.
 - d) Such use shall be approved only when it can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.
 - e) Extension beyond the thirty-day limit may be granted by the planning commission after a public hearing and a finding that a practical difficulty will be created if the thirty-day limit were to be imposed.
- 4) *Commercial recreation facilities*: Such a bowling alley, billiard hall, indoor archery range, indoor skating rink or other similar uses, provided that all uses will be conducted wholly within a completely enclosed building and that such building is located at least one hundred (100) feet from any front, side or rear yard of any lot within an adjacent residential district.
- 5) *Outdoor patio dining and drinking establishments* may be permitted in conjunction with a properly zoned and approved dining and/or drinking establishment after a proper site plan has been submitted and approved by the appropriate agencies in the approval process as outlined in section 3.3 of this Ordinance.
- 6) *Outdoor retail displays* as an accessory use for retail establishments, provided:
 - a) Only new merchandise is on display such as flowers craft goods, food and books.
 - b) Display area limited to front yard setback area.
 - c) Clear sidewalk access shall not be completely obstructed.
 - d) Such use shall be approved only when it can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.
 - e) Approval for such display shall be granted by the zoning administrator or his or her designee. Additional approval is required from the director of the downtown development authority if parcel is located within the downtown development authority district.
- 7) *Educational, social and religious institutions*: Public or private elementary and secondary schools, institutions for higher education, auditoriums and other places for assembly and centers for social activities, and religious institutions; provided that:
 - a) Institutional uses may be permitted in existing multiple tenant buildings if all parking requirements for the site, including the institutional use, are provided as established in section 7.1, and the site and structure meet all other requirements of the district or is a legal nonconformity.
 - b) Institutional uses on single occupant parcels and in single occupant buildings must meet the conditions for the use as stated in section 8.2.4.
- 8) *One (1) or more on-site use wind energy systems and/or anemometer tower*: Subject to the requirements of section 6.2.2.1.
- 9) Drive-through window service for a bank or pharmacy, provided the following conditions are met:
 - a) All motor vehicle parking and standing areas shall be provided and improved in accordance with the

requirements stated in article VII, section 7.1.

- b) The site has direct access to a major or minor arterial from at least one (1) property line.
- c) No more than two (2) driveway approaches shall be permitted directly from any major or minor arterial.
- d) A solid fence or wall six (6) feet in height shall be erected along all property lines abutting any lot within a residential district.
- e) Exterior lighting shall be arranged so that it is deflected and directed away from adjacent properties.

5.10.4 *Uses authorized by special use permit.* The following uses may be authorized under the provisions of article VIII of this Ordinance:

- 1) Servicing and repair of motor vehicles, trailers, boats and other fuel powered equipment including lawn and garden equipment.
- 2) Manufacturing and processing establishments selling their entire output at retail on the premises.
- 3) Secondhand stores.
- 4) Automobile and other outdoor vehicle display lots.
- 5) Child care centers and adult foster care centers in accordance with section 8.6.3(10).
- 6) All buildings that are fifty thousand (50,000) square feet in area or greater.
- 7) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than thirty (30) dogs are permitted.
- 8) Fueling stations and the sale of motor vehicle fuels provided that the following conditions are met:
 - a) Any sales shall be in a wholly enclosed building and no outdoor sales or displays are permitted, except for fuel sales.
 - b) Minimum site size shall be fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet.
 - c) The site shall have at least one (1) property line abutting a primary roadway as designated by the Ingham County Road Commission.
 - d) The minimum building setback, including any canopy or similar structure, from any road right-of-way shall be at least forty (40) feet.
 - e) A buffer zone that minimally conforms to the "type C buffer zone" requirements of section 6.10.1.5, shall be required along all property lines that do not abut a public street. However, if the provisions of section 6.10.1.5 would normally require a larger buffer zone than what is required by this section, the provisions of section 6.10.1.5 will prevail.
- 9) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

5.10.5 *Site development requirements.*

- 1) *Minimum lot area.* Ten thousand (10,000) square feet.
- 2) *Minimum lot width.* Eighty (80) feet.
- 3) *Yards:*
 - a) Front yard. Forty (40) feet minimum if parking is provided in the front yard. The front yard may be reduced to twenty (20) feet, however no parking may be allowed within the front yard area.
 - b) Side yard. When a lot within the C-2 District abuts upon a residential, town center or C-1 District, a minimum

twenty-five-foot setback shall be provided from the common lot line. A forty-foot-setback shall be provided from the street side on a corner lot.

- c) Rear yard. Twenty-five (25) feet minimum.
- 4) *Maximum building height.* Two and one-half (2½) stories or thirty-five (35) feet.
- 5) *General use requirements.* No use in this district shall produce any noise, objectionable odor, smoke, fumes, heat, glare or vibration humanly perceptible beyond its lot lines.
- 6) *Signs* may be permitted as provided in article VI, section 6.9.
- 7) *Off-street parking and loading requirements.* Shall be provided as specified in article VII, sections 7.1 and 7.2.
- 8) *Lighting.* No lighting shall have a source of illumination visible outside the property lines of the parcel or lot and shall in no way impair safe movement of traffic on any street or highway. All lighting shall be directed away from adjoining properties.
- 9) *Fencing.* Within the C-2 Commercial Zoning District shall be regulated as follows:
 - 1. During site plan review:
 - a. Fencing may be required along the entire length of a property line whenever a commercial development abuts property that is zoned R-1A, R-1B, R-1C, R-1D, R-1E, RM, RM-1, RM-2, TC or C-1.
 - 2. Fencing may be constructed on an existing C-2 Commercial site without site plan review provided that it meets the requirements of subsection 5.10.5(3)(b) below.
 - 3. Fencing within the C-2 district shall conform to the following general requirements:
 - a. Fencing that is installed as a requirement of site plan review shall comply with the following requirements:
 - (1) Fencing shall not exceed ten (10) feet in height and shall be constructed of an opaque material to provide screening and visual separation between properties.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
 - b. Fencing that is installed as an elective property improvement shall conform to the following general requirements:
 - (1) Fencing shall not exceed six (6) feet in height.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.

(Ord. No. 39.67, 6-3-97; Ord. No. 39.69, 11-18-97; Ord. No. 39.74, 8-18-98; Ord. No. 39.76, 9-1-98; Ord. No. 39.77, 10-6-98; Ord. No. 39.85, 8-3-99; Ord. No. 93.87, §§ 1, 2, 12-21-99; Ord. No. 39.101, § 2, 11-4-03; Ord. No. 39.106, 1-18-05; Ord. No. 39.124, 3-7-06; Ord. No. 39-142, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.146, 2-5-08; Ord. No. 39.155, § VII, 2-16-10; Ord. No. 39.164, § II, 2-21-17)

Section 5.11 - C-3 District: Highway service.

5.11.1 *Intent and purpose.* This district is designed to accommodate retail business and service activities which serve the particular needs of the highway traveler. The protective standards for site development contained in this section are intended to promote efficient and safe traffic access to this district and to minimize any adverse effect of such district upon adjoining land uses of a different type.

5.11.2 *Review procedure.* Review and approval by the township building inspector is required before a building permit may be issued within any Highway Service District. The owner or lessee proposing development within this district shall submit a site plan of suitable scale indicating all above surface improvements to be made. Such site plan shall include the location of all buildings, driveways, parking areas, acceleration or details of the proposed development which may be

required by the township building inspector. To assure maximum traffic safety and to assure maximum protection to abutting properties, the building inspector may include, as part of his written approval, the carrying out of certain development requirements by the owner or lessee that modify or are in addition to the standards set forth in this section.

5.11.3 *Uses permitted.* All of the following uses permitted must be conducted wholly in a permanent, fully-enclosed building except as otherwise stated herein and except utility structures not usually so enclosed:

- 1) *Retail establishments:* Selling principally (ninety (90) percent of total sales measured by dollar volume) new merchandise, including, but not limited to such uses as gift, curio, novelty and outdoor sports supply shops.
- 2) *Personal and business services,* excluding processing of physical materials.
- 3) *Passenger terminals.*
- 4) *Offices, banks and public buildings.*
- 5) *Restaurants and drive-thru businesses:* (excluding drive-in theaters) including cafes, tea rooms and other drive-thru businesses, provided that for drive-thru restaurants and businesses the following conditions are met:
 - a) All motor vehicle parking and standing areas shall be provided and improved in accordance with the requirements stated in article VII, section 7.1.
 - b) The site has direct access to a major or minor arterial from at least one (1) property line.
 - c) No more than two (2) driveway approaches shall be permitted directly from any major or minor arterial.
 - d) A solid fence or wall six (6) feet in height shall be erected along all property lines abutting any lot within a residential district.
 - e) Exterior lighting shall be arranged so that it is deflected and directed away from adjacent properties.
- 6) *Motel, motor hotel, hotel and transient lodging facilities* (but not including trailer camps or tent sites) under the following conditions:
 - a) *Minimum floor area:* Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area.
 - b) *Minimum lot area:* One (1) acre lot with a minimum width of one hundred fifty (150) feet, provided that there shall be no less than eight hundred (800) square feet of lot for each guest unit.
 - c) *Maximum lot coverage:* All buildings, including accessory buildings, shall not occupy more than twenty-five (25) percent of the net area within property lines of land developed at any one (1) time.
 - d) *Minimum yard dimensions:* All buildings shall be set back no less than seventy-five (75) feet from any street line and no less than forty (40) feet from any side or rear property line.
 - e) *Maximum building height:* Two (2) stories, but not to exceed twenty-five (25) feet, except as stated in section 6.5.3.
 - f) *Site screening:* The site may be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
 - g) *Lighting:* No lighting shall have a source of illumination visible outside the property lines of the parcel or lot and shall in no way impair safe movement of traffic on any street or highway.
 - h) *Swimming pools and other outdoor recreational uses:* Provided that such facilities are an accessory use to a permitted use within this district and are located on the same site as the principal use to which they are accessory.

- i) *Accessory uses, such as meeting rooms, tavern, bar or similar uses:* Provided such accessory use shall be carried on same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use or principal use is a motel, motor hotel, hotel or other transient tourist facility.

7) *Miniature golf, trampoline or similar public amusement.*

8) *Drive-in theaters, temporary and transient amusement enterprises and golf driving ranges and race tracks:* Provided that the additional site development requirements of article VIII, section 8.6 are met.

9) *One (1) or more on-site use wind energy systems and/or anemometer tower:* Subject to the requirements of section 6.2.2.1.

5.11.4 *Site development requirements:*

1) *Minimum lot area.* Ten thousand (10,000) square feet, unless a greater area is required herein.

2) *Minimum lot width.* One hundred (100) feet, unless a greater width is required herein.

3) *Yards:*

a) Front yards: Fifty (50) feet.

b) Side yards: Twenty (20) feet each side.

c) Rear yards: Thirty (30) feet.

4) *Exceptions to required lot area, width and yards.* In cases where one (1) owner or lessee proposes an integrated site development of a unified group of buildings, the Delhi Charter Township Planning Commission may waive or modify the lot area, lot width and yard requirements (except front yard requirements) stated herein, if, in its judgment, the proposed development conforms to the basic intent of the Highway Service District and will meet the parking, vehicular safety and protective standards stated within this section.

5) *Motor vehicle access.* All site plan proposals submitted under the requirements of the Highway Service District shall provide for the proper handling of traffic on the highway, frontage road or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two (2) streets.

6) *Maximum building height.* Buildings shall not exceed two (2) stories in height or twenty-five (25) feet, provided that any building within sixty-five (65) feet of a residential district shall not exceed fifteen (15) feet in height, except as provided in section 6.5.3.

7) *General use requirements.* Noise emanating from a use in this district shall not exceed the level of ordinary conversation (sixty-five (65) decibels) at the boundaries of the lot. Short intermittent noise peaks may be expected if they do not exceed normal traffic noise peaks at any point on the lot boundaries. No odors shall be humanly perceptible at or beyond the lot boundaries at a height of less than twenty-five (25) feet. No physical vibrations humanly perceptible at or beyond the lot boundaries shall be allowed.

8) *[Signs.]* Signs may be permitted as provided in article VI, section 6.9.

9) *Off-street parking and loading requirements.* Off-street parking and loading areas shall be provided and maintained in accordance with the requirements of article VII, sections 7.1 and 7.2 and in addition, shall conform to the following locational criteria:

a) Motels, motor hotels, hotels and other transient residential uses. Parking shall be furnished on the immediate premises of the developed site.

b) Restaurants and drive-in business. Parking shall be provided on the premises or in the district within five hundred (500) feet of the building, as measured from the nearest point of the parking area to the nearest point of the building.

- 10) *Temporary outdoor uses.* No merchandise shall be displayed outside any building without a special use permit, as provided in article VIII, and issued only upon approval of the Delhi Charter Township Board, provided that such permit shall not be more than one (1) year.
- 11) *Fencing.* Within the C-3 Commercial Zoning District shall be regulated as follows:
1. During site plan review:
 - a. Fencing may be required along the entire length of a property line whenever a commercial development abuts property that is zoned R-1A, R-1B, R-1C, R-1D, R-1E, RM-1, or RM-2, TC, C-1 and C-2.
 2. Fencing may be constructed on an existing C-3 Commercial site without site plan review provided that it meets the requirements of subsection 5.9.6(3)(b) below.
 3. Fencing within the C-3 District shall conform to the following general requirements:
 - a. Fencing that is installed as a requirement of site plan review shall comply with the following requirements:
 - (1) Fencing shall not exceed ten (10) feet in height and shall be constructed of an opaque material to provide screening and visual separation between properties.
 - (2) All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
 - b. Fencing that is installed as an elective property improvement shall conform to the following general requirements:
 - (1) Fencing shall not exceed six (6) feet in height.
 - (2) All provisions of subsections 6.2.7(2)(d) through 6.2.4(6) shall also apply.

5.11.5 *Uses authorized by special permit.* The following uses may be authorized under the provision of article VIII of this Ordinance:

- 1) Truck terminal.
- 2) Car washes and auto laundries, including the self-service type.
- 3) Automobile and other outdoor vehicle display lots.
- 4) Service and repair of motor vehicles, trailers, boats, and other fuel-powered equipment.
- 5) Warehousing, including mini-storage facilities.
- 6) Adult motion picture theaters, bookstores, massage parlors, under provision of subsection 8.6.3(9) of this Ordinance.
- 7) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than thirty (30) dogs are permitted.
- 8) Outdoor storage of materials, equipment, machinery and other similar uses.
- 9) Fueling stations and the sale of motor vehicle fuels under the following conditions:
 - a) Any sales shall be in a wholly enclosed building and no outdoor sales or displays are permitted, except for fuel sales.
 - b) Minimum site size shall be fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet.
 - c) The site shall have at least one (1) property line abutting a primary roadway as designated by the Ingham County Road Commission.
 - d) The minimum building setback, including any canopy or similar structure, from any road right-of-way shall be at least fifty (50) feet.
 - e) A buffer zone that minimally conforms to the "type C buffer zone" requirements of section 6.10.1.5, shall be required along all property lines that do not abut a public street. However, if the provisions of section 6.10.1.5

would normally require a larger buffer zone than what is required by this section, the provisions of section 6.10.1.5 will prevail.

- 10) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.
- 11) Recreational camps/campgrounds. Refer to article VII, section 8.6.2(5), miscellaneous special uses, for specific requirements.

(Ord. No. 39.74, 8-18-98; Ord. No. 39.85, 8-3-99; Ord. No. 93.87, § 3, 12-21-99; Ord. No. 39.93, § 2, 3-7-00; Ord. No. 39.94, 6-20-00; Ord. No. 39.106, 1-18-05; Ord. No. 39.116, 2-7-06; Ord. No. 39.124, 3-7-06; Ord. No. 39.138, 6-5-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.147, 2-5-08; Ord. No. 39.155, § VII, 2-16-10; Ord. No. 39.164, § I, 2-21-17)

Section 5.12 - Reserved.

Editor's note— Ord. No. 39.83, adopted April 6, 1999, deleted provisions formerly set out herein as § 5.12, which pertained to the C-4 Planned Shopping Center District and derived from Ord. No. 39, adopted Oct. 28, 1968.

Section 5.13 - Town Center District (TC).

5.13.1 *Intent and purpose.* The Town Center District is intended to provide and promote attractive development while at the same time protecting and maintaining existing mature and/or historic areas of the community.

To achieve this objective, the Town Center District allows a blend of compatible residential and commercial uses. Residential and commercial uses may be concurrent within the same building.

5.13.2 *Exclusive zoning district.* Town Center zoning classifications shall be restricted to the following areas:

- 1) Cedar Street - Both sides from Holt Road north to Aurelius Road.
- 2) Holt Road - North side from Aurelius Road to Thorburn Street; south side from Aurelius Road to Michael Street.
- 3) Aurelius Road - Both sides from Holt Road to Cedar Street.
- 4) DeCamp Street - Both sides between Aurelius Road and Cedar Street.
- 5) North Street - Both sides between Aurelius Road and Cedar Street.
- 6) Center Street - Both sides between DeCamp Street and North Street.
- 7) Any property shown as "Community Activity Center" on the Future Land Use Map within the current Delhi Township Master Plan.

5.13.3 *Uses permitted by right.* The following uses are permitted by right within the Town Center District:

- 1) One- and two-family dwellings.
- 2) Professional offices.
- 3) Retail establishments and personal services.
- 4) Specialty grocery, food or beverage shop.
- 5) Full-service and quick-service restaurant, coffee shop, pastry shop, bakery, or delicatessen.
- 6) Pharmacy or drugstore.
- 7) Art gallery, shops and studios.
- 8) Beauty salon, day spa, hair salon or similar.
- 9) Pet grooming, pet stores and similar.
- 10) Dance studio, martial arts studio or similar.

5.13.4 *Uses permitted under special conditions.* The following uses of land and/or structures may be permitted, subject to the conditions listed:

- 1) *Antique stores:* All displays and sales must be conducted within a fully enclosed building. No chemical stripping or refinishing of antiques and/or furniture shall be permitted on the premises.
- 2) *Funeral homes:* Subject to section 8.2.4 Site development requirements for institution.
- 3) *Loft style dwelling units* may be permitted on a second or higher story within commercial/office buildings, provided that, each unit contains a minimum living area, as follows:
 - a. Efficiency units shall contain a minimum of four hundred (400) square feet of living area;
 - b. One-bedroom units shall contain a minimum of five hundred (500) square feet of living area;
 - c. Two-bedroom units shall contain a minimum of six hundred fifty (650) square feet of living area, and that for each additional room thereafter an additional two hundred (200) square feet of living area shall be required.
- 4) *One (1) on-site use wind energy systems and anemometer tower:* Subject to the requirements of section 6.2.2.1.
- 5) *Outdoor patio or sidewalk dining and/or drinking establishments* in conjunction with a properly zoned and approved use within the Town Center District. The following conditions will apply:
 - a. If the activity is to occur within the road right-of-way a permit or license from the Ingham County Road Department may be required by that office.
 - b. The serving of alcoholic beverages outdoors is regulated by the State of Michigan Liquor Control Commission. Evidence of the MLCC's approval, as appropriate, shall be provided to the director of community development.
 - c. A site plan shall be submitted and approved pursuant to section 3.3 of this Ordinance for the patio or sidewalk dining and/or drinking establishment.

5.13.5 *Uses authorized by special use permit.*

- 1) *Multiple-family dwellings:* Multiple-family dwellings may be allowed within the Town Center District following issuance of a special use permit as regulated in article VIII. Such multiple dwellings must be unusual and/or different concept from the common multiple dwelling plan and project such as, but not limited to, senior citizens housing, medically assisted living and service club developments.
- 2) *Animal day care* (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a. No more than twenty (20) dogs are permitted.
- 3) *Boarding houses, boutique hotels and bed and breakfast facilities.*
- 4) *Buildings exceeding thirty-five (35) feet in height*
- 5) *Commercial buildings exceeding fifteen thousand (15,000) square feet in size.*
- 6) *Multi-level or raised parking areas, ramps or lots; a parking area that is not a typical surface lot.*
- 7) *Theaters for performing arts, movies or similar.*
- 8) *Alcohol drinking establishments, bars, nightclubs and similar.*

5.13.5.1 *Uses not permitted in the TC Zoning District.*

- 1) *Secondhand and pawn stores* are not permitted within the TC District, except those stores that sell antiques pursuant to subsection 5.13.4 1) above. This provision is not intended to prohibit stores that sell merchandise on consignment.
- 2) *Dollar stores, payday advance, rent-to-own furniture stores or similar operations.*
- 3) *Adult motion picture theaters, adult bookstores or massage parlors* as identified by subsection 8.6.3(8).

- 4) Mobile home parks.

5.13.6 Site development requirements.

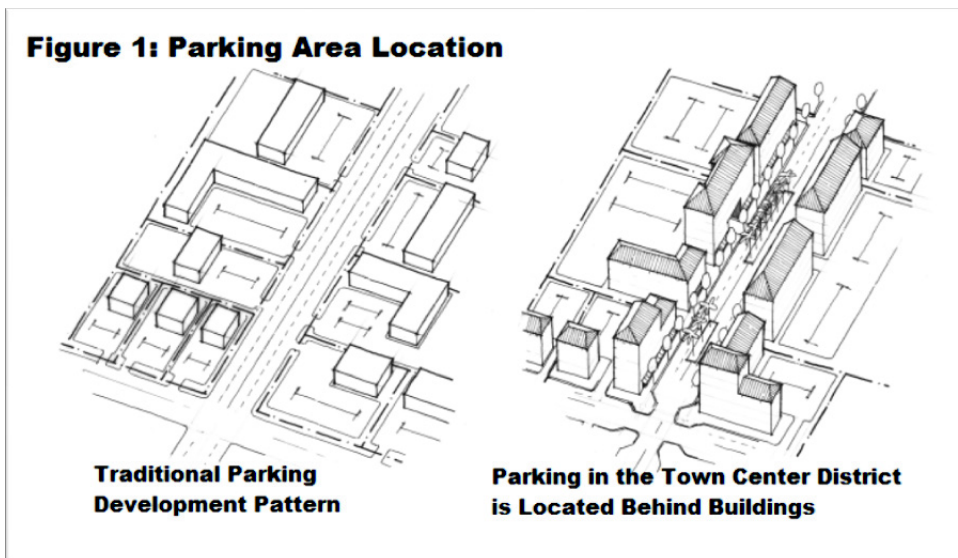
- 1) Minimum lot area - Five thousand (5,000) square feet.
- 2) Minimum lot width - Fifty (50) feet along the road on which the property fronts.
- 3) Yards:

Front yard: No minimum dimensions.

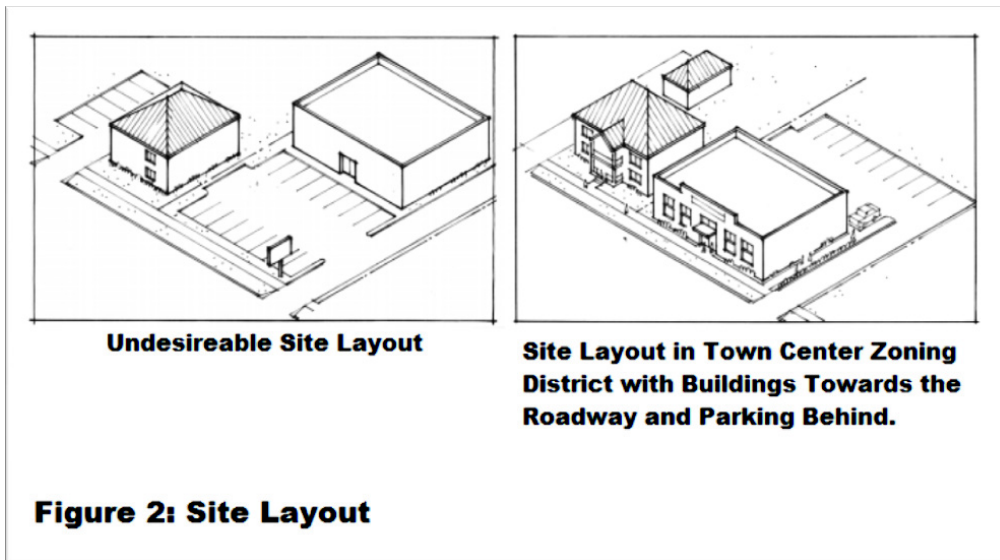
Side yard: Five (5) feet minimum, unless adjacent property is also zoned Town Center in which case no side yard setback shall be required.

Rear yard: Twenty-five (25) feet when abutting a property that is zoned R1-A, R1-B, R1-C or R1-D. If subject site abuts a property that is zoned RM, RM-1, RM-2, TC, C-1, C-2, C-3, A-1, IW, IR, IA, IM, IP or PP, the rear yard setback may be reduced to ten (10) feet.

- 4) Maximum building height without a special use permit pursuant to subsection 5.13.5 4) above: Thirty-five (35) feet.
- 5) Signs may be permitted as provided in article VI, section 6.9.
- 6) Off-street parking: Off-street parking shall be provided as is required in section 7.1.8. All parking must be hard surface and located behind the front building line.



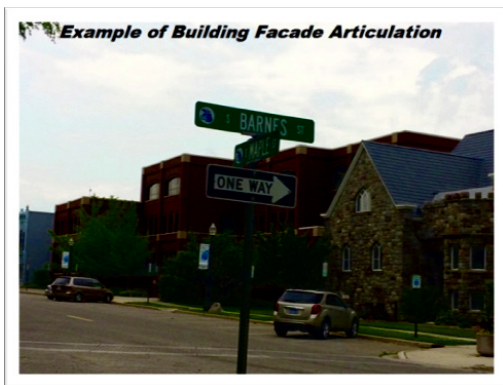
- 7) Buildings shall be sited such that they front on the roadway, with parking and service areas located in the rear. The development objective is that each building will contribute to an attractive streetscape that is a part of a recognizable "downtown" area and be of a scale and type that is typically associated with same.



- 8) Buildings shall be constructed of high-quality materials such as brick, stone, masonry or other quality siding and roofing materials. The use of false fronts, non-durable surfaces, or other "quick fix" type treatments will not be permitted.
- 9) Whenever feasible, shared driveways shall be used to provide access to multiple properties.
- 10) Fencing: Within the Town Center (TC) zoning district shall be regulated as follows:
 1. During site plan review:
 - a. Fencing may be required along the entire length of a property line whenever a commercial development abuts property that is zoned R-1A, R-1B, R-1C, R-1D, R-1E, RM, RM-1 or RM-2.
 2. Fencing installed at the option of the property owner may be constructed on a Town Center site, provided that it meets the following requirements:
 - a. Fencing shall not exceed six (6) feet in height.
 - b. All provisions of subsections 6.2.4(2)(d) through 6.2.4(6) shall also apply.
- 11) Human scale: All development and redevelopment of buildings and sites shall be constructed in a manner that creates and preserves human scale development. Human scale is defined as the proportional relationship of the physical environment (buildings, trees, parking lots, streets, etc.) to human dimensions. When components in the built environment are ordered in such a way that people feel comfortable, then human scale has most likely been achieved. By contrast, a place that is out of human scale, either too small or too large, will tend to make people feel uncomfortable. The reaction is to avoid such a place or to move through it quickly. Significant buildings and sites use monumental scale to create a sense of importance. In these cases, the human scale elements are often incorporated into the project as well. Human scale can be further reinforced by the choice of materials, textures, patterns, colors and details.
 1. *Characteristics of human scale development are as follows:*



- a. The dimensions of building height and width, street width, streetscape elements, building setback, and other elements are combined so that they establish a comfortable realm for people to move around in and interact in. The dimensions of human interaction govern the design rather than the dimensions of vehicular circulation and convenience.



- b. Buildings are arranged to enclose and define space. This may include locating buildings close to a sidewalk, creating spatial definition.
- c. Buildings have limited height at pedestrian paths and sidewalks. Taller buildings have upper stories that are setback.
- d. Building articulation and design details reduce the perceived mass of large buildings. Elements such as openings at street level, decorative elements that mark floor heights such as cornices, porches and awnings are used to break the building down to human dimensions.



- e. Residential forms and proportions are used on commercial and office buildings next to residential areas.
- f. Street trees with protective canopies enclose and define the streetscape.
- g. Complete streets infrastructure is installed when appropriate.
- h. Streetscape elements such as sidewalks wide enough for comfortable pedestrian movement, distinctive

sidewalk paving, pedestrian-scale streetlights and other fixtures are used to relate to the human dimension.

(Ord. No. 39.53, 12-21-93; Ord. No. 39.73, 7-7-98; Ord. No. 39.106, 1-18-05; Ord. No. 39.111, 5-4-05, eff. 5-15-05; Ord. No. 39.124, 3-7-06; Ord. No. 39.136, 6-5-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § VIII, 2-16-10; Ord. No. 39.161, § I, 8-6-14)

Section 5.14 - Condominium regulations.

5.14.1 *Intent and scope of regulations.* The purpose of this section is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable township regulations, and the Condominium Act (P.A. 59 of 1978, MCL 559.101 et seq. as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the applicable zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing all site standards of the township. It is the intent to regulate site condominium projects in a manner consistent with a traditional subdivision plat, following the requirements of this section, this Ordinance, and the Subdivision Control Ordinance No. 88, as amended, and other township ordinances and policies except that the review procedures of this section shall apply.

5.14.2 *General requirements.*

The following regulations shall apply to all condominium projects:

- 1) *Condominium unit or site condominium lot.* For all purposes of this Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Delhi Charter Township Subdivision Control Ordinance No. 88, as amended, and shall comply with applicable regulations for the zoning district. The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan.
- 2) *Area computation.* Any area within a public or private street right-of-way, or any equivalent easement or dedication, shall not be included in the computation of the minimum area of a condominium lot, nor considered in determining the dwelling density for a site.
- 3) *Condominium units.*
 - a) *Single-family detached units:* In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
 - b) *Attached or multiple residential units:* All condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units into individual condominium units, shall conform with all requirements of this Ordinance and the applicable zoning district.
 - c) *Nonresidential condominium units:* A nonresidential condominium project consisting of either new building construction or the conversion of existing building(s) into individual condominium units, shall conform with all requirements of this Ordinance and the applicable zoning district.
- 4) *Setbacks.* Yard setback requirements for a structure on a condominium lot shall be as specified in the Setback Matrix, Appendix A of this Ordinance and shall be measured from the perimeter of the condominium lot to the nearest part of a structure.
- 5) *Utility connections.* Each site condominium unit shall be separately connected to available public water supply and sanitary sewer system unless the project is the conversion of an existing multifamily complex.

- 6) *Relocation of lot boundaries.* Relocation of condominium lot boundaries, if allowed in the condominium documents, as in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the Setback Appendix A of this Ordinance, and shall be subject to the review procedures specified in section 3.3 (Site Plan Review).
- 7) *Resulting lots.* Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the minimum requirements of the Setback Matrix of this Ordinance, or shall be placed into common areas within the project.
- 8) *Roads in condominium projects.* All condominium projects shall require direct access and direct connection to a public road from the project site. All public or private streets within a condominium project shall conform to the standards and specifications of this Ordinance and those established by Ingham County and/or Delhi Charter Township for road design and maintenance, and shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks or paved pedestrian paths, and all necessary utilities.

Note— It should be noted that the Setback Matrix, Appendix A of Ord. No. 39.105, adopted May 4, 2004, is not set out herein. It is on file and available for inspection in the township clerk's office.

5.14.3 Review requirements.

The following process and review procedures shall apply for all condominium projects:

- 1) *Pre-application condominium review (concept review)*—*Optional.* A developer of a condominium project may submit a conceptual condominium site plan for review by the director of community development, who may informally review the plan for general compliance with township requirements. Such review is intended to allow the developer to receive direction and recommendations from the township staff regarding unit or lot sizes, orientation, street layout, and other conceptual plan issues and to provide information to the developer regarding zoning ordinance requirements and township development policies and practices.
- 2) *Tentative preliminary condominium approval.* Each condominium project shall be subject to review and approval of a tentative preliminary condominium plan by the planning commission and the township board.
 - a) *Planning commission and township board review:* Based upon the design standards and requirements set forth in this Ordinance and other applicable township regulations, the planning commission and township board shall review and take action regarding a tentative preliminary condominium approval.
 - b) *Recommendation and action:* The planning commission shall recommend approval, approval with conditions or denial of the tentative preliminary condominium to the township board. The board shall approve, approve with conditions or deny the tentative preliminary condominium plan, the effect of which shall be as follows:
 - (1) *Approval:* The effect of an approval of the tentative preliminary condominium shall be that the lot sizes, orientation, street layout and other general requirements pertaining to the overall design of the development as proposed, generally comply with the requirements of this Ordinance and the Delhi Charter Township Subdivision Control Ordinance, No. 88.
 - (2) *Approval with conditions:* The effect of an approval of the tentative preliminary condominium plan with conditions shall be that the lot sizes, orientation, street layout and other general requirements pertaining to the overall design of the development as proposed, comply with the requirements of this Ordinance and the Delhi Charter Township Subdivision Control Ordinance, No. 88, provided that the conditions placed on the approval are fully met.
 - (3) *Denial:* The effect of denial of the tentative preliminary condominium plan is that the plan does not meet the requirements of this Ordinance and/or the Delhi Charter Township Subdivision Control Ordinance.

- 3) *Preliminary condominium approval.* The purpose of the preliminary condominium approval is to provide for the detail and approval of specific design elements of the proposed condominium project. This step includes the site plan review outlined in section 3.3.5 of this Ordinance.
- a) A preliminary condominium application shall be reviewed and acted upon in accordance with the review procedures and standards specified in section 3.3 (Site Plan Review Procedure).
 - b) Outside agency permits or approval: The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, and providing proof of said approvals to the director of community development, prior to receiving preliminary condominium approval.
 - c) Where the director of community development determines that the site design or proposed improvements shown on the preliminary condominium plans have been materially altered from that which was approved by the planning commission and township board as the tentative preliminary condominium, the changes may be considered a major revision and subject to a new review by the planning commission and the township board.
 - d) Planning commission review: Based upon the requirements of this Ordinance, the Delhi Charter Township Subdivision Control Ordinance and any other applicable regulations and/or Ordinances, the planning commission shall approve, approve with conditions or deny the preliminary condominium plan, the effect of which shall be as follows:
 - (1) *Approval or approval subject to conditions:* Approval of the preliminary condominium plan shall mean that the plan meets the requirements of this Ordinance and other applicable township regulations, subject to any conditions imposed by the planning commission as part of its motion of approval.
 - (2) *Denial:* A denial shall mean that the preliminary condominium plan does not meet the requirements of this Ordinance and/or other applicable township regulations. Any motion of denial shall specify the reasons for the denial and those requirements that are not met.
 - (3) *Expiration of approval:* A preliminary condominium approval shall be valid for a period of twenty-four (24) consecutive months from the date of planning commission approval. Upon written request from the applicant, one (1) extension of up to three hundred sixty-five (365) days may be granted if the approved preliminary condominium site plan adequately represents current conditions on and surrounding the site.
- 4) *Final preliminary condominium.* Prior to commencing construction of any improvements to the land, final preliminary condominium site plans shall be sent to the director of community development for administrative review and approval. Where the director of community development determines that the site design or proposed improvements shown on the final plans have been materially altered from that which was approved by the planning commission and township board as the preliminary condominium, the changes may be considered a major revision and subject to a new review by the planning commission and township board.
- 5) *Final condominium approval.* For condominium developments, final condominium approval shall be considered the equivalent of a final plat review, as specified in the Delhi Charter Township Subdivision Control Ordinance No. 88, as amended. Final condominium applications shall be prepared and submitted to the director of community development. The township board shall take action to approve, approve with conditions or deny the final condominium.
- a) *Master deed recorded:* The master deed must be recorded at the Ingham County Register of Deeds and a copy provided to the director of community development.
 - b) *Effects of approval:* Building permits for individual condominium units may be issued by the building official.
 - c) *Expiration of approval:* A final condominium approval shall be valid for a period of twenty-four (24) consecutive months from the date of approval. Upon written request from the applicant, the planning commission may grant one (1) extension of up to three hundred sixty-five (365) days on a plan, if the approved final condominium site

plan adequately represents current conditions on and surrounding the site.

5.14.4 Required plan information.

- 1) *Requirements for optional pre-application review.* If an optional information preliminary review is desired, the following pre-application information should be submitted to the director of community development.
 - a) *Proposed use(s).* The proposed use(s) of the condominium project (for example: Residential, commercial, industrial).
 - b) *Density.* The total acreage of the condominium site, acreage set aside for roads and parking areas, number of condominium units to be developed by type on the subject parcel and a residential density computation on a unit per acre basis.
 - c) *Circulation.* The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any street(s) for private ownership or dedication to the public.
 - d) *Road layout.* The location of all existing roads adjacent to the development with details on the connection of the project circulation system to the public system.
 - e) *Unit lot orientation.* The proposed layout of structures, unit lots, parking areas, open space and recreation/park areas.
 - f) *Natural features.* Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and other significant natural features such as tree stands, unusual slopes, streams and water drainage areas. Include the total acreage of all wetland areas and open space.
- 2) *Tentative preliminary condominium approval requirements.* A tentative preliminary condominium site plan shall be provided to the director of community development in advance of a planning commission meeting for which a review is scheduled. The following information shall be included with a tentative preliminary condominium site plan:
 - a) *Condominium site plan information:* All information required for a conceptual condominium site plan, as specified in subsections 5.14.5(1)(a—f) above. A minimum of one (1) printed eleven (11) inch × seventeen (17) inch copy of the tentative preliminary condominium site plan shall be submitted. Additionally, one (1) digital copy of the tentative preliminary condominium site plan shall be submitted in a file type specified by the director of community development.
 - b) *Common areas defined:* Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
 - c) *Condominium restrictions:* All deed restrictions or other regulations.
 - d) *Landscaping plan:* Proposed landscape screening, including greenbelt, berms, and screening walls, and a maintenance plan that is in compliance with this Ordinance.
- 3) *Preliminary condominium approval requirements.* Following approval of the tentative preliminary condominium by the planning commission and the township board, the preliminary condominium site plan may be submitted following the requirements outlined in section 3.3.5. Ten (10) full-size copies of the site plan shall be submitted, and five (5) additional courtesy copies are requested. One (1) digital copy of the tentative preliminary condominium site plan shall be submitted in a file type specified by the director of community development. Additionally, the following information shall be submitted:
 - a) *Ownership interest:* Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, option holder, lessee, or land contract vendee).
 - b) *Condominium site plan information:* All required information by section 3.3.5.
 - c) *Condominium documents:* Drafts of all condominium documents as defined in this Ordinance, including the

master deed and association bylaws. The township attorney shall review all condominium documents.

- d) *Condominium restrictions*: All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants that regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations. All items shall be physically incorporated as part of the site plan through detail sheets and notes attached to the final plan.
 - e) *Common areas defined*: Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
 - f) *Landscaping plan*: Proposed landscape screening, including greenbelt, berms, and screening walls, and a maintenance plan that is in compliance with this Ordinance.
 - g) *Additional information*: The following additional information shall be submitted for township review:
 - (1) Cross-sections of roads, drive aisles and paved area;
 - (2) All recorded easements for the use of land areas for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the provision of public utilities, including sewage, water and storm water run-off and which require the restoration and rehabilitation of the easement area after utility construction is completed.
 - h) *Outside agency approvals*: Written verification of all applicable state, county and other agency approvals or comments.
 - i) *Section 71 comments*: Presentation of any comments received as a result of the notice required pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended, MCL 559.171).
 - j) *Revised site plan*: A revised, dated, and sealed final preliminary condominium site plan shall be submitted incorporating all changes, if any, required by the preliminary condominium approval.
- 4) *Final condominium approval requirements*. Following planning commission approval of the preliminary condominium plan, the developer shall submit the following items to the director of community development to be forwarded to the township board for final approval. The following items must be completed:
- a) Provide a copy of the recorded master deed to community development department.
 - b) Written approval and action, if applicable, from all applicable departments, as identified by the director of community development, and agencies as specified in the Subdivision Control Ordinance No. 88 (Final Plat Requirements).
 - (1) Although it is preferred that public improvements (as listed in section 5.4 of Ord. No. 88) be installed and approved prior to the issuance of any building permits, the township board may, at its sole discretion, allow the developer to provide a financial guarantee for the completion of said improvements. If the township board approves the request by the Developer to accept a financial guarantee in lieu of the actual installation of public improvements, the developer shall provide an irrevocable letter of credit (IRLC). The IRLC shall be to the benefit of the township, in an amount specified by the township, for the purpose of guaranteeing performance of the township requirements and enabling the township to access the funds if necessary to complete the required improvements. The township can not require that other public agencies with approval authority to do the same.
 - (2) In the event that the township permits the use of the IRLC in lieu of the completion of required public improvements, final condominium approval may be granted by the township board.
 - (3) Once the township board has approved the final condominium, the community development department may issue building permits, subject to the following conditions:
 - (a) In the case of site condominiums no more than four (4) building permits will be issued. In the case of

attached condominium units, no more than thirty-two (32) building permits encompassing no more than a total of four (4) buildings will be issued. This provision allows either four (4) detached units or four (4) buildings with up eight (8) units per building to be constructed.

- (b) Certificates of occupancy for these units will not be granted until such time as all required public improvement is completed and approved by the appropriate entity.
- c) One (1) full-size set of the final condominium drawings.
- d) One (1), eleven (11) inch × seventeen (17) inch set of final condominium drawings.
- e) One (1) digital copy of the project site plan clearly showing unit lot lines and other area divisions, in a format that is acceptable to the township. The digital copy shall be as a file type specified by the director of community development.
- f) One (1) digital copy of the project sewer plan, in a format that is acceptable to the township. The digital copy shall be as a file type specified by the director of community development.

5.14.5 *Project standards.*

The following standards are applicable to condominiums:

- 1) *Underlying zoning requirements.* Condominium units shall be subject to all dimensional and area requirements and other design standards for the zoning district in which they are located, as specified in the Setback Matrix, Appendix A of this Ordinance. All dimensions and required information shall be clearly shown on the site plan so that the planning commission can determine that all applicable minimum requirements are met.
- 2) *Dimensions and setbacks.* The regulations shall be applied by requiring that the minimum area of the site condominium unit and the surrounding limited common element be, at least equal to the minimum lot area and lot width requirements as stated in the Setback Matrix, Appendix A of this Ordinance for the appropriate zoning district in which the project is located.
- 3) *Land division/subdivision requirements.* The substantive requirements for streets, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the Land Division Act (P.A. 288 of 1967, as amended, MCL 560.101 et seq.) and the Delhi Charter Township Subdivision Control Ordinance No. 88, as amended, apply to all site condominium projects.
- 4) *Conversion condominiums.* The conversion of an existing residential or non-residential development to condominium ownership shall be permitted and approved by the director of community development provided that there is no change proposed to the site as a result of the conversion that would require site plan review per section 3.3 of this Ordinance. If the conversion will create changes to the site that would require site plan review, then the provisions of section 3.3 must be satisfied prior to the conversion occurring.

Note— It should be noted that the Setback Matrix, Appendix A, as referenced above, is not set out herein, but is on file and available for inspection in the township clerk's office.

5.14.6 *Monuments.*

All site condominium projects shall be clearly marked with monuments as follows:

- 1) *Required.* Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- 2) *Construction.* All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

- 3) *Location.* Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.
- a. *Reference:* If the required location of a monument is inaccessible, or if 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.
 - b. *Steel rods:* If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - c. *Set at grade:* All required monuments should be placed flush with the surrounding grade where practicable.
- 4) *Condominium unit corners.* Each site condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other markers approved by the township engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.
- 5) *Timing.* The director of community development, upon recommendation of the township engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits with the township clerk cash or a certified check, or an irrevocable bank letter of credit in an amount recommended by the township engineer.

The period shall not exceed three hundred sixty-five (365) days after the date of condominium final site plan approval. Outstanding cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to a forfeiture of the cash or a certified check, or an irrevocable bank letter of credit and the completion of the placement under the direction of the director of community development.

5.14.7 *Post construction requirements.*

- 1) *Document submittals.*
 - a) It shall be the responsibility of a developer or proprietor of a condominium project to furnish the following items to the community development department:
 - (1) Two (2) copies of an "as built survey" sealed by a licensed design professional;
 - (2) One (1) copy of the final site plan sealed by a licensed design professional on a mylar sheet in a manner and format that is acceptable to the township.
 - b) The building official may withhold the issuing of any certificate of occupancy for any structure within the condominium project, if such documents have not been submitted within ten (10) days after written request from the building official to do so.
 - c) The developer shall also file, with the Ingham County Register of Deeds, all documents in a manner and format acceptable to the county for the recording of the plan and documents. Notification of page and liber shall be provided to the township.
- 2) *Plan revisions.* If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended, MCL 559.166)] is revised, the revised plan shall be submitted to the township for review and approval in accordance with the procedure specified in [section 3.3](#) (Revisions to Approved Site Plans).
- 3) *Amended documents.* An amendment to any condominium document that significantly impacts the approved site

plan, or any conditions of the condominium site plan approval, shall be forwarded by the director of community development for additional approval by the planning commission and/or the township board prior to the issuance of a building permit.

5.14.8 *Monuments required—All condominium projects.* All condominium projects shall be marked at their boundaries with monuments meeting the requirements of section 5.15.7(B) above.

5.14.9 *Compliance with federal, state and local law.* All condominium projects shall comply with federal and state statutes and local ordinances.

5.14.10 *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 freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.

5.14.11 *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.

5.14.12 *Single-family detached condominiums.* Single-family detached condominiums shall be subject to all requirements and standards of the applicable zoning district in which the development occurs, including minimum floor area requirements, except 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, except in the case of those developments within the R-1A zone districts where the maximum density shall not exceed 1.75 units per gross acre.

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-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-foot front yard, thirty-five-foot rear yard, four-foot side yard (least side), and total of two (2) side yards of fourteen (14) feet can be met.

5.14.13 *Setbacks.* Single family cluster housing condominiums shall be permitted upon issuance of a special use permit per article VIII, and subject to all requirements and standards of the applicable R-1B and R-1C Districts, including minimum floor area requirements. Minimum lot sizes shall not apply. Setbacks are as follows:

- 1) No cluster building in a condominium development may be located closer than one hundred (100) feet to the center of public road right-of-way of a primary road as designated by the Ingham County Road Commission.
- 2) A minimum of thirty-five (35) feet setback shall be established between any cluster building in a condominium development and public road right-of-way of secondary roads or streets.
- 3) No cluster dwelling unit shall be located closer than ten (10) feet to any private street or access drive.
- 4) The minimum distance between buildings within a cluster condominium development shall be twenty-five (25) feet.
- 5) No building in a cluster condominium development shall be closer than twenty-five (25) feet to any adjacent interior side or rear property line.

5.14.14 *[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 Ingham County Road Commission for roads within single-family residential subdivisions.

5.14.15 *[Site plan required.]* 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 (13) by sixteen (16) inches with an image not to exceed ten and one-half (10½) by fourteen (14) inches.

5.14.16 *Sidewalks in condominium developments.* Sidewalks shall be required along all public and private streets and roadways. Said sidewalks shall be constructed to Ingham County Road Commission standards and shall be no less than five (5) feet in width.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.63, 1-2-96; Ord. No. 39.81, §§ 2, 3, 2-2-99; Ord. No. 39.93, § 3, 3-7-00; Ord. No. 39.105, 5-4-04; Ord. No. 39.122, 3-7-06; Ord. No. 39.139, 6-5-07)

Section 5.15 - Industrial Warehouse District.

5.15.1 *Intent and purpose.* The warehouse district is designed to facilitate the development of warehouse, storage and office-related activities in a manner that enhances and is compatible with surrounding districts. This district severely limits and restricts industrial activities to a very general level of development that has minimal impact on bordering districts.

5.15.2 *Uses permitted.* The following are the principal uses permitted by right:

- 1) The warehouse and storage of general materials such as, but not limited to, building materials, contractors equipment, clothing, cotton, dry goods, feed, food, furniture, hardware, pipe, rubble, electrical, shop supplies, wood or similar product. All storage must be housed inside the building structure.
- 2) The following shall be the allowable accessory uses in this district:
 - a) Cafeterias, lunchrooms, meeting rooms, training facilities, day care facilities, recreation facilities and similar uses provided for the benefit of employees;
 - b) Accessory structures for the storage of motor vehicles, equipment, products or materials;
 - c) Accessory structures for the collection and temporary storage of waste materials;
 - d) Accessory structures for security personnel.
 - e) Office use which is incidental to any permitted use on that site.
 - f) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.15.3 *Uses authorized by special use permit.* The following uses may be permitted under special conditions and subject to special restrictions:

- 1) Above ground bulk storage of flammable liquids, liquid petroleum, gases and explosives and corrosives.
- 2) Storage of chemicals, insecticides, solvents and other related products.
- 3) Warehouse or storage of materials and equipment that are maintained outside of an enclosed structure.
- 4) Contractors' storage yard or open storage of junk.
- 5) Coal or building materials storage yard.
- 6) Radio and television towers.
- 7) Truck terminal facilities.
- 8) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 9) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy

system over twenty (20) meters high.

5.15.4 *Reserved.*

5.15.5 *Groundwater protection.* Any request for industrial rezoning is subject to the site plan review process and groundwater protection sections as provided in section 3.3.

5.15.6 *Use requirements.*

- 1) Activities in this district shall be carried on in completely enclosed buildings, except the loading and unloading of products from vehicles. Storage of materials, supplies or equipment may be permitted out-of-doors after issuance of a special use permit according to section VIII of this Ordinance. All outdoor storage shall be screened from public view by a solid wall or fence. This section shall not require the complete screening of vehicles, trailers or equipment which are currently licensed for over-the-road use.
- 2) Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Short intermittent noise peaks may be expected if they do not exceed normal traffic noise peaks at any point on the lot boundaries.
- 3) Uses in this district shall be such that they:
 - a) Emit no noxious, toxic or corrosive fumes or gases, except for those produced by internal combustion engines under design operating conditions or except as permitted by an approved Michigan Department of Natural Resources Air Quality Permit.
 - b) Emit no odorous gases or other odorous matter in such quantities as to be humanly perceptible at or beyond any point on the boundary of the use parcel, provided that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
 - c) Emit no smoke, other than that produced by normally operating heating equipment.
 - d) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing.
 - e) Produce no heat humanly perceptible at or beyond the lot boundaries.
 - f) Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.
 - g) Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
 - h) Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, or of any intensity that interferes with the lawful use of any other property.
 - i) Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such materials in production.

5.15.7 *Site development requirements.*

- 1) *Minimum lot area.* Must be two (2) acres unless said lot abuts an existing industrial zone.
- 2) *Minimum lot width.* Must be two hundred (200) feet.
- 3) *Maximum lot coverage.* Cannot exceed fifty (50) percent (including accessory buildings) of the lot size.
- 4) *Front yard setbacks.* Fifty-foot minimum. There shall be an additional foot of setback for every foot the building itself exceeds forty (40) feet in height.
- 5) *Side and rear yard:*
 - a) When side and rear yards abut residential or agricultural districts, no building shall be closer than fifty (50) feet. There shall be an additional foot of setback for every foot said building shall exceed forty (40) feet in height.

- b) When side and rear yards abut commercial no building shall be closer than fifty (50) feet.
 - c) When side and rear yards abut other industrial districts they shall be no closer than twenty (20) feet.
- 6) *Front, side and rear yard restrictions.* When a property line abuts a roadway, a building setback of no less than fifty (50) feet is required for the side of the property. Furthermore, a buffer strip not less than fifty (50) feet wide shall be developed along all property lines which face, abut or are adjacent to a residential district. This buffer strip shall be planted with trees and shrubs in accordance with the approved site plan for the lot. The buffer strip shall be graded with a berm at least five (5) feet above the highest ground elevation within twenty-five (25) feet of the buffer strip. The berm shall be continuous except for necessary access drives.
- 7) *Off-street parking.* Spaces shall be provided in accordance with the requirements specified in article VII, section 7.1. In addition to these requirements, sufficient parking space shall be provided to park all vehicles owned or leased by the occupant, including, but not limited to, passenger cars, trucks, tractors, trailers and similar vehicles.
- 8) *For all buildings constructed in this district which are not intended for a specific operation or use.* There shall be provided a number of off-street parking spaces adequate for the anticipated total number of employees at any one (1) time. A building permit may be issued only if an adequate number of off-street parking spaces will be provided on the lot in accordance with the requirements as specified in article VII, section 7.1, Off-Street Parking Requirements.
- 9) *Off-street loading/unloading.* Each use in this district shall provide off-street loading spaces as provided in section 7.2 of this Ordinance.
- 10) *Signs.* All signs shall conform to the requirements as provided in section 6.9 of this Ordinance.
- 11) *Fencing.* When a lot in an industrial district abuts a lot in a residential or commercial district, a solid fence no less than six (6) feet and no more than ten (10) feet in height shall be erected along all property lines which abut these residential or commercial areas.
- 1. In addition, fencing within the IW District shall conform to the following general requirements:
 - a. Fencing that is intended to provide security to a portion of the site, for example around a protected parking area or sensitive heating/cooling mechanical equipment outside the building, shall not exceed fourteen (14) feet in height. Security fencing within the Industrial Warehouse District may be topped with barbed wire or similar material in order to provide additional security.
 - b. All provisions of subsection 6.2.4(2)(d) shall also apply.
 - c. All provisions of subsection 6.2.4(3) shall also apply.
 - d. All provisions of subsection 6.2.4(4) shall also apply.
 - e. All provisions of subsection 6.2.4(6) shall also apply.
- 12) *Public utilities.* Public utilities must be available. Utilities include sanitary sewers, water supply and fire hydrants, storm drains and, if necessary, retention and disposal of solid refuse waste. All industrial sites must be served by public water and sanitary sewer.
- 13) *All season roads:* The requirements of section 6.1.8 must also be met.

5.15.8 *Voiding of permit.* Any building permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit. Before voidance is actually declared, the building inspector shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

5.15.9 *Supporting evidence required.* The purpose of this district is to allow land uses such as scientific and applied research facilities in areas that are wholly compatible with adjacent residential and commercial area. Uses in this district should be dedicated to the development and application of innovative technology and production techniques.

It is the further intent of this district to only allow uses that are compatible with and not potentially injurious to those areas of the township that are groundwater recharge areas.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.63, 1-2-96; Ord. No. 39.106, 1-18-05; Ord. No. 39.124, 3-7-06; Ord. No. 39.141, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.153, § I, 7-5-09; Ord. No. 39.155, § IX, 2-16-10)

Section 5.16 - Industrial Research District.

5.16.1 *Intent and purpose.* The purpose of this district is to allow land uses such as scientific and applied research facilities in areas that are wholly compatible with adjacent residential and commercial area. Uses in this district should be dedicated to the development and application of innovative technology and production techniques.

It is the further intent of this district to only allow uses that are compatible with and not potentially injurious to those areas of the township that are groundwater recharge areas.

5.16.2 *Uses permitted.* The following are the principal uses permitted by right:

- 1) Scientific and medical laboratories.
- 2) Engineering, testing or design facilities.
- 3) Other applied research facilities.
- 4) The following shall be the allowable accessory uses in this district:
 - a) Cafeterias, lunch rooms, meeting rooms, training facilities, day care facilities, recreation facilities and similar uses provided for the benefit of employees.
 - b) Accessory structures for the storage of motor vehicles, equipment, products or materials.
 - c) Accessory structures for the collection and temporary storage of waste materials.
 - d) Accessory structures for personnel.
 - e) Office use which is incidental to any permitted use on that site.
 - f) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.16.3 *Uses authorized by special use permit.* The following uses may be permitted under special conditions and may be subject to special restrictions:

- 1) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 2) The manufacture or production of prototypical products as may be minimally necessary for research and development purposes, provided such use occupies no more than twenty-five (25) percent of the total floor area of all principal buildings on the lot.
- 3) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

5.16.4 *Reserved.*

5.16.5 *Groundwater protection.* Any request for industrial rezoning is subject to the site plan review process as provided in section 3.3 of this Ordinance.

5.16.6 *Use requirements.* All activities within the Industrial Research District must meet use requirements as provided in section 5.15.6.

5.16.7 *Site development requirements.* Site development must meet requirements as provided in section 5.15.7.

5.16.8 *Voiding of permit.* Any building permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit. Before voidance is actually declared, the building inspector shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

5.16.9 *Supporting evidence required.* In all instances in which the building inspector and/or the building board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the building permit shall not be issued.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.106, 1-18-05; Ord. No. 39.141, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § IX, 2-16-10)

Section 5.17 - Industrial Assembling District.

5.17.1 *Intent and purpose.* The Industrial Assembling District is designed to permit industrial establishments that engage in processing, assembling and packaging as primary activities. This district permits activities allowed in both the Warehouse and Industrial/Research Districts but prohibits intensive industrial uses that are commonly found in a heavy industrial district. Heavy industrial manufacturing is generally defined as large scale operations that use basic raw materials to produce a finished product.

5.17.2 *Uses permitted.* The following are the principal uses permitted by right:

- 1) The light manufacturing of small products, assembling, packaging or treatment of such products as:
 - a) Baked goods, candy and food products.
 - b) Bottling products.
 - c) Hardware and cutlery.
 - d) Electrical and electronic machinery, components and supplies, radios, phonographs and television sets, electrical appliances, office computing and accounting machines.
 - e) Professional and scientific instruments, photographic and optical goods.
 - f) Musical instruments, toys, novelties, sporting and athletic goods, metal or rubber stamps, or other molded rubber products.
 - g) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - h) Manufacturing of pottery and ceramics.
- 2) The following shall be the allowable accessory uses in this district:
 - a) Cafeterias, lunch rooms, meeting rooms, training facilities, day care facilities, recreation facilities and similar uses provided for the benefit of employees.
 - b) Accessory structures for the storage of motor vehicles, equipment, products or materials.
 - c) Accessory structures for the collection and temporary storage of waste materials.
 - d) Accessory structures for security personnel.
 - e) Office use which is incidental to any permitted use on that site.
 - f) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.17.3 *Uses authorized by special use permit.* The following uses may be permitted under special conditions and may be subject to special restrictions:

- 1) Vehicle body repair shops.
- 2) Laboratories involving experimental film testing.
- 3) Public utility installations and buildings, including power fuel, communications and water treatment.
- 4) Facilities that use daily large quantities of hazardous materials. The following list of industries generally may store or generate large quantities of hazardous substances (this list is not all inclusive):
 - Users of pesticides;
 - Pesticide application services;
 - Chemical, paint and plastics manufacturing;
 - Commercial laundries and dry cleaner plants;
 - Furniture manufacturing and refinishing;
 - Printing;
 - Analytical and clinical laboratories;
 - Vehicle maintenance operations, including: Transportation/trucking, contractors/construction, automotive dealers, car rental, service stations/automotive repair;
 - Photographic development;
 - Equipment repair;
 - Junk yards;
 - Pulp and paper industry;
 - Wood preserving and treatment;
 - Metal manufacturing (including metal plating);
 - Other manufacturing (textiles, rubber, glass, etc.);
 - Commercial establishments with fleets of trucks and cars;
 - Government agencies with fleets of trucks and cars.
- 5) Animal day care (even when it is service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 6) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

The determination of whether an industry in this district requires regulation due to the use of hazardous substances and, therefore, requires a special use permit is the authority of the Delhi Planning Commission.

5.17.4 *Reserved.*

5.17.5 *Groundwater protection.* Any request for industrial rezoning is subject to the site plan review process as provided in sections as provided in section 3.3 of this Ordinance.

5.17.6 *Use requirements.* All activities within the Industrial Assembling District must meet use requirements as provided in section 5.15.6.

5.17.7 *Site development requirements.* Site development must meet the requirements specified in section 5.15.7.

5.17.8 *Voiding of permit.* Any building permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit. Before voidance is actually declared, the building inspector shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

5.17.9 *Supporting evidence required.* In all instances in which the building inspector and/or the building board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of their application. If such evidence is not presented, the building permit shall not be issued.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.106, 1-18-05; Ord. No. 39.141, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § IX, 2-16-10)

Section 5.18 - Industrial Manufacturing District.

5.18.1 *Intent and purpose.* This district is intended for intensive industrial uses but also permits assembly, warehouse and research activities, including service establishments which are not of a type generally requiring the customer to call at the place of business. The manufacturing district is designed to permit the manufacturing, processing or assembly of semi-finished and finished products from raw material as well as previously prepared material. It is also intended to prohibit residential uses and intensive retail enterprise as being incompatible with the primary industrial and related uses permitted. It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

It is the further intent of this district to only allow uses that are compatible with and not potentially injurious to those areas of the township that are groundwater recharge areas.

5.18.2 *Uses permitted:*

- 1) Any manufacturing or other industrial-type activity or related use, including alteration, cleaning, fabrication, finishing, machining, processing production, repair, servicing, testing, or treating of materials, goods or products.
- 2) All public utilities, including buildings, necessary structures, storage yards and other related uses.
- 3) Water supply and sewage disposal plants, water and gas tank holders and railroad transfer and storage tracks when accessory to a permitted use.
- 4) Vehicle body repair shops.
- 5) The following shall be the allowable accessory uses in this district:
 - a) Cafeterias, lunch rooms, meeting rooms, training facilities, day care facilities, recreation facilities and similar uses provided for the benefit of employees;
 - b) Accessory structures for the storage of motor vehicles, equipment, products or materials;
 - c) Accessory structures for the collection and temporary storage of waste materials;
 - d) Accessory structures for security personnel;

- e) Office use which is incidental to any permitted use on that site;
- f) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.18.3 *Uses authorized by special use permit:*

- 1) Salvage yards, provided the requirements as specified in subsection 8.6.3(2) of this Ordinance are met.
- 2) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 3) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

5.18.4 *Reserved.*

5.18.5 *Groundwater protection.* Any request for industrial rezoning is subject to the site plan review process as provided in section 3.3 of this Ordinance.

5.18.6 *Use requirements.* All activities within the Industrial Manufacturing District must meet use requirements as provided in section 5.15.6.

5.18.7 *Site development requirements.* Site development must meet requirements as provided in section 5.15.7.

5.18.8 *Voiding of permit.* Any building permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit. Before voidance is actually declared, the building inspector shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

5.18.9 *Supporting evidence required.* In all instances in which the building inspector and/or the building board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of their application. If such evidence is not presented, the building permit shall not be issued.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.106, 1-18-05; Ord. No. 39.141, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § IX, 2-16-10)

Section 5.19 - Industrial Park District.

5.19.1 *Intent and purpose.* The Industrial Park District is designed to accommodate a variety of industrial uses such as warehousing, assembling, heavy industrial, larger offices, scientific and applied research facilities, and uses dedicated to the development and application of innovative technology and production techniques. The nature, scale and function of such uses will be limited and regulated to ensure that they pose no significant or unusual risk to the public health, safety and welfare; generate a minimum of noise, heat, glare, odor, dust, vibration or other nuisances; emit no harmful radiation pollution of the air, water or the ground; and pose a minimum of traffic, fire or other safety hazards. The location of such uses will be limited to areas which are highly visible and accessible from major transportation facilities. The design and development of land and facilities in this district will be regulated to create a low-density, well-planned, park-like environment with architecturally attractive buildings and structures, large, well-landscaped yard areas and vistas, and screened parking, access and storage facilities. To achieve these objectives, the district requires the integrated planning of large tracts of land while permitting phased development to minimize disruptions and instability for existing residents.

5.19.2 *Uses permitted.* The following are the uses permitted by right:

- 1) Corporate headquarters, administrative offices or business or professional offices.
 - 2) Warehouses and storage of general materials as described in section 5.15.
- 3) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities described in section 5.16.
- 4) Assembling operations as described in section 5.17.
- 5) The following shall be the allowable accessory uses in this district:
 - a) Cafeterias, lunch rooms, meeting rooms, training facilities, day care facilities, recreation;
 - b) Accessory structures for the storage of motor vehicles, equipment, products or materials;
 - c) Accessory structures for the collection and temporary storage of waste materials;
 - d) Accessory structures for security personnel;
 - e) Office use which is incidental to any permitted use on that site.
- 6) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.19.3 *Uses authorized by special use permit.* The following uses may be permitted under special conditions and may be subject to special restrictions:

- 1) Warehouse and storage facilities described in section 5.15.3.
- 2) The manufacture or production of prototypical products as may be minimally necessary for research and development purposes, provided such use occupies no more than twenty-five (25) percent of the total floor area of all principal buildings on the lot as described in section 5.16.
- 3) Facilities for the assembly, treatment or packaging of finished or semi-finished parts or components from prefabricated parts or previously prepared materials as described in section 5.17.
- 4) Any manufacturing or other industrial type activity or related use, including alteration, cleaning, fabrication, finishing, machining, processing, production, repair, servicing, testing, or treating of materials, goods or products.
- 5) The retail sale of products or services produced or assembled on the property, together with related accessories or similar supporting goods or services, provided such use occupies no more than ten (10) percent of the total floor area of all principal buildings on the lot.
- 6) Animal day care (even when it is a service offered by another pet related business) and veterinary clinics with or without outdoor areas for housing or keeping animals approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 7) Anemometer tower over twenty (20) meters high, utility grid wind energy system, and/or on-site use wind energy system over twenty (20) meters high.

5.19.4 *Reserved.*

5.19.5 *Groundwater protection.* Any request for industrial rezoning is subject to the site plan review process as provided in section 3.3 of this Ordinance.

5.19.6 *Use requirements:*

- 1) Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors with a special use permit, but shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, which wall or fence shall in no case be lower than the enclosed storage. Such storage shall include the parking of licensed motor vehicles over one and one-half (1½) ton rated capacity.
- 2) Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of

the lot. Short intermittent noise peaks may be expected if they do not exceed normal traffic noise peaks at any point on the lot boundaries.

3) Uses in this district shall be such that they:

- a) Emit no noxious, toxic or corrosive fumes or gases except for those produced by internal combustion engines under design operating conditions or except as permitted by an approval Michigan Department of Natural Resources Air Quality Permit.
- b) Emit no odorous gases or other odorous matter in such quantities as to be humanly perceptible at or beyond any point on the boundary of the use parcel, provided that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
- c) Emit no smoke, other than that produced by normally operating heating equipment.
- d) Discharge into the air no dust or other particulate matter created by an industrial operation or emanating from any products stored prior to or subsequent to processing.
- e) Produce no heat humanly perceptible at or beyond the lot boundaries.
- f) Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.
- g) Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
- h) Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation or of any intensity that interferes with the lawful use of any other property.
- i) Produce or store no explosives or explosive material.

5.19.7 *Site development requirements.*

1) *Minimum lot area:*

- a) The industrial park in this district shall be at least thirty (30) contiguous acres in size. The park may consist of one (1) or more parcels under single ownership or owned separately but developed jointly according to a common park development plan or subdivision plan.
- b) The industrial park may be divided into individual development sites which are at least ten (10) acres in size with at least three hundred (300) feet of frontage on a public street. Each industrial development site may be developed as a separate phase of the park but in accordance with the overall park development plan or subdivision plan. One (1) or more principal buildings may be placed on a development site.
- c) The industrial park may also be further subdivided into individual building lots which are at least one (1) acre in size with at least one hundred (100) feet of frontage on a public street or private roadway.

2) *Minimum setbacks.* Must be fifty (50) feet from right-of-way or middle-of-road.

3) *Maximum lot coverage.* Cannot exceed fifty (50) percent (including accessory buildings) of the lot size.

4) *Front yard setbacks.* Fifty-foot minimum. There shall be an additional foot of setback for every foot the building itself exceeds forty (40) feet in height.

5) *Side and rear yard:*

- a) When side and rear yards abut residential districts no building shall be closer than fifty (50) feet. There shall be an additional foot of setback for every foot said building shall exceed forty (40) feet in height.
- b) When site and rear yards abut commercial no building shall be closer than fifty (50) feet.
- c) When side and rear yards abut other industrial districts, they shall be no closer than twenty (20) feet.

6) *Front, side and rear yard restrictions:*

- a) When property lines about a roadway, a building setback of no less than fifty (50) feet is required for that side of

the property.

- b) Furthermore, a buffer strip not less than fifty (50) feet wide shall be developed along all property lines which face, abut or are adjacent to a residential district. This buffer strip shall be planted with trees and shrubs in accordance with the approved site plan for the lot. The buffer strip shall be graded with a berm at least five (5) feet above the highest ground elevation within twenty-five (25) feet of the buffer strip. The berm shall be continuous except for necessary access drives.
- 7) *Off-street parking.* Spaces shall be provided in accordance with the requirements as provided in section 7.1 of this Ordinance. In addition to these requirements, sufficient parking space shall be provided to park all vehicles owned or leased by the occupant, including, but not limited to, passenger cars, trucks, tractors, trailers and similar vehicles. For all buildings constructed in this district which are not intended for a specific operation or use, there shall be provided a number of off-street parking spaces adequate for the anticipated total number of employees at any one (1) time. A building permit may be issued only if an adequate number of off-street parking spaces will be provided on the lot in accordance with the requirements as specified in section 7.1 of this Ordinance.
- 8) *Off-street loading/unloading.* Each use in this district shall provide off-street loading spaces as provided in section 7.2 of this Ordinance.
- 9) *Signs.* All signs shall conform to the requirements as provided in section 6.9 of this Ordinance.
- 10) *Fencing.* When a lot in an industrial district abuts a lot in a residential or commercial district, a solid fence no less than six (6) feet and no more than ten (10) feet in height shall be erected along all property lines which abut these residential or commercial areas.
 - a) In addition, fencing within the IP District shall conform to the following general requirements:
 - (1) Fencing that is intended to provide security to a portion of the site, for example, around a protected parking area or sensitive heating/cooling mechanical equipment outside the building, but not including fencing required by subsection 5.19.6(1), shall not exceed fourteen (14) feet in height. Security fencing within the Industrial Park District may be topped with barbed wire or similar material in order to provide additional security.
 - (2) All provisions of subsection 6.2.4(2)(d) shall also apply.
 - (3) All provisions of subsection 6.2.4(3) shall also apply.
 - (4) All provisions of subsection 6.2.4(4) shall also apply.
 - (5) All provisions of subsection 6.2.4(6) shall also apply.
- 11) *Public utilities.* Public utilities must be available. Utilities include sanitary sewers, water supply and fire hydrants, storm drains and, if necessary, retention and disposal of solid refuse waste. All industrial sites must be served by public water and sanitary sewer.
- 12) *All season roads:* The requirements of section 6.1.8 must also be met.

5.19.8 *Voiding of permit.* Any building permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit. Before voidance is actually declared, the building inspector shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

5.19.9 *Supporting evidence required.* In all instances in which the building inspector and/or the building board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of their application. If such evidence is not presented, the building permit shall not be issued.

(Ord. No. 39.53, 12-21-93; Ord. No. 39.55, 4-5-94; Ord. No. 39.106, 1-18-05; Ord. No. 39.124, 3-7-06; Ord. No. 39.141, 6-19-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.153, § II, 7-5-09; Ord. No. 39.155, § IX, 2-16-10)

Section 5.20. - RM-1 District: Multiple-family residential.

5.20.1 *Intent and purpose.* This district is provided to accommodate a mixture of housing types, to permit boarding and lodging homes under specified maximum capacities, and to serve the limited needs for garden apartments, townhouses, row houses or other group housing facilities similar in character and density.

5.20.2 *Uses permitted by right:*

- 1) Multiple-family dwellings.
- 2) Signs may be permitted as provided in article VI, section 6.9.

5.20.3 *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to conditions hereinafter imposed for each use:

- 1) *Group housing developments*, including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units, and other housing structures of similar character, subject to all the restrictions [set forth in this section].
- 2) *Temporary buildings*, in accordance with article V, section 5.2.3 and further, shall be removed before the issuance of any occupancy permit.
- 3) *Railroad right-of-way*, in accordance with article V, section 5.2.3.
- 4) *Golf courses and country clubs*, in accordance with article V, section 5.2.3; however, when built in conjunction with a multiple housing project, they shall be owned and operated by the owners of said multiple housing project of which they are a part. Swimming pools or community houses are counted as part of the required recreational area.
- 5) *Cemeteries*, in accordance with article V, section 5.2.3.

5.20.4 *Uses permitted by special use permit:* The following uses of land and structures may be permitted by special use permit upon the approval of the planning commission, provided all of the provisions of this Ordinance are met:

- 1) *Incorporated retirement centers*, including facilities for care and treatment of the convalescent and aged, provided such facilities are owned by the corporation and that such care is limited to members of the corporation.
 - a) Retirement centers shall be construed to mean an incorporated development whose primary purpose is to provide living facilities for retired persons who are members of the corporation.
 - b) Retirement centers shall not be operated on parcels of land of less than ten (10) acres in size.
- 2) *Commercial services*, in conjunction with a multiple housing project, provided that:
 - a) Commercial services shall be for the principal use of the tenants.
 - b) There shall be no direct access to the commercial service from any exterior (off-site) road.
 - c) The commercial service shall not be located on the absolute periphery of the multiple housing project.
 - d) There can be no external advertising displays or signs.
 - e) If the commercial service is contained in a separate structure the architecture shall be harmonious with the multiple-family structures.
- 3) *Lodging houses*, provided that not more than four (4) nontransient roomers are accommodated in one (1) dwelling and that said dwelling is occupied by a resident family.
- 4) *Boardinghouses*, provided that not more than four (4) nontransient persons are accommodated for the serving of meals.

- 5) *Mobile home park developments*, in accordance with article VIII, section 8.4.
- 6) *Anemometer tower* over twenty (20) meters high, and/or on-site use wind energy system over twenty (20) meters high.
- 7) *One (1) or more on-site use wind energy systems and/or anemometer tower*: Subject to the requirements of section 6.2.2.1.

5.20.5 *Site plan review procedure*: All multiple-family developments are subject to site plan review as specified in section 3.3 of this Ordinance.

5.20.6 *Dimensional requirements*: The following minimum and maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district:

- 1) *Minimum lot area*:
 - a) *For multiple-family dwellings*: Site of one (1) acre or less, a maximum density of five thousand (5,000) square feet of land for each dwelling unit. Sites having over one (1) acre of land, a maximum density of three thousand six hundred (3,600) square feet of land for each dwelling unit.
 - b) *For lodging or boardinghouses*: Six thousand six hundred (6,600) square feet for each dwelling unit, plus five hundred (500) square feet for each nontransient person accommodated.
- 2) *Building location*:
 - a) For multiple-family dwellings: For buildings up to thirty-five (35) feet in height, no building shall be closer than thirty-five (35) feet to any street right-of-way; thirty-five (35) feet to any rear property line; twenty (20) feet to an interior side property line. For each one (1) foot of building height above thirty-five (35) feet, one (1) foot shall be added to the required front, side and rear yards.
 - b) No building in a multiple housing development may be located closer than one hundred (100) feet to the center of the road right-of-way of an arterial street (primary road) as designed in the Comprehensive Development Plan of Delhi Charter Township, or by the Delhi Township Planning Commission.
 - c) The minimum distance between buildings shall be twenty-five (25) feet for buildings of one (1) story in height. This distance shall be increased by not less than five (5) feet for each story added.
 - d) No building shall be located closer to any private street or access drive than ten (10) feet.
 - e) No building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty (20) feet.
- 3) *Maximum building height*:
 - a) *For multiple-family dwellings*: Three (3) stories, but not exceeding forty (40) feet. Accessory buildings shall not exceed a height of fifteen (15) feet. No space below grade level shall be used for dwelling purposes except as follows:
 - (1) When the finished floor grade of the space below grade level is no more than four (4) feet below the finished outside ground level at any point on the periphery of that part of the structure enclosing the below grade dwelling space.
 - (2) On sloping sites, the finished grade of the space below grade level is above finished outside ground level for at least the length of one (1) wall. In the same instance, such dwelling spaces shall have either adequate through or cross ventilation.
 - b) *For lodging or boardinghouses*: Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.

4) *Minimum dwelling floor area:*

- a) A minimum dwelling unit floor area does not include common hallways, common storage areas and service areas.
- b) *Efficiency unit:* Shall have a minimum of five hundred fifty (550) square feet of floor area, but only ten (10) percent of the total number of completed units may be efficiency units. These units may be in one (1) building or distributed uniformly throughout the various buildings in the development.
- c) *One-bedroom unit:* Shall have a minimum of seven hundred (700) square feet of floor area. Each one-bedroom unit shall consist of a minimum of a living room, kitchen, or a combined living room, kitchenette and bedroom.
- d) *First additional room:* The dwelling unit shall be increased by one hundred twenty (120) square feet.
- e) For each additional room thereafter, the dwelling unit shall be increased by two hundred (200) square feet.

5) *Minimum lot width:*

- a) Minimum lot width for buildings: One hundred thirty-two (132) feet along the street on which the lot principally fronts, except that in the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted; provided, that the lot width at the building line is no less than one hundred thirty-two (132) feet.
- b) Minimum lot width for private drive: Sixty-six (66) feet along the street into which the private drive will exit; provided, that no building construction may take place within such sixty-six (66) feet width.

5.20.7 *General standards.*

- 1) *Location:* In order to facilitate orderly growth and prevent overburdening of public highways, all roadways which provide direct traffic egress to multiple-family developments must be approved in advance by the Ingham County Road Commission.
- 2) *Automobile parking:*
 - a) Developments of twelve (12) units or less, two and one-half (2½) parking spaces shall be required for each unit.
 - b) Parking areas on-sites of five (5) acres or less shall be behind the front building line.
 - c) Parking areas shall not be closer than ten (10) feet from an adjacent residential zone.
 - d) Carports: Parking for multiple-family developments may be contained within carports.
 - e) In developments of thirteen (13) units or more, off-street parking spaces shall be provided as specified in article VII, section 7.1.
 - f) All parking spaces shall be a minimum of two hundred (200) square feet in area or ten (10) by twenty (20) feet.
- 3) *Curb and gutters:* Must be provided for all drives and at the perimeter of all parking areas.
- 4) *Sidewalks:* Shall be required on all public and private streets at a minimum of four (4) feet wide. If the curb is being used for a sidewalk, the width must be increased to five (5) feet in width.
- 5) *Fencing:* Multiple develop sites must be fenced on all property lines not fronting on a street by a fence with a minimum height of four (4) feet, except the first twenty (20) feet abutting a road right-of-way shall be three (3) feet in height. The type of fencing shall be approved by the township. The type, material and location must be designated on the site plan.
- 6) *Private streets:* Private streets or private access drives may be permitted within group housing developments; provided, that the following minimum requirements are met:
 - a) All streets, roadways, or private access drives will be paved to a minimum width of twenty (20) feet when parking is prohibited. Additional widths for streets may be required by the township planning commission based upon the particular density and building relationship proposals of the proposed multiple development.

- b) No dead-end street or roadway shall serve more than one hundred (100) dwelling units as a means of vehicular access.
 - c) Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of fifty (50) feet shall be required for all turn-arounds; an additional width may be required by the township planning commission after consideration of the vehicular needs of a particular multiple housing development proposal.
 - d) Satisfactory arrangements have been made with the township planning commission regarding the maintenance and repair of streets, roadways or access drives.
- 7) *Open space*: A minimum open space area, exclusive of parking areas and drives, equivalent to the total area of dwelling units, shall be maintained properly and cared for.
- 8) *Recreation area*: One hundred (100) square feet per bedroom but no less in area than one thousand two hundred (1,200) square feet shall be developed and maintained for recreational use. Where applicable the following shall be included:
- a) Play courts, such as sandplay, swinging, climbing, sliding and jumping.
 - b) Community recreational facilities, such as field games (softball, etc.) court games (basketball, tennis, etc.) and swimming pool.
 - c) Picnic areas including picnic tables, grills, etc.
- 9) *Landscaping*: Acceptable landscaping shall be provided in open spaces, around buildings and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the township. Said performance bond shall be forfeited if landscaping has not been completed one (1) year after an occupancy permit has been issued for said building.
- a) In addition to any landscaping required in any particular district, all parking areas of twenty-five (25) or more vehicles shall be landscaped. Such landscaping shall be accomplished throughout the parking areas on the basis of two hundred (200) square feet of grass and planted area (including trees) for each twenty-five (25) parking spaces. All landscaping shall be adequately maintained in a healthy condition.
 - b) When deemed necessary by the planning commission, in order to protect surrounding properties, appropriate screening of plant materials, wood or brick, approved by the planning commission, may be required.
- 10) *Utility service*: Electric and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- 11) *Solid waste disposal*: A satisfactory solid waste disposal system shall be designed in accordance with the following, article VI, section 6.1.6, and approved with the site plan.
- a) *Solid waste dumpsters*: Trash dumpsters shall be located throughout the development to facilitate the temporary collection of trash. All dumpsters shall be easily accessible to the dwelling units served. Dumpsters shall be covered and screened from public view with a solid screen constructed on four (4) sides.
 - b) *Solid waste compactors*: Trash compactors, if used, shall be placed in easily accessible locations in the development.
 - c) *Individual solid waste containers* are prohibited.
 - d) *Litter*: Litter shall be collected regularly and the grounds shall be kept neat and orderly in appearance.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.56, 8-9-94; Ord. No. 39.80, §§ 1, 2, 2-2-99; Ord. No. 39.92, § 3, 2-1-00; Ord. No. 39.101, § 3, 11-4-03; Ord. No. 39.107, 1-18-05; Ord. No. 39.124, 3-7-06; Ord. No. 39.143, 11-20-07; Ord. No. 39.155, § X, 2-16-10)

5.21.1 *Intent and purpose.* This district is intended to preserve, enhance and stabilize existing areas within the township which are presently used predominately for general farming and areas which, because of their soil characteristics and natural flora, should be conserved for agricultural use. In addition, premature urban development within rural areas can result in increased public costs because of the necessity of serving scattered urban developments with water, sewer, schools, roadways and other public services. It is, therefore, the purpose of this district to promote the orderly and harmonious development of the township by preserving predominately rural lands from premature urban development and to preserve the essential characteristics and economic value of this district as agricultural lands.

To achieve these objectives, permitted uses within this district are limited to agricultural and low-density rural residential use, together with such limited community facilities as schools, churches and public open spaces.

5.21.2 *Uses permitted by right:*

- 1) Single-family dwelling.
- 2) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises, along with accessory uses incidental to the above.
- 3) Raising and keeping of small animals, such as poultry, rabbits and goats.
- 4) Raising and keeping of livestock such as cattle, hogs, horses and ponies may be conducted on parcels of less than ten (10) acres; provided, however, that such parcel contains at least one hundred sixty (160) feet of width at its narrowest point and is a minimum of two hundred fifty (250) feet in depth, and provided also that all such keeping and raising shall be for the use and consumption by the occupants of the premises.
- 5) General and specialized farms including the raising and keeping for profit of cattle, hogs, horses, ponies, sheep and similar livestock upon a parcel having an area of not less than ten (10) acres.
- 6) Public and private conservation areas and structures for the conservation of water, soil, open space, forest and wildlife resources.
- 7) Public areas, such as forest preserves, game refuges, forest type recreation parks and similar public uses of low-intensity character.

5.21.3 *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- 1) *Cemeteries, public or private*, subject to the conditions specified for R-1A Districts, One-family rural residential, article V, section 5.2.3.
- 2) *Roadside stands* selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the rate of one (1) parking space for each fifteen (15) square feet of roadside stand floor area and provided further that all of the requirements for accessory buildings contained in article VI, [section 6.2](#) shall be met.
- 3) *Railroad right-of-way*, as specified for R-1A Districts, One-family rural residential, article V, section 5.2.3.
- 4) *Supplementary uses:* Customary accessory uses and buildings incidental to the permitted principal use of a premises. The following accessory uses may be permitted under the conditions stipulated:
 - a) The killing and dressing of poultry and animals produced upon the premises.
 - b) All signs shall conform to the requirements of article VI, section 6.2.3, "Supplementary Use Regulations".
 - c) One (1) or more on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.
- 5) *Duplexes*, subject to the following conditions, which conditions shall be in addition to those contained in section 5.21.5 and controlling if in conflict with those contained in section 5.21.5:

- a) *Minimum dwelling floor area at first or main floor level:* One thousand seven hundred (1,700) square feet for single-story duplexes and eight hundred eighty-four (884) square feet for all duplexes above one (1) story, exclusive of any garage, porch or breezeway.
- b) *Minimum living space per duplex unit:* Each living unit in a duplex shall have a minimum living space of seven hundred (700) square feet.
- c) *Parking spaces:* Each unit shall be provided with a minimum of two (2) parking spaces. Such spaces may be in a garage with access provided by a hard-surface drive or on a hard-surface parking area located behind the front building line, such area being reached by a hard-surface drive.
- 6) *Funeral homes:* Subject to section 8.2.4 site development requirements for institutions.

5.21.4 *Uses authorized by special use permit.* The following uses of land and structures may be permitted in any agricultural district by the application for and the issuance of a special use permit when all the procedural requirements specified in article VIII, section 8.1, "Uses Authorized by Special Use Permit: General Standards and Requirements", are satisfied, together with any applicable requirements as outlined in the particular article and sections cited:

- 1) Public recreation and playgrounds.
- 2) Greenhouses and nurseries selling at retail on the premises.
- 3) Riding stables and livestock auction yards.
- 4) Raising of fur-bearing animals for profit.
- 5) Game or hunting preserves operated for profit.
- 6) Veterinary hospitals and clinics with or without outdoor areas for housing or keeping animals, kennels and animal day care, approval conditions in section 5.9.4.
 - a) No more than sixty (60) dogs are permitted.
- 7) Seasonal labor housing complexes associated with agricultural enterprises.
- 8) Sawmills.
- 9) Sod farms.
- 10) Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products.
- 11) Private noncommercial recreation areas: Private, nonprofit swimming pool clubs, community recreation centers or other noncommercial recreation activities.
- 12) Golf courses and country clubs: Other than golf driving ranges and miniature golf courses, subject to the conditions specified in article V, subsection 5.2.3 (3).
- 13) Institutions for human care: Religious institutions; educational and social institutions; refer to article VIII, section 8.2.
- 14) Public buildings and public service installations: Refer to article VIII, section 8.2.
- 15) Sand or gravel pits, quarries, incinerators, sanitary fills, salvage yards, public or semi-private sewage treatment and disposal installations: Refer to article VIII, section 8.6, "Miscellaneous Special Uses".
- 16) Special open space uses: Public beaches, bath houses, private resorts, recreational camps and other open space uses operated for profit: Refer to article VIII, section 8.6, "Miscellaneous Special Uses".
- 17) Underground housing:
 - a) *Definition:* "Underground housing" shall be defined as a building specifically designed as a permanent dwelling or dwellings with the principal portion thereof located below ground and with the roof covered by a minimum of two (2) feet of earth.
 - b) *Site development requirements:* A special use permit may be issued for the erection of a structure if there has been compliance with the following site development requirements:

- (1) All plans presented are signed and sealed by a registered professional engineer or architect.
- (2) Adequate storm drainage is provided and approved by the Ingham County Drain Commission.

18) Auction barns.

19) Contractor's offices: Provided there is no retail business on the site and equipment is kept within a building.

20) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high.

5.21.5 *Dimensional requirements.* The following minimum dimensions shall be required for every structure and land use in this district:

- 1) *Minimum lot area.* Each dwelling shall be located upon a lot having an area of not less than forty thousand (40,000) square feet. An agricultural operation which includes the raising and keeping of livestock for profit shall be located upon a lot having an area of not less than ten (10) acres.
- 2) *Minimum lot width:* One hundred sixty (160) feet along the street upon which the lot principally fronts, except as follows:
 - a) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is no less than one hundred sixty (160) feet. Refer to article VI, section 6.3 for permitted exceptions to lot widths.
- 3) *Minimum yard requirements:*
 - a) *Front:* Thirty-five (35) feet.
 - b) *Side yards:* Sixteen (16) feet, except in the case of a corner lot where the side yard on the street side shall not be less than thirty-five (35) feet.
 - c) *Rear yard:* Thirty-five (35) feet.
 - d) *Minimum setbacks for accessory buildings:* All accessory buildings shall meet the requirements of section 6.4.4.
- 4) *Maximum building height:* Two and one-half (2½) stories or thirty-five (35) feet for residential structures.
- 5) *Minimum dwelling floor area:*
 - a) One thousand ninety-two (1,092) square feet for single-story residences.
 - b) One thousand five hundred forty-eight (1,548) square feet for two-story residences.
 - c) One thousand three hundred forty (1,340) square feet for multi-story residences.
All of the above exclusive of any attached porch or breezeway.
 - d) In the event there is an attached garage, the minimum requirement in b) and c) above may be reduced as follows:
 - (1) Not less than one thousand two hundred forty-eight (1,248) square feet for two-story residences.
 - (2) Not less than one thousand forty (1,040) square feet for multi-story residences.

5.21.6 *Driveway standards for A-1 District.* The following minimum standards shall be required for every driveway that provides access to a structure within this district. The term "driveway", as used in this section, shall mean that portion of the property utilized to provide a means of ingress and egress to a lot or parcel within the township to and from a public roadway for use by motor vehicles. "Driveway" shall not include a private road as defined by this Ordinance.

1. Permits for construction of driveway: All persons constructing or contracting for the construction of a driveway within Delhi Charter Township shall obtain a driveway permit from the Ingham County Board of Road Commissioners (the "road commission") prior to commencement of construction.
2. Plans submitted pursuant to subsection 3.1.2(2) of this Ordinance shall be reviewed by the Delhi Charter Township

Fire Chief, or his/her designee, prior to issuance of a building permit. The purpose of this review shall be to provide an opportunity for the fire chief to review the proposed site layout and provide information to the property owner regarding the fire department's ability to provide emergency services to the structure(s) based on the site design proposed. Additionally, the fire chief may make recommendations regarding the site development that will permit access or improve access to the site in the event of an emergency. Recommendations will be made in writing to the owner prior to the issuance of a building permit. Any changes to the site design will require that a revised plot plan or drawing be submitted to the director of community development prior to approval of the building permit. Fire chief recommendations that are not complied with by the property owner shall be documented in writing by the fire chief and attached as a permanent part of any future certificate of occupancy that may be issued for the structure(s). If the property owner opts not to comply with the recommendations made as a result of this review the fire department and other emergency service providers may not be able to provide emergency services to the property.

3. Refer to section 6.1.2.1, which also applies.

(Ord. No. 39.63, 1-2-96; Ord. No. 39.106, 1-18-05; Ord. No. 39.111, 5-4-05; Ord. No. 39.119, 2-7-06; Ord. No. 39.123, 3-7-06; Ord. No. 39.144, 11-20-07; Ord. No. 39.145, 11-20-07; Ord. No. 39.155, § XI, 2-16-10; Ord. No. 39.163, § I, 5-6-14)

Section 5.22. - PP District: Public Property.

5.22.1. *Intent and purpose:* The intent of the PP Public Property District is to provide a district wherein community services and facilities may be optimally located with respect to providing public service within the township.

5.22.2. *Uses permitted by right:* The following are permitted principal uses in the PP District:

- 1) Buildings housing governmental functions of the township, county or state.
- 2) Schools owned and operated by Michigan Public School Districts or public universities, municipal buildings, libraries, fire stations, police stations, department of public works buildings and storage yards, wells, cemeteries, off-street parking facilities, water towers, auditoriums and essential services.
- 3) Parks, playgrounds, play fields, indoor and outdoor stadiums and theaters, floodplains, lakes and rivers.
- 4) Public swimming pool or swimming beach/area.
- 5) Publicly owned or operated off-street parking in connection with the uses permitted herein.
- 6) Municipal golf courses.
- 7) Any use of a building or land similar in character to those specified above.
- 8) Uses, buildings and structures customarily incidental to the above permitted uses.

5.22.2.1 *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions stated:

- 1) One (1) on-site use wind energy systems and/or anemometer tower: Subject to the requirements of section 6.2.2.1.

5.22.3. *Uses authorized by special use permit.*

- 1) Ancillary commercial facilities on public property, such as snack bars, pro shops, and carnival attractions. Such uses shall be subject to lease conditions arranged by the township.
- 2) Anemometer tower over twenty (20) meters high, utility grid wind energy system and/or on-site use wind energy system over twenty (20) meters high and/or more than one (1) on-site use wind energy system and/or anemometer tower.

5.22.4. *Site development requirements.*

- 1) Minimum lot area: Ten thousand (10,000) square feet.
- 2) Minimum lot width: Eighty (80) feet.
- 3) Yards:
 - a) Yard requirements for buildings and structures within this district shall be compatible with abutting land uses. The intent is for public facilities and uses as described in this section to develop harmoniously within the existing pattern of development in the immediate area. The following minimums shall apply, but additional setback may be required if it is deemed necessary by the director of community development or planning commission during site plan review pursuant to section 3.3.3 to achieve the intent stated above:
 - i) Front yard: Ten (10) feet minimum.
 - ii) Side yard: Ten (10) feet minimum.
 - iii) Rear yard: Twenty (20) feet minimum.
- 4) Maximum building height: Two and one-half (2½) stories or thirty-five (35) feet.
- 5) No use in this district shall produce any unreasonable noise that is not incidental to and reasonably expected to be associated with the permitted use. No use in this district shall produce any objectionable odor, smoke, fumes, heat, glare or vibration that is reasonably perceptible beyond its lot lines, except for public facilities that function for the treatment of sewage, water or other public waste, or the generation of electrical power with a wind energy system or the collection of materials for recycling. This section shall not be construed to prohibit activities and noise associated with sporting, concerts, moving pictures or ceremonial events.
- 6) Signs may be permitted as provided in article VI, section 6.9.
- 7) Off-street parking and loading requirements shall be as specified in article VII, sections 7.1 and 7.2.
- 8) Landscaping, screening and buffering shall be as specified in article VI, section 6.10. The planning commission, at its discretion, may waive all or a portion of the buffering requirements based upon the relative difference in the zoning and use of property adjacent to the public property district.
- 9) No lighting shall have a source of illumination visible outside the property lines of the parcel or lot and shall in no way impair safe movement of traffic on any street or highway. All lighting shall be directed away from adjoining properties. Lighting shall comply with section 5.1.16.
- 10) Fencing: Fencing may be installed on public property without limitation as to placement, height or construction material provided that it is intended to provide security for public property or provide necessary screening or separation of uses that are permitted within the PP District from adjacent uses.

(Ord. No. 39.95, § 2, 7-18-00; Ord. No. 39.100, § 1, 8-8-02; Ord. No. 39.124, 3-7-06; Ord. No. 39.128, 6-5-07; Ord. No. 39.150, 10-7-08; Ord. No. 39.155, § XII, 2-16-10)

Section 5.23. - PD District: Planned development.

5.23.1 *Intent and statement of purpose.* It is the intent of this section to permit planned development for the purposes of:

- Achieving a higher quality of development than would otherwise be achieved without the modifications allowed by this section.
- Allowing for innovation in land use planning and development.
- Ensuring compatibility of design and function between neighboring properties.
- Encouraging development that is consistent with the goals stated within the township's comprehensive development plan or other adopted plans.

- Protecting and preserving natural resources, natural features, open space, and/or historical or significant architectural features.
- Eliminating or reducing the degree of existing nonconforming uses or structures.

The planned development process shall not be used for circumventing the more specific standards in the Zoning Ordinance, or the planning upon which the standards are based. Rather, these provisions are intended to result in a development that is substantially consistent with the zoning standards as generally applied to the proposed uses, but allowing specific modifications to the zoning standards that, in the sole judgment of the township, assure a superior quality of development. If this improved quality is not clearly apparent upon township review, a site shall not qualify for the modifications allowable under this section.

5.23.2 Planning commission finding required. In order to qualify for any modifications to the zoning standards as allowed by this section, a proposed planned development shall be subject to a finding by the planning commission that the proposed development results in a recognizable and substantial benefit both to the community and to the ultimate users of the site.

No consideration in the approval process shall be given to economic factors. Economic factors shall not justify the granting of a modification that would otherwise meet all Zoning Ordinance standards. The recognizable benefits must relate to increased quality of a development and quality of life in the township.

A recognizable and substantial benefit is defined as follows: A clear benefit, both to the ultimate users of the property in question and to the community, that would reasonably be expected to accrue, taking into consideration the foreseeable detriments of the proposed development and uses. Such benefit must include one (1) or more of the following:

- Long-term protection or preservation of natural resources and natural features;
- Creation of a significant amount of contiguous permanent open space;
- An elimination or significant reduction in the degree of nonconformity to the Zoning Ordinance of existing use(s) or structure(s).
- Implementation of the township comprehensive development plan or other formally adopted plan(s).

5.23.3 Eligibility criteria. To be eligible for planned development approval, the applicant must demonstrate that each of the following criteria will be met:

- 1) *Minimum frontage.* The planned development shall have minimum frontage of two hundred (200) feet along a public street.
- 2) *Availability and capacity of public services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
- 3) *Compatibility with the comprehensive development plan.* The proposed development shall not have an adverse impact on future development with the township as proposed in the comprehensive development plan of the township or any other adopted plan(s) of the township.
- 4) *Compatibility with the planned development intent.* The proposed development shall be consistent with the intent and spirit of all township regulations.
- 5) *Development impact.* The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
- 6) *Unified control of property.* The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the entire project in conformity with the approved site plan. This provision shall not prohibit a transfer of the unified ownership or control, provided that notice of such transfer is provided to the township clerk.

5.23.4 *Planned development design standards.* Proposed planned developments shall comply with each of the following site design standards:

- 1) *Location.* A planned development may be approved in any zoning district in the township, subject to the restrictions stated in section 5.23.3 and required findings, review and approval.
- 2) *Permitted uses.* Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that public health, safety, and welfare are not impaired.
- 3) *Applicable base regulations.* Unless specifically waived or modified (in accordance with section 5.23.4 below), the yard, bulk, dimensional, parking, loading, landscaping, lighting, and other standards for the districts listed below shall apply for uses proposed as a part of a planned development:
 - a) All single family residential uses shall comply with the regulations applicable in the R-1A, One-Family Rural Residential District.
 - b) Multiple family residential uses shall comply with the regulations applicable in the RM, Multiple Family District with a residential density not exceeding six (6) dwelling units per acre.
 - c) All retail commercial uses shall comply with the regulations applicable in the C-2, General Business District.
 - d) All office uses shall comply with the regulations applicable in the C-1, Low Impact Commercial District.
 - e) Industrial uses shall comply with the regulations in the IR, Industrial Research District.
 - f) Mixed uses shall comply with the regulations applicable for each individual use, as outlined above. If regulations are inconsistent, the regulations applicable to the most dominant use shall apply.
- 4) *Regulatory flexibility.* To encourage flexibility and creativity consistent with the planned development concept, departures from the regulations of the township Zoning Ordinance, may be permitted, by specific action of the township board following a recommendation of the planning commission after public hearing. The modified requirements become the development standards for the specific proposed planned development site and establish the site as a unique zoning district. For example, such departures may include modifications to:
 - Lot dimensional and area standards;
 - Floor area standards;
 - Setback requirements;
 - Height, parking, loading, and landscaping requirements; and
 - Similar bulk and dimensional requirements.

Such departures may be permitted only if they will result in a higher quality of development than would be possible without the modifications and shall be clearly stated in all plans and documents as a condition of the final township approval.

- 5) *Parallel plan.* The applicant shall prepare, and present to the planning commission for review, a detailed parallel design plan for the site. A parallel plan shall represent an approvable design incorporating all of the township's adopted development standards. This plan shall include all information as required by the procedures stated in section 3.3.
 - a) Single family district parallel plan. The number of dwelling units allowable within a planned development site that encompasses any land area previously zoned for residential purpose shall be determined in the following manner:

For single family residential zoning districts the parallel plan shall comply with state and township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended, and the township subdivision control regulations. Nonresidential projects will comply with normal site plan submittals. The planning commission shall review the design and, based upon typical review criteria, determine the maximum number of dwelling units that could be feasibly constructed following the parallel design. This number, as approved by the planning commission, shall become the maximum number of dwelling units allowable within the planned development site. The applicant may then submit a site plan seeking modifications consistent with the intent of section 5.23.1.

For multi-family residential zoning district, a parallel plan shall be submitted that complies with standards for the RM district based upon a density of six (6) units per acre. If the applicant requests more than six (6) units per acre, a second plan may be presented for an increased density. The planning commission shall review the design of all plans submitted and, based upon typical review criteria, determine the maximum number of dwelling units that could be feasibly constructed on the site. A total number of units, as approved by the planning commission, shall become the maximum number of dwelling units allowable within the planned development site.

- b) Nonresidential planned developments shall submit plans that comply with normal site design standards. The planning commission shall determine the appropriate intensity of development for the site. The planned development shall not exceed the intensity of the parallel plan.
 - c) For mixed use planned developments, a parallel plan shall be submitted for each existing zoning district encompassing the site. The allowable number of dwelling units and the overall intensity of development for the planned development shall be determined by the planning commission using sub-sections a) and b) immediately above.
- 6) *Permitted mix of uses.* Where the previously existing zoning district is residential, nonresidential uses, may be permitted in a planned development, provided that the applicant demonstrates that the residential uses will be the predominant use. The planning commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses:
- Amount of traffic generated;
 - Hours of operation or use;
 - Noise, odors, and overall impact on adjoining uses;
 - Land area allocated to each use; and,
 - Building area allocated to each use.
- 7) *Residential open space requirements.*
- a) Twenty-five (25) percent of the gross area of the site as dedicated open space held in common or public ownership as required in section 5.23.4.7.f. Except as noted in section 5.23.4.7.e. any undeveloped land area within the boundaries of the site may be included as required open space.
 - b) Within a planned development that includes any residential land use, any and all land area that is not devoted to one of the following:
 - A residential platted lot,
 - A condominium unit
 - A building envelope,
 - An accessory use,

- A vehicle accessway, vehicle parking, a roadway, or
 - A land improvement specifically approved by the planning commission on a site plan, shall be set aside as common land for recreation, conservation, agricultural uses, or designated to be preserved in an undeveloped state.
- c) The land area of dedicated common open space in a planned development that includes any residential land use shall equal or exceed the aggregate land area by which any and all individual dwelling unit lots are reduced below the required minimum zoning lot area as required for the previously existing zoning district as stated in the setback matrix.
- d) Planned developments containing a residential component shall provide and maintain a minimum amount of dedicated common open space at the ratio of twelve hundred (1200) square feet of common open space per dwelling unit, provided that each development shall contain at least one (1) acre of contiguous common open space.
- e) Any pervious land area within the boundaries of the site may be included as required common open space, except for land area that is:
- Contained in public street rights-of-way or private road easements;
 - Designated as an accessway;
 - Submerged land areas created by a water body (wetland areas as defined by township regulations may be included as open space, subject to design restrictions of the parallel plan); or,
 - Used as part of common parking areas.
- f) The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, or covenant that runs with the land, assuring that the common open space will be developed according to the site plan and never changed to another use. Such conveyance shall provide for all of the following:
- The privately owned common open space shall be maintained by private property owners with a property interest in the open space;
 - Maintenance standards and maintenance schedule to be followed;
 - Ability of the assessment of the private property owners by the Charter Township of Delhi for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- g) The following active uses may occur when permitted by the township within designated open space areas:
- Noncommercial recreation;
 - Parks (public or private);
 - Farming uses;
 - Golf courses;
 - For recreation, conservation, or agricultural uses; or,
 - Preserved in an undeveloped state.
- h) In order to encourage the use of a residential planned development and to preserve the maximum amount of open space for a project, the total number of allowable dwelling units as determined in the parallel plan (section

5.23.4.5) will be increased according to all of the following criteria:

- PD developments providing more than twenty-five (25) percent but less than thirty (30) percent of open space shall be entitled to an additional five (5) percent of the number of dwelling units otherwise permitted under these regulations.
- PD developments providing more than thirty (30) percent but less than forty (40) percent of open space shall be entitled to an additional ten (10) percent of the number of dwelling units otherwise permitted under these regulations.
- PD developments providing more than forty (40) percent of open space but less than forty-five (45) percent shall be entitled to an additional fifteen (15) percent of the number of dwelling units otherwise permitted under these regulations.
- PD developments providing more than forty-five (45) percent of open space shall be entitled to an additional twenty (20) percent of the number of dwelling units otherwise permitted under these regulations.

i) In no case shall the density of dwelling units within a PD site, including any bonus dwelling units granted in excess of the parallel plan, exceed the maximum density as follows:

| Existing Zoning District | Maximum Gross Density per Acre |
|--------------------------|--------------------------------|
| A-1 | 2.00 |
| R-1A | 2.20 |
| R-1B | 4.40 |
| R-1C | 6.60 |
| R-1D | 12.00 |
| R-1E | 8.80 |

All computations shall be stated to the nearest square foot and must be stated in detail on the site plan. In no case shall the maximum gross area of any development exceed 12.00 units per acre.

j) All open space that is provided under these regulations must meet the following criteria:

- The open space shall not be part of any building site or condominium unit lot included in the development.
- The open space shall generally be in contiguous areas and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.

8) *Frontage and access.*

a) Planned developments shall provide direct access from the site onto at least one (1) road with a right-of-way of sixty-six (66) feet.

Planned developments may be approved with other access if the site involves the reuse or redevelopment of an existing nonconforming structure or nonconforming use.

b) The nearest edge of any entrance or exit drive shall meet Ingham County Road Commission requirements for sight distance and separation.

c) Planned developments located on the following roads may count as double the percentage of contiguous open space along the road right-of-way:

- Waverly Road from M-99 south to township boundary;
- College Road from Sandhill Road south to Howell Road;
- Holt Road from Eifert Road west to Waverly Road.

- 9) *Roadways.* All internal roads shall comply with the standards as adopted by the Ingham County Road Commission, or at township road regulations, unless alternate specifications are specifically approved by the planning commission for environmental concerns.
- 10) *Emergency access.* The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access.
- 11) *Pedestrian and vehicular circulation.* A pedestrian circulation system that is insulated from the vehicular circulation system shall be provided by the developer. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.
- 12) *Utilities.* All utilities within the planned development site, including electric, telephone, and cable television lines, shall be placed underground.
- 13) *Privacy for dwelling units.* The design of a planned development shall provide visual and sound privacy for all proposed dwelling units within and adjacent to the development. Fences, walls, and landscaping shall be used in the site design to protect the privacy of dwelling units.

5.23.5 *Zoning amendment.* The approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance and revision of the township official zoning map creating a new zoning district and designating the subject site as 'Planned Development #___'. Approval of a planned development application, developer proposal, and all aspects of the final site plan and all conditions imposed upon it and modifications granted by the township, shall constitute a permanent and inseparable part of the zoning amendment, zoning map, and related land use approval. A complete file that includes the final site plan shall be kept in the township clerk's office.

5.23.6 *Application requirements.* In considering any application for approval of a planned development proposal, the planning commission and township board shall make their determinations on the basis of standards set forth for site plan review in section 3.3, as well as the following standards and requirements:

- 1) *Conformance with the planned development concept.* The site plan and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with the planned development design standards as stated in section 5.23.4.
- 2) *Compatibility with adjacent uses.* The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features that exhibit due regard for the physical relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to all of the following:
 - The bulk, placement, and materials of construction of proposed structures;
 - The location and screening of vehicular circulation and parking areas in relation to surrounding development;
 - The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development;
 - The hours of operation of the proposed nonresidential uses;
 - The provision of landscaping;
 - Other site amenities;
 - The proposed signage;
 - All site lighting.
- 3) *Public services.* Any proposed planned development shall not exceed the capacity of available public services, including but not necessarily limited to water supply, public roads, and fire protection services, and educational

services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

- 4) *Impact of traffic.* The planned development application shall describe the impact that the development of the site will have on surrounding sites and the township as a whole and propose mitigation measures for negative impacts.
- 5) *Accommodations for pedestrian traffic.* The planned development shall be designed with a sidewalk or trail network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, minimizing interference from vehicular traffic.
- 6) *Compatibility with the township planning.* The proposed planned development shall be consistent with the general principles and objectives of the adopted comprehensive development plan of the township and other adopted township plan(s).
- 7) *Compliance with applicable regulations.* The proposed planned development shall be in compliance with all applicable federal, state, county and township regulations.

5.23.7 *Planned development processing.*

- 1) *Intent.* The procedures and standards in this section are intended to provide a consistent and uniform method for review of planned development proposals. It is the intent of these provisions to encourage cooperation and consultation between the township and the applicant so as to facilitate development in accordance with the township's land use objectives.
- 2) *Procedures.*
 - a) The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as 'Planned Development #___' Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.
 - b) *Pre-application conference.* Prior to submission of an application for a planned development zoning district, the applicant shall meet with the director of community development and appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, nonresidential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the pre-application conference an explanation of ordinance requirements, procedures, and estimated time lines.
 - c) *Preliminary development concept.* Prior to setting a public hearing on the proposed Zoning Ordinance amendment, the planning commission shall review and comment on the preliminary development concept for the proposed planned development. The intent of the planning commission review is to provide as much feedback as possible to the applicant prior to the official public hearing as required under section 5.23.7.5.c). Prior to the planning commission's review of a preliminary development concept, the following information shall be submitted regarding the concept plan:
 - 1) Evidence of ownership or equitable interest in the proposed site of the planned development.
 - 2) Legal description and generalized location.
 - 3) Written detailed description of the proposed uses.
 - 4) Fifteen (15) copies of the parallel plan required in section 5.23.4.5 and of a conceptual site plan for the proposed development that contains the following information:
 - Readable scale;
 - Existing zoning of the site and adjacent properties;

- Existing land use of the site and adjacent properties;
 - Location of proposed structures, parking areas, and open space;
 - Development summary data (acres, units, parking spaces, gross/net density, gross building square footage);
 - General descriptions of water, sanitary and storm drainage systems including storage basins;
 - Identification of existing natural features of the site and location of specific wetland area;
 - Description of proposed landscape features, buffers, and pedestrian circulation system;
 - Identification of existing and proposed easements;
 - Identification of existing and proposed public and private rights-of-way and adjacent curb cuts;
 - Identification of any proposed nonresidential land use;
 - Other information as may be required by director of community development or the planning commission.
- 5) Description of development ownership, proposed ownership form for residential and nonresidential components, and proposed maintenance concept.
- d) Complete planned development applications shall be submitted in accordance with the following procedures and requirements, which provide for detailed review of planned development proposals by the planning commission, including a public hearing, followed by consideration of the township board:
- 1) The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled or denied.
 - 2) The application for planned development shall be made on the forms and according to the guidelines specified by the director of community development.
 - 3) Applications for planned development approval shall include all applicable data required for site plan review as specified by the director of community development. In addition, the application shall include the following:
 - (a) An overall plan for the planned development. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and building elevations for each type of land use.
 - (b) A map and written explanation of the relationship of the proposed planned development to the township's comprehensive development plan.
 - (c) Information concerning traffic generated by the proposed planned development. Sufficient information shall be provided by the applicant to the director of community development to allow for an evaluation of the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided:
 - Estimates of the volume of traffic generated by each use;
 - The peak hour volume of traffic expected to be generated by the proposed development;
 - A schematic drawing indicating vehicular movement through the site including anticipated turning movements; and,
 - Measures being proposed to alleviate the impact of the development on the overall township circulation system.

- (d) Analysis of the fiscal impact of the proposed planned development on the operations of the township and the district.
 - (e) Evidence of market need for the proposed use(s) and the financial feasibility of completing the project in its entirety.
 - (f) Legal documentation of single ownership or unified control. The documentation shall be in the form of agreements, contracts, covenants, and deed restrictions that indicate that the development can be completed as shown on the plans.
 - (g) A schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
 - (h) A draft of ownership and governance documents. These documents shall include all of the following:
 - Deeds of ownership;
 - Warranties guaranteeing ownership conveyed and described in the deeds;
 - A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development;
 - If applicable, association bylaws (for example, condominium association bylaws) which describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.
 - (i) A written narrative detailing the applicant's perception of the recognizable and substantial benefit per section 5.23.2 that would accrue as part of the planned development.
- 3) *Site plan requirements.* The site plan shall be prepared in the manner specified in this section and on the planned development application form. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review. In addition to meeting site plan requirements of this ordinance, the plans submitted shall include the following:
- a) A general location map showing the existing zoning designations for the subject property and all land within one-half (½) mile.
 - b) The pedestrian and vehicular circulation system proposed within the site, including a designation of private or public streets.
 - c) The location of existing streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
 - d) The proposed building envelopes, orientation of units, open space and recreational, park, and/or open space areas.
 - e) Topographical drawing showing existing and proposed contours including proposed landscaping, greenbelts, berms, and/or screening walls.
 - f) Proposed sewage treatment method and water supply systems.
 - g) Proposed storm water retention and/or drainage system.
 - h) A clear delineation of stages or phases of construction.
 - i) A colored rendering showing the major components of the site plan for presentation purposes.
 - j) The parallel plan as required for residential uses as defined in section 5.23.4.5.
- 4) *Applicable reviews.* The planned development application materials, fees, and sufficient copies of the completed site plan shall be submitted to the director of community development for review. The director of community

development shall forward the materials to the appropriate township departments for their review and comments

- 5) *Initial planning commission review.* After all application materials have been received by the township, review fees paid by the applicant, and the reviews completed by the township engineer and township planner, the application and site plan shall be reviewed by the planning commission in accordance with following procedures:
- a) *Acceptance for processing.* The application shall be placed on the agenda of a planning commission meeting at which time the plan shall be reviewed and a public hearing may be scheduled.
 - b) *Changes to previously existing zoning.* Nothing shall prohibit the concurrent processing of a request by the applicant for a change in the previously existing zoning classifications to accommodate the planned development plan. However, the processing of a request shall be subject to separate review with separate, fees, reviews and consideration. A planned development approval may not precede a change in the previously existing zoning for the site.
 - c) *Public hearing.* The public hearing shall be scheduled in the same manner as required for planned unit development in Section 16c(5) of Michigan Public Act 184 of 1943, as amended. As stated therein, the public hearing and notice required shall fulfill the public hearing and notice requirements for an amendment to the Zoning Ordinance and zoning map.
 - d) *Planning commission review.* Following the public hearing, the planned development proposal and site plan shall be considered by the planning commission in relation to any public comments, the standards of the Zoning Ordinance and consistency with the intent and spirit of the planned development concept.
 - e) *Application and/or plan revision.* If the planning commission determines that revisions to the submitted application and/or site plan are necessary, the applicant shall be given up to ninety (90) days to submit a revised plan. Plan revisions shall be accompanied by all required fees. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of a meeting of the planning commission for further review and possible action.
- 6) *Planning commission determination.* The planning commission shall review the application for planned development, together with the public hearing findings and reports and recommendations from the director of community development, township attorney, township planner, township engineer, public safety officials, and other applicable reviewing agencies. The planning commission, through staff, shall prepare and transmit a report to the township board stating its conclusions and recommendations regarding an affirmative decision and any specific conditions of approval.

The planning commission may recommend to the township board approval or approval with conditions, or the planning commission may deny an application, as follows:

- a) *Approval.* The planning commission will recommend approval to the township board, only if the planning commission makes a favorable finding for each one of the following:
 - That the proposed planned development will provide a recognizable and substantial benefit to the community per section 5.23.2;
 - That the requested modifications to the zoning standards stated in the Ordinance result in a higher quality of development than otherwise permitted; and,
 - That the final site plan, except for approved modifications proposed for the planned development is in compliance with the township Zoning Ordinance, including modifications allowed by this section.
- b) *Approval with conditions.* The planning commission may recommend that the township board impose reasonable conditions with the approval of a planned development proposal, to the extent authorized by law, for the following purposes:

- To assure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development;
- To protect the natural environment and conserve natural resources and energy;
- To assure compatibility with adjacent uses of land;
- To assure compliance with the township comprehensive plan or other adopted plans;
- To promote the use of land in a socially and economically desirable manner;
- To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole;
- To achieve the intent and purpose of this Ordinance.

If the planning commission, subject to conditions recommends the planned development approval, such conditions shall become an integral part of the record of approval, and shall be modified only through further action as provided in this section.

c) *Denial.* The planning commission shall deny that application if any one of the following occurs:

- Submittals do not justify that the commission finds that a clearly recognizable and substantial benefit, as defined in section 5.23.2, to the community exists;
- The proposed development does not further the goals of the township comprehensive development plan or other adopted plans;
- The proposed site plan does not comply with the standards and regulations set forth in this Ordinance or modified pursuant to this section; or,
- The development would otherwise be injurious to the public health, safety, welfare, and orderly development of the township.

Township board action is not required following the denial of an application. Any applicant denied by the planning commission may appeal the decision to the township board. The township board may review the denial and forward their recommendations back to the planning commission for reconsideration.

- 7) *Submission of plans for county review.* Following either a) approval or b) approval with conditions by the planning commission, the complete application will be forwarded to the tri-county planning commission for their review according to Section 10 of PA 184 of 1943, as amended.
- 8) *Submission of plans to township board.* After the planning commission makes a recommendation for approval or for approval with conditions, the applicant shall make any required revisions to the documents and submit sufficient copies of the revised site plan and supporting materials to the director of community development for review and forwarding to the township board.
- 9) *Ordinance processing.* Upon receipt of the planning commission recommendation and the county recommendation regarding a planned development plan and application, the township clerk shall forward the communications to the township board to initiate proceeding for adoption of an amendatory Zoning Ordinance.
- 10) *Township board determination.* The township board shall make a determination based upon review of the final plan pursuant to the standards and requirements set forth in section 5.23.2 and section 5.23.3. They shall consider the findings and recommendations of the planning commission, the reports and recommendation from the director of community development, other township officials, and other applicable reviewing agencies. Following completion of its review, the township board shall approve, approve with conditions, or deny a planned development proposal.

- 11) *Recording of planning commission and township board action.* Each action taken with respect to a planned development shall be duly recorded in the minutes of the planning commission or township board, as appropriate.

5.23.8 *Post approval requirements.*

- 1) *Effect of approval.* Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance and official zoning map. All improvements and land use(s) of the site shall be in conformity with the planned development amendment as shown on the approved site plan and with all conditions imposed. Notice of the adoption of the amendment shall be published in a paper of general circulation of the township within fifteen (15) days after adoption. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development site plan unless an amendment is adopted in the future by township board.
- 2) *Board of appeals authority.* The board of appeals shall not have the authority to consider an appeal of any decision or any condition imposed by township board or planning commission concerning a planned development proposal.
- 3) *Application for a building permit.* Prior to any building permit or other construction permit being issued, the applicant shall submit proof of the following:
 - a) Final approval of the site plan and planned development application, including a revised plan that contains all requirements and conditions of final approval.
 - b) Final approval of the engineering and construction plans.
 - c) Acquisition of all other applicable township, county, or state permits.
- 4) *Performance guarantee.* The director of community development may require that a performance guarantee be deposited with the township consistent with section 8.7.4(15) to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open space improvements, amenities, streets, lighting, and sidewalks, paving of parking lots and aisles.
- 5) *Expiration of planned development approval.* If construction has not commenced within eighteen (18) months of the date of final approval, all approvals granted by the township become null and void and a new application for planned development shall be required. However, the township board may grant a twelve (12) month extension of an approval, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the approved site plan expiration date. In the event that an approved planned development plan becomes null and void, the planning commission shall initiate proceedings to amend the zoning classification of the site to return it to the previous zoning district classification.
- 6) *Planned development agreement.* If the township board approves the planned development proposal, the township and applicant shall execute a planned development agreement, which shall be recorded in the office of the Ingham County Register of Deeds. Said agreement shall include a site plan as required by this article. Final approval of the planned development plan shall become effective upon recording of the Agreement. The planned development agreement shall set forth the terms and conditions agreed upon by the applicant and the township, and upon which approval of the planned development project is based. The planned development agreement shall, at minimum, include the following:
 - a) Legal description of the land that is subject to the agreement.
 - b) A description of all permitted uses of the property, the density or intensity of use, and the maximum height.
 - c) History of the review procedures and action taken by the planning commission and township board.
 - d) List of all plans, documents, and other materials submitted by the applicant, including the approved site plan.

- e) Review and explanation of any special provisions agreed to by the applicant and township during the course of revised planned development proposal.
- f) An explanation of all public improvements to be undertaken by the applicant or the township in conjunction with the proposed planned development project.
- g) Description of any required easements or public dedications of rights-of-way.
- h) Description of all modifications to township ordinance standards for the existing zoning district.
- i) Duration of any applicable conditions agreed upon in the planned development agreement, along with terms under which a termination date may be extended by mutual agreement.
- j) Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned development agreement.
- k) Extent to which the planned development plan may be modified subject to administrative approval, planning commission approval, or township board approval.

5.23.9 *Site plan revisions.*

- 1) *General revisions.* An approved planned development proposal and plan may also be revised in accordance with the procedures set forth for approval of a new proposal or according to section 5.23.9.2, minor changes, below.
- 2) *Minor changes.* Notwithstanding section 5.23.9.1, above, minor changes may be approved by the director of community development upon request of the owner subject to a written finding that the minor modification complies with all of the following:
 - a) The proposed changes will not affect the basis on which an approval was granted nor be inconsistent with any conditions attached to the approval.
 - b) The proposed minor changes will not adversely affect the overall planned development in light of the intent and purposes of such development.
 - c) The proposed changes will not affect the character or intensity of use, the general configuration of the buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.
 - d) The proposed changes are consistent with the goals of the township comprehensive development plan or other adopted plans.

Examples of minor changes include, but are not limited to:

- Additions or alteration to the landscape plan or landscape materials.
- Alterations to the internal parking layout of an off-street parking area, if the total number of spaces provided does not change.
- Relocation of a trash receptacle.
- An increase in floor area of less than twenty (20) percent of the initial total floor area up to five thousand (5,000) square feet maximum.
- Replacement of a non-residential use with a similar use allowed in the previously existing zoning district.

(Ord. No. 39.103, 4-20-04)

ARTICLE VI. - SUPPLEMENTARY REGULATIONS

Section 6.1 - Miscellaneous regulations.

6.1.1 *Prior building permits.* Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

6.1.2 *Access to a street.* Any lot of record created after the effective date of this Ordinance shall have frontage on a public street, except in the case of an officially approved group housing development as provided in article V, section 5.7.6(2). Any one (1) lot of record created before the effective date of this Ordinance without any frontage on a public street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. No more than one (1) lot may be served by such an access route.

6.1.2.1 *Driveway surfaces.* The entire width of new driveways, in all zoning districts, shall be paved with concrete, bituminous, or concrete unit pavers from the public right-of-way to a point fifty (50) feet from the rights-of-way line to which the driveway provides access. Further, driveways shall also be paved between the edge of the roadway and the right-of-way line in accordance with the requirements of a driveway permit to be obtained from the Ingham County Road Commission or other agency having jurisdiction for the public right-of-way.

6.1.2.2 *Standards for all residential.* The following minimum standards shall be required for every driveway that provides access to a residential structure within the R-1A, R-1B, R-1C, R-1D, R-1E and RM Districts. The driveway standards applicable in the A-1 Agricultural District are listed in section 5.21.6 of this Ordinance. The term "Driveway," as used in this section, shall mean that portion of the property utilized to provide a means of ingress and egress to a lot or parcel within the township to and from a public roadway for use by motor vehicles. "Driveway" shall not include a private road as defined by this Ordinance.

1. Permits for construction of driveway: All persons constructing or contracting for the construction of a driveway within Delhi Charter Township shall obtain a driveway permit from the Ingham County Board of Road Commissioners (the "Road Commission") prior to commencement of construction.
2. Plans submitted pursuant to section 3.1.2(2) of this Ordinance shall be reviewed by the Delhi Charter Township Fire Chief, or his/her designee, prior to issuance of a building permit. The purpose of this review shall be to provide an opportunity for the fire chief to review the proposed site layout and provide information to the property owner regarding the fire department's ability to provide emergency services to the structure(s) based on the site design proposed. Additionally, the fire chief may make recommendations regarding the site development that will permit access or improve access to the site in the event of an emergency. Recommendations will be made in writing to the owner prior to the issuance of a building permit. Any changes to the site design will require that a revised plot plan or drawing be submitted to the director of community development prior to approval of the building permit. Fire chief recommendations that are not complied with by the property owner shall be documented in writing by the fire chief and attached as a permanent part of any future certificate of occupancy that may be issued for the structure(s). If the property owner opts not to comply with the recommendations made as a result of this review the fire department and other emergency service providers may not be able to provide emergency services to the property.

6.1.3 *Rear dwelling prohibited.* Except in accordance with section 5.2.2(2) of this Ordinance, no building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers and domestic employees whose employment functions are related to the functions of the principal building, provided that all other requirements of this Ordinance are satisfied.

6.1.3.1 *Only one principal building permitted per parcel.* No parcel in the A-1, R1-A, R1-B, R1-C, R1-D or R1-E District shall have more than one principal building unless specifically permitted elsewhere in this Ordinance.

6.1.4 *Required water supply and sanitary sewerage facilities.* After the effective date of this Ordinance, no structure for human occupancy shall be erected, altered or moved upon a lot or premises and used in whole or in part for dwelling, business, industrial or recreational purposes unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Ingham County Health Department and the State of Michigan Health Department.

6.1.5 *Storage of refuse.* All space required for the accumulation and outloading of garbage, trash, scrap, waste products and empty containers within residential and commercial districts shall be provided entirely within a building or in covered containers.

- a) Containers that can accommodate more than two (2) cubic yards of refuse shall be prohibited in all residential districts, except when being used in conjunction with a renovation or construction project in which case the limit is six (6) months and a maximum of two (2) such containers are permitted at any one time, must be located outside of any road right-of-way or public space, and must be located in such a manner that emergency access to all structures and proper sight distance from any drive, intersection and/or sidewalk is maintained.

6.1.5.1 *Screening of external solid waste areas:*

- a) Outside solid waste storage, loading and unloading areas, dumpsters, compactors, and disposal facilities, recycling collection bins, and other areas and structures located in zones C-1, C-2, C-3, TC, RM, IW, IR, IM and IP shall be completely screened by an opaque fence, wall and/or landscape screen which is not less than six (6) feet high. Such areas shall include opaque gates of a like material. Additionally, the ground surface of the area shall be concrete or other non-porous material.
- b) Outside solid waste storage, loading and unloading areas, dumpsters, compactors, and disposal facilities, recycling collection bins, and other similar areas and structures which are visible from residential zoning districts or public thoroughfares shall be screened by an opaque fence, wall and/or landscape screen which is not less than six (6) feet high. Such areas shall include opaque gates of like material.
- c) Outside solid waste storage, loading and unloading areas, dumpsters, compactors, and disposal facilities, recycling collection bins and other similar areas and structures located in the C-1, C-2, C-3, TC, RM, IW, IR, IM and IP Districts shall not be located in the required front yard.

6.1.6 *Basement or cellar living prohibited.* No cellar or basement shall be used as a primary living area within the township unless the dwelling qualifies as an underground house. See subsection 5.21.4(17). No basement shall be used as a primary living area until second story is enclosed for occupancy.

6.1.7 *Maximum setback from road right-of-way.* Except for those properties zoned A-1, Agricultural, and unless soil conditions prohibit building within one hundred fifty (150) feet of the nearest approved public or private road right-of-way, no building constructed for human occupancy may be constructed more than one hundred fifty (150) feet from the nearest point of that road right-of-way.

6.1.8 *All-season road construction required:* Whenever a new public or private road is constructed that will or is intended to provide service to property zoned for industrial land uses, the road, at the developer's expense, shall be constructed as an "all-season" road and not subject to seasonal weight restrictions. Construction shall be completed in accordance with the current requirements of the Ingham County Road Commission for said road type at the time of construction.

(Ord. No. 39.51, 11-16-93; Ord. No. 39.82, § 1, 2-2-99; Ord. No. 39.92, § 1, 2-1-00; Ord. No. 39.123, 3-7-06; Ord. No. 39.134, 6-5-07; Ord. No. 39.153, § III, 7-5-09)

6.2.1 *Uses of structures for dwelling purposes.* No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance, the adopted building code, or the township adopted housing code.

6.2.2 *Accessory buildings.* Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway or similar structure or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and applicable to the principal building. An accessory building not attached and not made a part of the principal building, as provided in the preceding statement, shall not be nearer than ten (10) feet from any other separate structure on the same lot.

- 1) Accessory uses, fallout shelters: Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations for such use.

6.2.2.1 *On-site use wind energy systems and anemometer tower.* An on-site use wind energy system is an accessory structure which shall meet the following standards:

- 1) Designed to primarily serve the needs of a home, farm or small business.
- 2) Shall have a tower height of twenty (20) meters or less.
- 3) Property setback: The distance between an on-site use wind energy system and the owner's property line shall be at least equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- 4) Sound pressure level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms.
- 5) Construction codes, towers and interconnection standards: On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.). An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. It is the sole responsibility of the owner to ensure initial and continued compliance with this requirement. Off-grid systems are exempt from this requirement.
 - a) Before a permit is issued for an on-site use wind energy system that will be erected on or otherwise connected to an existing building or structure, an engineering evaluation that demonstrates that the building or structure is sufficiently strong enough to support the on-site use wind energy system must be submitted to the director of community development.
- 6) Safety: An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

6.2.3 *Excavation of soils and minerals.* The excavation of peat, muck, sand, gravel, clay, shale or other natural mineral deposit, including the quarrying of rock minerals, but except crude oil, may be authorized in any district by special use permit upon the completion of the procedures required by this Ordinance for issuance of such permits. The planning commission may recommend and the township may impose such conditions and safeguards as may be appropriate pursuant to article VIII.

- 1) Excavation of top soil: Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for any other use than on the premises on which the top soil was originally located, except when as a product of an authorized excavation of other soils as provided in this section, or as provided elsewhere in this Ordinance.

6.2.4 *Fences, walls and screens.* To protect the use and enjoyment of residential property by providing for the passage of air and light; to protect public welfare and safety by providing for the safe movement of motor vehicles and pedestrians, by ensuring that property is not adversely impacted by any fence or hedge and by ensuring that fences and hedges do not detract from the aesthetic enjoyment of the community and to facilitate police and fire fighting services, no person shall erect, construct, modify, maintain, plant or grow any fence or hedge in the R-1A, R-1B, R-1C, R-1D and R-1E Districts (or other area in the township being used as residential property) in violation of this chapter. Fence requirements for the remaining zoning districts are specified within the text of each district description.

1) *Definitions:*

- a) *"Corner lots"* means all lots with a side property line that abuts a street are considered a corner lot. The street which is not the principal street shall be considered a secondary street and as such fencing adjacent to the secondary street shall comply with the requirements for a secondary front yard.
- b) *"Dead space"* is any space that is created by the installation of a fence that is not maintained or able to be accessed for purposes of maintenance.
- c) *"Fence"* means any wall (except a retaining wall), screen, partition, or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads.
- d) *"Hedge"* refers to a dense row of low branching trees, shrubs, vines, or other plant species which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads.
- e) *"Height"* shall be measured as the vertical distance from the highest point of the fence or hedge to the average grade of the ground immediately beneath the fence.
- f) *"Major repair"* refers to repairs made directly to the structural portion of the fence.
- g) *"Minor repair"* means repairs dealing primarily with nonstructural portions of the fence, as well as appearance.
- h) *"Perimeter fence"* means a fence that is intended to provide full or partial enclosure of a property along or near the property lines. A perimeter fence is not a fence that is intended only to provide limited screening of a specific element within the property or enclose a small portion of the property for a specific purpose, such as a garden or dog run.
- i) *"Principal front yard"* shall mean, for purposes of this section, the area between the principal street (right-of-way) and the front of the dwelling unit or in the event that there is no dwelling unit, the front yard shall be the property line that is parallel to the principal street (right-of-way).
- j) *"Principal street"* shall mean, for purposes of this section, the street on which the dwellings street address is located, or if there is no dwelling, it is the street that is most logically considered as providing the primary access to the property.
- k) *"Secondary front yard"* shall mean, for purposes of this section, the area between the secondary street (right-of-

way) and the dwelling unit or in the event that there is no dwelling unit, the secondary front yard shall be the property line that is parallel to the secondary street (right-of-way).

- l) *"Secondary street"* shall mean, for purposes of this section, a street that abuts a property that also abuts a "principal street".
- m) *"Solid"* shall mean any fence, wall, screen, planting, hedging, or shrubbery which is of a continuous nature constructed of either natural or manufactured materials.

2) *Limitations:*

a) *Within the limits of the principal front yard:*

- (1) No solid fence or hedge shall exceed a height of three (3) feet, unless subsection 6.24(2)a)(2) below applies.
- (2) A fence may be erected or maintained to a height above three (3) feet, but not to exceed a height of four (4) feet, if the fence meets all of the following:
 - a) The fence consists of open spaces uniformly distributed along its surface, or minimally above a height of three (3) feet, so that vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular or pedestrian traffic on adjacent streets or public ways.
- (3) A hedge may be planted, grown or maintained to a height above three (3) feet if the hedge meets all of the following requirements:
 - (a) The property owner prepares and submits to the community development department a drawing of the hedge indicating the location, height and type of plant material to be used.
 - (b) The abutting road is a public collector or arterial street as defined by the Ingham County Road Commission.
 - (c) All abutting property owners submit a written statement that they do not object to the plan.
 - (d) The plan is approved by the director of community development or his/her designee.

b) *Within the limits of the secondary front yard:*

- (1) No solid fence or hedge shall exceed a height of three (3) feet unless all of the following conditions are met, in which case the fence may be no greater than six (6) feet in height:
 - (a) That the fence is setback a minimum of ten (10) feet from the street right-of-way; and
 - (b) The area between the street right-of-way and the fence shall be landscaped as follows:
 - 1. One (1) evergreen tree for each thirty (30) lineal feet of frontage, or fraction thereof.
 - 2. Trees shall be spaced and located to provide the safest and most aesthetically pleasing arrangement for both the subject property and the public. In addition, no tree shall be planted closer than fifteen (15) feet to the side lot line and no tree shall be planted closer than twenty (20) feet in any direction of the intersection of the edge of a driveway and any street, and within twenty (20) feet of the intersection of any sidewalk or right-of-way line.
 - 3. One shrub shall be required for every ten (10) lineal feet or fraction thereof.
 - 4. Required shrubs shall be no smaller than a standard nursery three-gallon size.
 - 5. Required evergreens shall be no smaller than three (3) feet in height if they are spruce or fir and no smaller than four (4) feet in height if they are pine.
 - 6. Properly maintained turf, shredded bark, stone or groundcover plants shall be required between the fence and the right-of-way line. Mass wildflower plantings or weeds are not acceptable groundcover plants.
 - 7. The director of community development may, in the director's discretion, approve alternative spacing

arrangements, alternate plant materials and alternative numbers of plant materials if the application of the ordinance as written would not accomplish the purpose of this Ordinance. Any deviation permitted by the community development director shall be written on the building permit for construction of the subject fence.

8. The director of community development may, in the director's discretion, allow the reduction in the setback requirement of ten (10) feet from the right-of-way in the event that there are extenuating circumstances present on the site which, if enforced, would not accomplish the purpose of this Ordinance. Any deviation permitted by the community development director shall be written on the building permit for construction of the subject fence.
- (2) A fence may be erected or maintained to a height above three (3) feet, but not to exceed a height of four (4) feet, if the fence meets all of the following:
 - (a) The fence consists of open spaces uniformly distributed along its surface, or minimally above a height of three (3) feet, so that vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular or pedestrian traffic on adjacent streets or public ways.
 - c) *Within the limits of the required side or rear yard:* No fence shall be erected which exceeds a height of six (6) feet above grade unless the following requirements are met:
 - (1) All abutting property owners submit a written statement that they do not object to the plan.
 - (2) The elevation of the subject property is generally one (1) or more feet lower than abutting properties, or the health and safety of the owner or occupant of the subject property is endangered by uses on any abutting property.
 - d) *General requirements:*
 - (1) *Clear vision area.* No solid fence or hedge shall obstruct vision between a height of three (3) and ten (10) feet within twenty (20) feet in any direction of the intersection of the edge of a driveway and any street or sidewalk.
 - (2) *Swimming pools.* A fence must enclose any swimming pool that is twenty-four (24) inches or more in depth at any point. Such pool enclosure fences must be at least four (4) feet in height with self-closing latching gates.
 - (3) *Fence orientation.* Fencing shall be installed with the structural members or framing directed inward toward the property.
 - (4) *Underground utilities.* Property owners shall be responsible for locating all underground utilities prior to beginning construction by contacting MISS DIG or consulting other appropriate sources of utility location information.
 - (5) *Easements.* Fencing and hedges shall not be placed within established property easements.
 - (6) *Surveys.* It is strongly recommended that prior to the placement of a fence or hedge the owner obtain a certified survey of the property in order to ensure that the fence or hedge will be located entirely within the property boundaries.
 - a) The issuance of a building permit by the community development department for the placement of a fence does not constitute verification that the fence is located within the property lines and Delhi Charter Township shall bear no responsibility if the fence or hedge is improperly located on adjacent property.
 - (7) *Permit required.* No person shall erect, alter the location of, place or allow to be placed, any fence without first obtaining a building permit from the department of community development, except as otherwise noted in this section.
 - (8) *Fee required.* A fee may be established by resolution of the township board and will be required to be paid to the community development department prior to the issuance of any building permit.

3) *Location requirements:*

- a) It is property the owner's responsibility to verify that any fence (or hedge) is placed within their property lines.
- b) No part of any fence or hedge may extend into the public right-of-way or a permanent access or utility easement.
- c) No fence or hedge shall be located in a manner as to create "dead space" between an existing fence or building and the proposed fence or hedge.

4) *Materials:*

- a) Fences shall be constructed of one (1) or more of the following: Chain link, wood, brick, concrete, plastic, vinyl or other material that is approved by the community development director or a designee.
- b) Materials such as, but not limited to, scrap wood, metal panels, extrusions, stampings, forging or other materials of a similar nature are not intended for use as fence and shall not be permitted.

5) *Barbed wire and electric current:* No fence in one of the zoning districts listed in this chapter, or on a parcel being used as residential, shall utilize barbed wire, razor wire, or a similar type of wire, or carry an electrical current. This provision is not intended to limit the use of these types of fencing in the A-1 Agriculture District when the use of such materials is necessary to carry out farm operations including the keeping of livestock or animals.6) *Maintenance requirements; unsafe or dangerous fences:* Fencing shall be considered unsafe, dangerous, or not maintained if any of the following conditions are met:

- a) Whenever the fence area is in need of paint or other minor repair.
- b) Whenever any portion of the fence or hedge has been damaged by wind, flood, fire or other cause in such a manner that structural strength or stability is appreciably less than it was previous to such event.
- c) Whenever any portion or structural member of the fence is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d) Whenever more than ten (10) percent of the fence area is in need of structural repair.

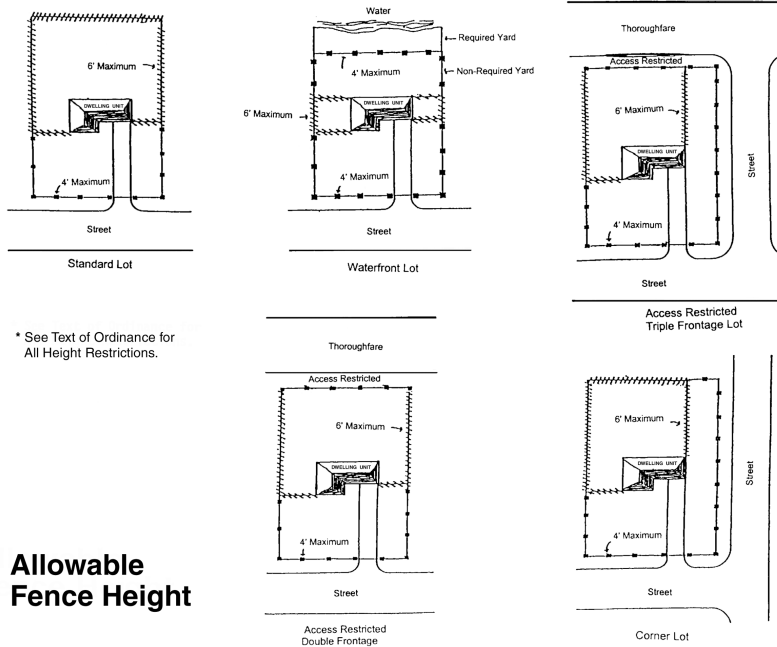
6.2.5 *Temporary structures.*

- 1) The director of community development may administratively authorize construction trailers, etc. On a construction job site for housing materials, construction office use, or as a temporary housing for security personnel. Such structures must be removed upon completion of the construction, or if the work ceases for more than ninety (90) days. Said authorization shall be for one (1) year and is available for all zones.
- 2) If a permanent commercial or industrial structure has been damaged by fire, wind or other cause, a temporary structure may be authorized by the director of community development for the duration of the rebuilding process. Said temporary structures may be used in any commercial or industrial zone and the authorization shall not exceed six (6) months.
- 3) Temporary structures may be authorized by the director of community development for conducting business activities during the building of a permanent structure. This authorization shall be available in commercial zones only and shall not extend for more than one (1) year.
- 4) Temporary structures incidental to religious activities may be allowed in any zone for a period to be determined by the director of community development for no more than two (2) weeks in any three hundred sixty-five-day period.
- 5) The reasonable protection of health, safety and general welfare shall be demonstrated by the user for each temporary structure.

6.2.5.1 *Temporary storage containers.* Temporary storage containers that are typical of the type available from commercial sources and which do not exceed eight (8) feet in width by sixteen (16) feet in length and are not vehicles or trailers are permitted in the A-1, R1-A, R1-B, R1-C, R1-D and R1-E Districts for a period of time not to exceed one hundred eighty (180) days in any three hundred sixty-five-day period. A maximum of two (2) temporary storage containers are

permitted at any one (1) time per parcel of property and must be located outside of any road right-of-way or public space and be located in such a manner that emergency access to all structures and proper sight distance from any drive, intersection and/or sidewalk is maintained. Temporary storage containers must be secured to prevent unauthorized entry at all times.

(Ord. No. 39.59, 6-6-95; Ord. No. 39.76, 9-1-98; Ord. No. 39.89, § 1, 1-18-00; Ord. No. 39.104, 1-20-04; Ord. No. 39.114, 12-20-05; Ord. No. 39.137, 6-5-07; Ord. No. 39.155, § XIII, 2-16-10)



Allowable Fence Height

Section 6.3 - Supplementary area regulations.

6.3.1 *Exception to required lot area for residential districts.* Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- 1) That the other requirements of the district are met.
- 2) That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.
- 3) That any lot so excepted shall be no less than forty-four (44) feet in width.

6.3.2 *Lot area can be allocated once.* No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed or the alteration of an existing building.

6.3.3 *Accessory building.* An accessory building shall not occupy more than thirty (30) percent of the area of any rear yard.

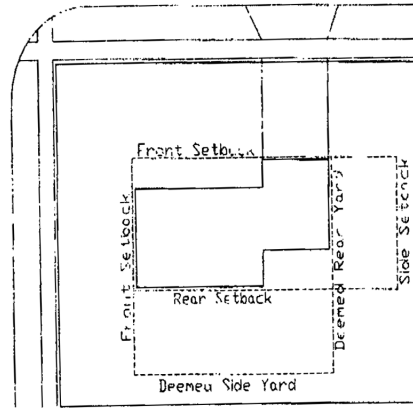
Section 6.4 - Supplementary yard regulations.

6.4.1 *Front yard reductions.* Any front yard in an R-1A, R-1B, R-1C or R-1D or R-1E District may be reduced below the minimum required in accordance with the exceptions permitted in article V, subsection 5.3.4(4).

6.4.2 *Rear yard reduction.* When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this Ordinance, the rear yard of such lot may be reduced one-fourth of the distance the lot depth is less than one hundred fifteen (115) feet, provided that no rear yard shall be less than twenty (20) feet in depth.

6.4.2.1 *Corner lots.* When a lot of record is a corner Lot, as defined by this Ordinance, there are two (2) front yards, one (1) side yard and one (1) rear yard. On a corner lot, the rear yard may be deemed the side yard and the side yard may be deemed the rear yard for purposes of determining setbacks, provided that the deemed rear yard meets the rear yard

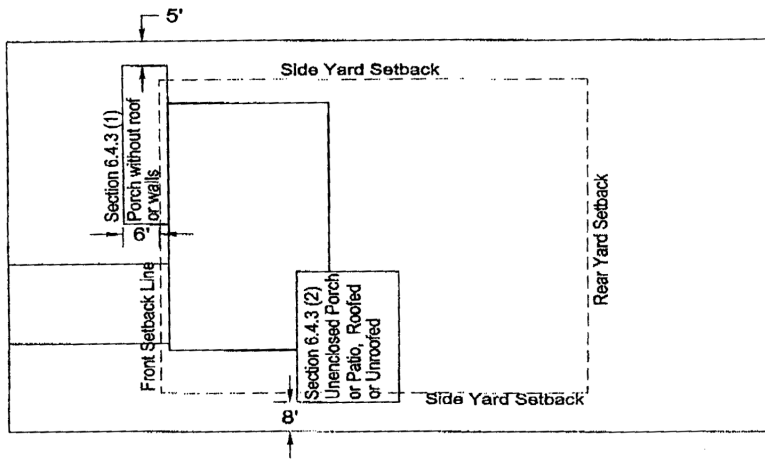
setback requirements specific to the zoning district.



Corner Lots

6.4.3 *Permitted yard encroachments:*

- 1) Paved terraces, patios, decks, uncovered porches and similar areas shall not be subject to yard requirements, provided:
 - a) Such area is unroofed and without walls, or other forms of solid, continuous enclosure that link the area to the principal building. Such areas may have an open railing or fence not over three (3) feet high and may have noncontiguous windbreaks or visual screen fences or walls, not including the house or structure, not over six (6) feet high and not enclosing more than one-half the perimeter of the area.
 - b) The highest finished elevation of the area is not over three (3) feet above the average surrounding finished ground grade.
 - c) No portion of any area is closer than five (5) feet from any lot line or projects into any front yard setback area, unless the area is open on all sides and has no roof in which case it may project into a required front yard setback to a maximum of six (6) feet.
- 2) Unenclosed porches, terraces, decks and similar areas that do not have roofs, may project into a required side or rear yard a distance not to exceed eight (8) feet, provided:
 - a) The area is unenclosed, no higher than one-story, and is erected on piers.
 - b) The area shall not be closer than eight (8) feet at any point to any side or rear lot line.
- 3) Porches, patios, terraces, decks and similar areas, enclosed or unenclosed that have a permanent roof that covers more than one-half of the square footage of the porch, patio, terrace, deck or similar area, shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.



Enclosed porches, terraces, decks, etc.

- 4) Special structural elements, such as cornices, sills, chimneys, trellis, eaves and similar structural features may project into the yard area up to a maximum of two and one-half (2½) feet.
- 5) Fire escapes, outside stairways and balconies, if of open construction, may project into the yard area up to a maximum of five (5) feet.

6.4.4 *Accessory buildings:*

- 1) *In a front yard:* No accessory building shall project into any front yard, except that properties containing five (5) or more acres may have an accessory building in the front yard provided it is setback at least two hundred (200) feet from the road right-of-way.
- 2) *In a rear yard:* No accessory building, including detached garages, shall be closer than five (5) feet to any lot line.
- 3) *In a side yard:* No accessory building, including garages, shall be erected closer to the side lot line than the permitted distance within that district for principal buildings except in a residential district where an accessory building is located ten (10) feet or more to the rear of the principal building; then the accessory building shall be no closer than three (3) feet to the side lot line.
- 4) *On a corner lot:* No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than three (3) feet to the common lot line.
- 5) *Garage entrance:* In no case shall the entrance to a garage be less than twenty-five (25) feet from a street right-of-way line.

6.4.5 *Swimming pools.*

- 1) Inground and above ground swimming pools and related decks are subject to the same setback and lot coverage requirements as accessory buildings.

(Ord. No. 39.63, 1-2-96; Ord. No. 39.104, 1-20-04; Ord. No. 39.133, 6-5-07; Ord. No. 39.163, § II, 5-6-14)

Section 6.5 - Supplementary height regulations.

6.5.1 *Permitted exceptions, structural appurtenances.* The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- 1) Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.
- 2) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and

stairwell penthouses, ventilators, bulkheads, radio and television towers, aerials, television antennas, fire and hose towers and cooling towers.

3) The foregoing permitted exceptions shall not be used for human occupancy.

6.5.2 *Permitted exceptions, residential districts.* There shall be no exceptions permitted for residential structures; certain nonresidential structures in residential districts may be permitted to exceed height limitations as specified in article VIII, section 8.2, "Special Uses Authorized by Special Use Permits, Nonresidential Uses in Residential Districts".

6.5.3 *Permitted exceptions, commercial and industrial districts:*

1) In any commercial or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height above the maximum.

(Ord. No. 39.155, § XIV, 2-16-10)

Section 6.6 - Floodplain regulations.

6.6.1 *Intent and purpose.* The purpose of these regulations is to protect those areas of the township which are in the identified floodplain areas so that the reservoir capacity shall not be reduced or modified in a manner that would create danger to areas previously not endangered in time of high water, or to impede, retard, accelerate or change the direction of the flow or carrying capacity or to otherwise increase the possibility of flooding. All land included in the floodplain area shall be subject to the requirements specified herein, in addition to the normal zoning district requirements in which said land is located.

6.6.2 *Floodplain areas.* As designated by the U.S. Army Corp of Engineers, the Federal Emergency Management Agency - Flood Insurance Rate Maps or as authorized by the township engineer, the intermediate regional floodplain information shall be mapped and superimposed on the official zoning map entitled "Zoning Districts of Delhi Township, Ingham County, Michigan" so as to delineate flood areas as they relate to each district. Delineation of such flood areas shall be based upon reasonable flood expectancy, as determined by flood history, and shall be restricted as to use and occupancy so that human life is protected and future flood damage is minimized.

6.6.3 *Permitted uses.* Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted or structurally altered and no land and/or structure shall be used except for one (1) or more of the following uses:

- 1) Open space uses, such as farms, nurseries, parks, playgrounds, golf courses, preserves, bridle trails, nature paths, private or commercial recreation, and other similar open uses.
- 2) Off-street parking uses, provided that all parking shall be at preconstruction grade level and in conformance with the provisions of article VI.
- 3) Utilities, roads, railroads, dams, rivers, structures and buildings for public or recreational uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety or welfare.
- 4) Yard and setback areas required for any district within the floodplain areas may be included within the floodplain areas.

6.6.4 *Uses permitted by special use permit.* The following use of land or structures may be permitted within the floodplain area by the issuance of a special use permit. Prior to the issuance of a special use permit, the township engineer must find that the requirements of this section have been satisfied. Further, applicants must furnish any and all engineering, design, topographic or other data necessary, relevant to the proposed use, as deemed necessary by the township engineer to make said finding:

- 1) Dumping or backfilling in the floodplain areas with any material in any manner unless, through compensating excavating and shaping of the floodplain, provided the flow and natural impoundment capacity of the floodplain will be maintained or increased so that no significant or measurable change in flow or reduction in impoundment capacity of the floodplain would therefore occur.
- 2) The storage of materials or equipment, provided such elements shall not cause any significant obstruction to the flow or reduction in the water impoundment capacity of the floodplain.
- 3) A structure intended for human occupancy as a place of residence, place of public gathering or employment, regardless of whether habitation is continuous or periodic in nature, subject to the following conditions:
 - a) The proposed construction, including any basement, is elevated at least three (3) feet above the established floodplain elevation.
 - b) The structure will not cause any significant obstruction to the flow or reduction in the water impoundment capacity of the floodplain.
 - c) That the structure and its location have been approved by the Federal Emergency Management Agency (FEMA).
 - d) Upon completion of a permitted structure, the owner shall submit to the director of community development an elevation certificate showing the final elevation of the lowest habitable floor level, the highest and lowest adjacent grade elevations and the elevation of the floodplain.

6.6.5 Data submission requirements for development adjacent to floodplain areas. Prior to the issuance of a building permit for structures adjacent to or in close proximity to floodplain areas the applicant shall submit topographic data, engineering studies, proposed site plan, or other data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a licensed professional qualified to perform such work.

(Ord. No. 39.64, 3-20-96; Ord. No. 39.104, 1-20-04; Ord. No. 39.158, § I, 4-3-12)

Section 6.7 - Nonconforming uses.

6.7.1 Intent and purpose. It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance.

Further, it is the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within Delhi Charter Township shall be subject to the conditions and requirements set forth in this section.

6.7.2 Structural changes or enlargement. The building or land use that is nonconforming shall not be structurally changed, altered or enlarged unless the resultant changed, altered or enlarged building or use conforms to the provisions of this Ordinance for the district in which it is located.

6.7.3 Repair of nonconforming buildings. Nothing in this Ordinance shall prohibit the repair, improvement or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation and wear.

6.7.4. Reconstruction and restoration. Any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes, may be restored, rebuilt or repaired, provided that the damage does not exceed more than eighty-five (85) percent of the real valuation of the building, exclusive of land and foundation, and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

6.7.5 Discontinuance or abandonment. When any legal nonconforming use has been discontinued for the continuous period of one (1) year or for eighteen (18) months during any three-year period, such discontinuation shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of this period of abandonment,

the nonconforming use shall not be re-established, and any future use shall be in conformity with the provisions of this Ordinance. Prior to termination of a nonconforming use due to abandonment or discontinuation, the township shall provide written notice of its intent to terminate such nonconforming use to the property owner identified in the township's most recent property tax rolls, by personal delivery or by first class mail. Said notice shall provide the date, time and place where and when a public hearing will be held on the question of such abandonment or discontinuance. The public hearing shall be conducted by the township board with a final determination made by the same.

6.7.6 Changing uses. If no structural alterations are made, the board of appeals may authorize a change from one (1) nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert use or be changed back to a nonconforming or less conforming use.

6.7.7 Prior construction approval. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within sixty (60) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

6.7.8 Termination of nonconforming land uses. The nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, provided that the nonconforming land use shall be terminated and converted to conform with the provisions of the current Zoning Ordinance within three (3) years after the effective date of this Ordinance; and provided further that the nonconforming land use shall not in any way be expanded or extended during this three-year interval, either on the same property or adjoining property.

6.7.9 Illegal nonconforming uses. Nonconforming uses of buildings or land existing at the effective date of this Ordinance established without a building permit or not shown on the tax records as a nonconforming use prior to the last official assessment roll, or those nonconforming uses which cannot be approved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this Ordinance.

6.7.10 District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

6.7.11 Marihuana/marijuana. No commercial medical marihuana facility nor commercial medical marihuana activity operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility or use be deemed a legal nonconforming use under this Ordinance. The township may take all legal measures to abate such activity upon discovery of such activity.

6.7.12 No vested rights. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with section 6.7.11 of this Ordinance or any amendment thereto.

(Ord. No. 39.104, 1-20-04; Ord. No. 39.152, § III, 5-31-09; Ord. No. 39.165, §§ III, IV, 5-16-17)

Section 6.8 - General exceptions.

6.8.1 Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intent hereof to exempt such essential services from the application of this Ordinance.

Section 6.9 - Signs and advertising structures.

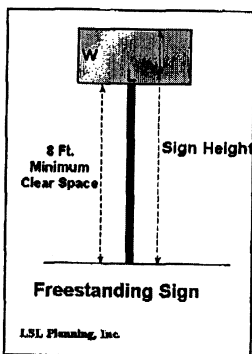
6.9.1 *Intent and purpose.*

- A. The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.
- B. The regulations contained in this section involve a recognition that the individual user's right to convey a message must be balanced against the public's right to be free of signs which unreasonably compete, distract drivers and pedestrians and produce confusion. In balancing the individual user's desire to attract attention with the citizens' right to be free of unreasonable distractions, it is recognized that sign regulations provide business with equal opportunity to attract the public. However, oversized, projecting or crowded signs can lead to pedestrian and driver confusion and distraction, and endanger the public health, safety and welfare.
- C. In addition to the above purposes:
 - 1. Signs should be able to reasonably convey their message;
 - 2. Users of property should have reasonable freedom to determine the placement, construction, size, and design of signs; and
 - 3. Sign needs may vary based on zoning districts.
- D. Regulations for signs, especially those related to number, size and placement, are desirable in order to:
 - 1. Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction or confusion to the public or to emergency safety personnel;
 - 2. Minimize the risk of damage and injuries from signs that are dilapidated, wind blown, electric shock hazards, etc.;
 - 3. Achieve some uniformity in the size, number and placement of signs;
 - 4. Enhance the aesthetics of the community;
 - 5. Prevent blight;
 - 6. Encourage equality among business and property; and
 - 7. Otherwise protect the public health, safety, peace and general welfare.

6.9.2 *Definitions.* The following definitions pertain to signs that are either allowed or prohibited. Additional definitions related to this section may be found in article X.

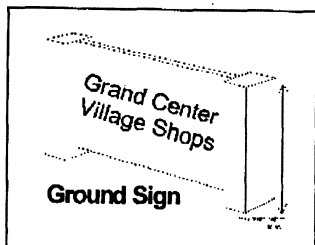
- A. *Awning:* A retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
- B. *Awning sign:* A sign affixed flat against the surface of an awning.
- C. *Balloon sign:* A sign composed of a nonporous bag of material filled with air or gas.
- D. *Banner sign:* A fabric, plastic, or other sign made of nonrigid material without an enclosing structural framework.
- E. *Billboard:* A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- F. *Business center sign:* Any three (3) or more businesses which meet at least one (1) of the following:
 - 1. Are located on a single parcel of property.

2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or buildings.
 3. Are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds.
 4. Share a common parking area.
 5. Otherwise present the appearance of a single, contiguous business area.
- G. *Business event sign*: A sign that relates to or advertises a special event sponsored by a retail, business, institutional or industrial establishment.
- H. *Canopy*: A freestanding roof-like structure built on one (1) or more support posts designed to offer protection from the weather.
- I. *Canopy sign*: A sign painted or attached directly to and parallel to the exterior face of a canopy roof.
- J. *Construction sign*: A sign that identifies the owners, financiers, contractors, architects, and/or engineers of a project under construction.
- K. *Contractor sign*: A sign that advertises a contractor performing work on site.
- L. *Development entry sign*: A permanent sign identifying or otherwise stating the name of a subdivision, site condominium development, apartment complex, manufactured housing community, business or industrial park, or other similar development.
- M. *Directional sign*: A permanent sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as a parking, or exit and entrance sign.
- N. *Electronic changeable message sign*: A sign capable of changing messages electronically by remote or automatic means.
- O. *Freestanding sign*: A sign supported on poles not attached to a building or wall.



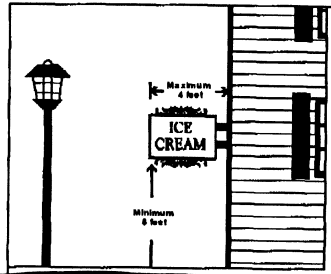
Freestanding Sign

- P. *Government sign*: A temporary or permanent sign erected by Delhi Charter Township, state or federal government or other appropriate governmental agencies.
- Q. *Grand opening sign*: A sign intended to advertise or draw attention to a business that is new to a particular location.
- R. *Ground sign*: A sign resting directly on the ground or supported by short poles not attached to a building or wall.



Ground Sign

- S. *Identification sign*: A sign located on-premises, giving the name or address, or both, of the owner or occupant of a building or premises.
- T. *Incidental sign*: A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the street.
- U. *Institutional sign*: A sign upon which is displayed the name of a church, school, library, community center or similar public or quasi-public institution located on the property to announce its services, events or activities.
- V. *Memorial sign*: A nonilluminated sign, tablet, or plaque commemorating a historical or significant person, event, structure or site.
- W. *Mural*: A design or representation painted or drawn on a wall that does not advertise an establishment, product, service or activity.
- X. *Placard*: A sign, which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- Y. *Political sign*: A temporary sign used in connection with an official city, village, township, school district, county, state or federal election, referendum, or public issue.
- Z. *Portable sign*: A sign designed to be moved easily and not permanently attached to the ground, a structure or a building.
- AA. *Projecting sign*: A double-faced sign attached to a building or wall that extends from the face of the building or wall.



Projecting Sign

- BB. *Reader board*: A portion of a sign on which copy is changed manually.
- CC. *Real estate sign*: A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
- DD. *Roofline*: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- EE. *Roof sign*: A sign erected above the roofline of a building.
- FF. *Sign*: A device, structure, fixture, or placard that may use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.
- GG. *Sign frame*: The structural members of a sign.
- HH. *Special event sign*: Temporary and portable signs containing public messages concerning special events sponsored and run solely by governmental agencies or nonprofit organizations.
- II. *Subdivision signs*: A temporary sign advertising a recorded residential subdivision, residential condominium or residential development.
- JJ. *Temporary sign*: A sign not permanently attached to the ground, a structure or a building. Temporary signs may include banners, portable signs, and any other sign displayed for a limited period of time.

KK. *Trailer mounted business event sign:* A sign that is permanently affixed to a mechanism that is intended to provide mot sign, typically to enable the sign to be towed by a vehicle from one (1) location to another. This sign may or may not have legs or stabilizers.

LL. *Wall signs:* A sign painted on, or attached directly to an exterior wall, parallel to and extending no greater than twelve (12) inches from the face of the wall to which it is attached.



Wall Sign

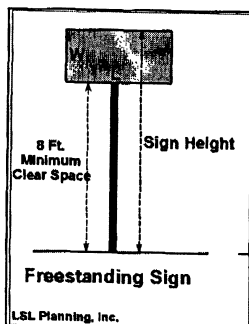
MM. *Window sign:* A sign affixed to a window and intended to be viewed from the outside.

6.9.3 General sign provisions.

- A. No person shall erect, alter, place or allow to be placed, or replace or any sign without first obtaining a building permit, except as otherwise noted in this section. Major repairs may also require a building permit if repair work is necessary on the sign structure/frame or electrical elements.
- B. Signs, sign supports, braces, guys and anchors shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions that impairs legibility or intelligibility or any condition that may cause a hazard. Broken or damaged signs or parts of signs shall be repaired or made safe immediately after the damage occurs.
- C. Illumination.
 1. Signs may be internally or externally illuminated, except for wall signs for home occupations and business event signs, which shall not be illuminated. Illumination shall be only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it. Use of glaring undiffused lights or bulbs shall be prohibited.
 2. Lights shall be directed, shaded and/or shielded downward so as not to project onto adjoining properties or streets.
 3. The provisions listed in subsections 6.9.3(C)(1) and (2) shall not be construed to prohibit the use of electronic changeable message signs, provided such signs meet the criteria of subsection 6.9.3(R).
 4. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
 5. Illumination by bare bulbs or flames is prohibited.
 6. Underground wiring shall be required for all illuminated signs not attached to a building.
- D. No sign shall be erected, relocated or maintained so as to obstruct or prevent free access to any door, window or fire escape.
- E. No sign shall be placed in, upon or over any public right-of-way, or other public place, except as may be otherwise permitted by this section, or placed so as to interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for that use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a

nuisance per se.

- H. Vehicles, which, in the opinion of the director of community development, have the intended function of acting as signs, shall only be parked in approved parking areas in accordance with the requirements of article VII.
- I. Except as to electronic changeable message signs, no sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light. However, electronic changeable message signs may be permitted, provided that the requirements of subsection 6.9.3(R) are met.
- J. Wall signs.
1. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.
 2. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
 3. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
- K. No sign shall be erected above the roofline of a building.
- L. No obscene message, graphic or profanity, as determined by the director of community development, shall be displayed on any sign.
- M. Only temporary or permanent signs that direct attention to a business or profession conducted as an allowed use or to a principal commodity, service or entertainment sold or offered as an allowed use upon property where the sign is located are permitted, except where expressly provided otherwise in this Ordinance.
- N. Any sign not expressly permitted by this section is prohibited.
- O. Projecting signs.
- i. Projecting signs must clear sidewalks by at least eight (8) feet and project no more than four (4) feet from the building or one-third the width of the sidewalk, whichever is less.
 - ii. Except for awnings or canopies, projecting signs must be pinned away from the wall at least six (6) inches.
 - iii. Projecting signs are not permitted at the intersection of corners except at right angles to a building front. When a building faces two (2) streets, then one (1) sign per side may be allowed.
 - iv. Projecting signs may extend to the bottom of the eaves of a building.
 - v. Projecting signs may not extend above the second story.
 - vi. No projecting sign may be displayed unless the building to which it is attached is twenty (20) feet or more in width and no projecting sign may be closer than fifty (50) feet to any other projecting sign.
 - vii. Projecting signs must project at a ninety-degree angle to the building surface to which it is attached.
 - viii. Projecting signs shall be attached directly to a building by means of building mounts or having a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.



Freestanding Sign

- P. Canopy signs shall be mounted flat against the canopy face used to calculate allowable area.
- Q. Electronic changeable message signs and reader boards shall conform to the following provisions:
1. All ground, wall and freestanding signs may include an electronic changeable message sign or reader board.
 2. Except for governmental signs, the message which appears on the sign shall advertise only the activity conducted on the property where the sign is located.
 3. For electronic changeable message signs, the message shall change at a time interval that permits a person to view the entire message during the time available to do so compatible with safe motor vehicle operation.
 4. All electronic changeable message signs shall be equipped with a dimmer to reduce the amount of light emitted. Signs shall be dimmed from dusk to dawn.
 5. No graphics shall be displayed on the sign that replicate or are similar to the lights used by emergency vehicles, traffic control signals or any other words or graphics that in the sole discretion of the director of community development create a potential hazard to drivers, pedestrians or others.
 6. Size, height and location provisions shall be according to the provisions of section 6.9.9 for the sign type and zoning district.

6.9.4 *Exempted signs.* The following signs shall be exempt from the provisions of the Delhi Charter Township Zoning Ordinance.

- A. Flags or insignia of any nation, state, county, community organization, or educational institution (if not more than three (3) such flags are located on the same property), provided that the flags are displayed on a flag pole which does not exceed thirty-five (35) feet in height and is permanently anchored to the ground or a permanent structure.
- B. Government signs.
- C. Historical markers.
- D. Memorial signs, memorial flags or tablets.
- E. Murals.
- F. Placards.
- G. Signs for essential services.
- H. Signs not visible from any street or adjacent property.
- I. Signs on a residence with address, owner, or occupant name of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
- J. Window signs not visible from the street or adjacent property.
- K. Signs for garage, yard, basement, and estate sales, or other similar activities in residential districts, provided that any such signs shall not be placed in such a manner as to interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.

6.9.5 *Prohibited signs.* The following signs and devices shall be prohibited.

- A. Roof signs.
- B. Signs that display a message on road furniture, such as benches, pedestrian lights, and decorative trash receptacles.
- C. Banner signs (unless part of and counted toward the area and number of allowed permanent signs), flags (except as otherwise permitted by section 6.9.4), strings of lights and other similar decorations, unless part of a holiday decoration not associated with any commercial use. Holiday decorations may be displayed for a period not to exceed

sixty (60) days.

- D. Balloon signs.
- E. Spotlights, searchlights, blinking lights, flashing lights and other similar lighting.
- F. Portable and/or temporary signs not otherwise permitted by section 6.9.
- G. Pennants, spinner, streamers and other similar devices.
- H. Any sign not expressly permitted by section 6.9.

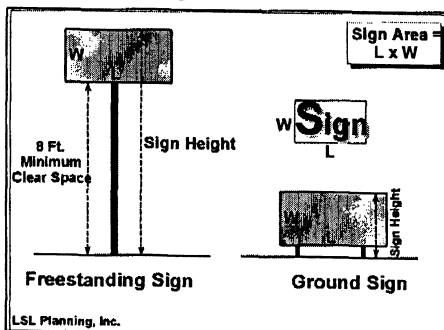
6.9.6 Nonconforming signs, illegal signs, and signs accessory to nonconforming uses.

- A. Every permanent sign that does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Except as noted in subsection C, below, nonconforming signs may not be altered, expanded, enlarged or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. A nonconforming sign may be altered without change to its nonconforming status, provided that the sign replacing the original nonconforming sign results in a sign with a size, setback or dimension that is at least thirty (30) percent less than the original amount of nonconformity of the sign when it became nonconforming.
- D. The copy of the sign may be amended or changed without jeopardizing the privilege of nonconforming sign as long as no part of the frame or other supporting structure is altered or replaced.
- E. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- F. Any sign, including nonconforming signs, which for a period of six (6) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which the sign is located.

6.9.7 Sign units of measurement.

A. Area:

1. The area of a sign shall be expressed in square feet within a single continuous perimeter of straight lines enclosing the extreme limits of a single advertising message of writing, representations, emblems or figures of a similar character, together with all material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.



Sign Area

2. If a sign has only one (1) exterior face, the surface display area of that face shall not exceed the specified maximum. If a sign has two (2) exterior faces, the surface display area of each face shall not exceed the specified maximum. If a sign has more than two (2) exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.

3. The supports, uprights or structure, including decorative elements, such as pillars, brick supports, and other similar which any sign is supported shall not be included in determining the surface display area unless such supports, uprights or decorative elements are designed in such a manner as to form an integral background of the display.
4. The areas of lamps, neon tubing or artificial illumination on walls of any structure shall be counted as part of the total allowable sign area.
5. Only the vertical, flat spaces of a canopy structure (excluding supports) shall be used to calculate total sign area permitted for canopy signs.

B. *Height:*

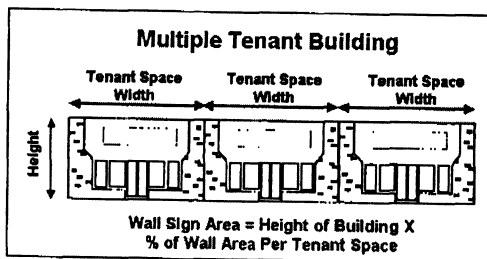
1. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is lower.
2. Berms or other supporting measures used to increase the height of the sign shall be included in the computation of sign height.

C. *Grades:*

1. For purposes of this section, average grade shall mean the ground elevation established for the purpose of regulating the height of the sign.
2. The average grade shall be the level of the ground adjacent to the base of the sign if the finished grade is level or the grade of the adjacent street, whichever is lower. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground within ten (10) feet of the base of the sign.

D. *Multiple tenant buildings:*

1. For buildings with multiple tenants requiring individual signs, the sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building, applicable to each tenant space, and computing sign requirements for that portion of the total wall.
2. In the case of a corner lot, the wall area adjacent to the tenant space on the second street frontage shall be used to calculate the sign area for a second wall sign, awning sign, or projecting sign.
3. Each sign shall be attached to the same wall used to determine its size.



6.9.8 *Permits required.*

- A. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except those signs as outlined in subsection 6.9.8(C) below. The department of community development shall issue a permit only if the proposed sign meets all requirements of the Ordinance.
- B. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted building code. Signs with electrical connections shall comply with electrical code requirements, including the application, inspection, and approval of an electrical permit.
- C. The following signs shall not require a sign permit:
 1. Directional signs.
 2. Placards.

- 3. Government signs.
 - 4. Political signs.
 - 5. Special event signs.
 - 6. Window signs.
- D. It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit issued by the township without prior approval of the department of community development. A written record of this approval shall be entered upon the original permit application and maintained in the files of the township.
- E. The owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor shall make application for a sign permit. Applications shall be made in writing on forms furnished by the township and shall be signed by the applicant. The application shall be accompanied by the following plans and other information:
- 1. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - 2. The location by street address of the proposed sign structure.
 - 3. A site plan, elevation drawings and caption of the proposed sign.
 - 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings and materials.
 - 5. Application for, and required information for the application, an electrical permit for all signs requiring an electrical connection.
 - 6. A statement of valuation.

6.9.9 Signs permitted by zoning district.

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| A. Signs Permitted in All Districts: | | | |
| • Business Event Signs | | | |
| Number | One (1) sign (not permitted in residential zoning districts) per business | | |
| Length of display | A business event sign shall not be displayed for longer than fifteen (15) calendar days per event and no more often than once every three (3) months as outlined in subsection 6.9.3S.6 | | |
| Size | Trailer Mounted Business Event Sign | a. | Size of trailer and sign frame shall not exceed seven (7)' tall and eight and one-half (8½)' wide |
| | | b. | Two (2) display faces only |
| | | c. | Each display face is limited to thirty-five (35) square feet |

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| | Other Business Event Signs | a. | Maximum height of sign, including frame, shall be four (4)' tall measured from the ground to the top of the sign |
| | | b. | Display area, including the frame, shall not exceed twenty-four (24) square feet on one (1) display face or twelve (12) square feet per side if there are two (2) display faces. Two (2) display faces only |
| Location | A minimum of ten (10) feet from any property line; see section 6.9.35.3. for additional information | | |
| • Construction Signs: | | | |
| Number | One (1) per frontage on-site | Signs shall not be erected until a building permit has been issued | |
| | | Signs shall be removed immediately after twelve (12) months or upon the issuance of any occupancy permit or completion of work, whichever occurs first, for the building, structure, or project that is the subject of the construction sign | |
| Size | Maximum of thirty-two (32) square feet | | |
| Location | A minimum of ten (10) feet from any property line and five (5) feet from any sidewalk | | |
| Height | Eight (8) feet | | |
| • Contractor Sign: | | | |
| Number | One (1) per site (one (1) per frontage on corner lots)—Per contractor | | |
| Length of display | The sign shall not be displayed until work commences and shall be removed within seven (7) calendar days of the completion of the work | | |
| Size | Six (6) square feet | | |
| Location | A minimum of five (5) feet from any property line | | |
| Height | Three (3) feet | | |

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| • Directional Signs: | | |
| Number | Two (2) per driveway | |
| Size | Three (3) square feet | Up to fifty (50) percent of the area of a directional sign may contain a logo of an on-premises establishment, but no advertising copy, and shall otherwise be limited to traffic control functions only |
| Location | A minimum of five (5) feet from street right-of-way | |
| Height | Three (3) feet | |
| • Grand Opening Sign: | | |
| Number | One (1) sign per event (prohibited for home occupations) | Temporary grand opening signs may be permitted for a period not to exceed fifteen (15) calendar days. Wind blown devices such as pennants, flags, spinners, and streamers are also permitted. Must be requested in writing |
| Size | No larger than thirty-five (35) square feet in surface display area per side | |
| Location | Grand opening signs must be located on the same premises as the business. A minimum of ten (10) feet from the property line and a minimum of five (5) feet from any sidewalk | |
| • Placard: | | |
| Number | Minimum separation of two hundred (200) feet on-site | |
| Size | Two (2) square feet | |
| Location | A minimum of five (5) feet from any property line | |
| • Political Signs: | | |
| Number | One (1) per candidate or issue | A corner lot is permitted one (1) sign per candidate or issue placed on each street frontage |

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| Size | Eight (8) square feet | |
| Location | Five (5) feet from any property line | Political signs shall be removed within ten (10) days after the official election or referendum to which the sign pertains |
| Height | Four (4) feet | |
| • Real Estate Signs: | | |
| Number | One (1) per lot located on the lot which is the subject of the sign | Real estate signs shall be removed within five (5) days after completion of the sale or lease of the property |
| | | A corner lot or through lot is permitted one (1) sign placed on each street frontage |
| Size | Residential and multifamily land uses in all districts | Nine (9) square feet |
| | Nonresidential land uses in all districts | Sixteen (16) square feet |
| Location | A minimum of five (5) feet from any property line and/or road right-of-way line | |
| Height | Eight (8) feet | |
| • Special Event Signs: | | |
| Number | Five (5) per event | The display of the signs shall be limited to the twenty-one (21) days immediately preceding the event and be removed within forty-eight (48) hours of the conclusion of the event that is being advertised. |
| Size | Ground sign shall not exceed thirty-five (35) square feet and banners erected over the road shall not exceed seventy-five (75) square feet | |

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| Location | A minimum of ten (10) feet from any property line. |
| Height | Five (5) feet |

B. A-1, PP, R-1A thru R-1E, RM, R-M1 and RM-2 Districts:

• Agricultural Signs (agriculturally zoned properties only):

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| Number | One (1) per site |
| Size | A maximum of thirty-two (32) square feet. The dimension of all signs for special uses in the A-1 district shall not exceed the sign limitation in the C-2 zoning district |
| Location | A minimum of ten (10) feet from any property line |
| Height | Five (5) feet |

• Development entry signs for residential subdivisions, site condominiums, manufactured home communities, multiple-family complexes, other permitted nonresidential uses (except institutional signs):

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| Number | One (1) per major entrance |
| Size | Thirty-two (32) square feet |
| Location | A minimum of ten (10) feet from any property line |
| Height | Five (5) feet |

• Institutional Signs:

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| Number | One (1) per site |
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|---|---|---|
| Size | Thirty-two (32) square feet | |
| Location | A minimum of ten (10) feet from any property line | |
| Height | Five (5) feet | |
| • Subdivision Signs: | | |
| Number | One (1) per entrance (on-site) | A building permit is required and authorizes use for four (4) years or until ninety (90) percent of lots are sold which ever occurs first |
| Size | A maximum of fifty (50) square feet | |
| Location | A minimum of ten (10) feet from any property line | |
| Height | Not exceeding twenty (20) feet above ground level | |
| • Wall Signs (home occupations) (See also subsection 6.9.3.K): | | |
| Number | One (1) per main building | |
| Size | Four (4) square feet | |
| Location | On wall facing street | |
| Height | N/A | |
| • Wall Signs (other uses) (See also subsection 6.9.3.K): | | |
| Number | One (1) per main building (except as permitted in subsection 6.9.7.D) | |
| Size | Ten (10) percent of the wall area to which it is attached but not exceeding two (2) square feet of sign area per each lineal foot of building wall length | |

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| Location | On wall facing street |
| Height | N/A |

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| C. C-1, TC Districts: | | |
| • Canopy Signs: | | |
| Number | One (1) per main building (except as permitted in subsection 6.9.7.D) | |
| Size | Twenty (20) percent of the canopy area to which it is attached | |
| Location | On canopy sign facing street | |
| Height | Signs shall not extend above or below the surface of the canopy to which they are attached | |
| • Ground Signs: | | |
| Number | One (1) per lot | One (1) sign is permitted for each frontage on a corner lot property, provided that the signs are separated by at least three hundred (300) feet, as measured along the front property lines |
| | | No more than two (2) signs are permitted for lots with multiple frontages |
| Size | C-1 District | Thirty-two (32) square feet |
| | TC District | Twenty-five (25) square feet |
| Location | Minimum of ten (10) feet from any property line | |
| Height | Four (4) feet | If set back more than twenty (20) feet from the street right-of-way line, height may increase to up to eight (8) feet |
| • Projecting Signs (if no wall sign is present) (See also subsection 6.9.3.P): | | |

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| Number | One (1) per main building |
| Size | Ten (10) percent of the wall area to which it is attached, not to exceed twenty (20) square feet |
| Location | Extending from wall facing street and subsection 6.9.3.P. |
| Height | See subsection 6.9.3.P |
| <ul style="list-style-type: none"> • Wall or Awning Signs (if no projecting sign is present) (See also subsection 6.9.3.K): | |
| Number | One (1) per main building (except as permitted in subsection 6.9.7.D) |
| Size | Ten (10) percent of the wall area to which it is attached but not exceeding twenty-five (25) square feet |
| Location | On wall facing street and off-street parking area designated for that building |
| Height | N/A |
| <ul style="list-style-type: none"> • Reader Boards | |
| Number | One (1) per site |
| Size | Twenty (20) square feet as part of a permitted freestanding, ground or wall sign |
| <ul style="list-style-type: none"> • Electronic Changeable Message Signs | |
| Number | One (1) per site |
| Size | May be all or part of any freestanding, ground or wall sign and is subject to the total size requirements for that type of sign within the zoning district |
| Hours | Hours of business operation. Light intensity shall be dimmed between dusk and dawn if the sign is in operation during those times |

D. C-2, C-3 Districts:

- **Business Center Signs** (unless a freestanding sign or ground sign is located on the same property):

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| Number | One (1) per lot | One (1) sign is permitted for each frontage on a corner lot property, provided that the signs are separated by at least three hundred (300) feet, as measured along the front property lines. No more than two (2) signs are permitted for lots with multiple frontages |
| Size | Business center GFA up to twenty-five thousand (25,000) square feet | One hundred (100) square feet |
| | Business center GFA more than twenty-five thousand (25,000) square feet | One hundred (100) square feet plus two (2) square feet for each full one thousand (1,000) square feet of GFA above twenty-five thousand (25,000) square feet, not to exceed one hundred fifty (150) square feet |
| | Business center GFA more than fifty thousand (50,000) square feet | One hundred (100) square feet plus fifty (50) square feet for each full twenty-five thousand (25,000) square feet of GFA above fifty thousand (50,000) square feet, not to exceed three hundred (300) square feet |

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| Location | Minimum of ten (10) feet from any property line | If a clear space of eight (8) feet or greater is not maintained between the bottom of the sign and the ground, the setback shall be increased to twenty (20) feet |
| Height | Twenty-four (24) feet | |
| <p>• Canopy Signs:</p> | | |
| Number | One (1) per main building | |
| Size | Twenty (20) percent of the canopy area to which it is attached | |
| Location | On canopy side facing street | |
| Height | Signs shall not extend above or below the surface of the canopy to which they are attached | |
| <p>• Freestanding Signs (unless a business center sign or ground sign is located on the same property):</p> | | |
| Number | One (1) per lot | One (1) sign is permitted for each frontage on a corner lot property, provided that the signs are separated by at least three hundred (300) feet, as measured along the front property lines |
| | | No more than one (1) sign per frontage is permitted for lots with multiple frontages |
| | | The second sign shall not exceed fifty (50) percent of the area allowed for the first sign |
| Size | Sixty-six (66) feet or less street frontage | Thirty-two (32) square feet |

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| | More than sixty-six (66) feet street frontage | Thirty-two (32) square feet plus one (1) square foot for each lineal foot of street frontage in excess of sixty-six (66) feet, not to exceed one hundred (100) square feet |
| Location | Minimum of ten (10) feet from any property line | If a clear space of eight (8) feet or greater is not maintained between the bottom of the sign and the ground, the setback shall be increased to twenty (20) feet |
| Height | Eighteen (18) feet (except business center sign over one hundred (100) square feet—Twenty-four (24) feet high) | |
| • Ground Signs (unless a business center sign or freestanding sign is located on the same property): | | |
| Number | One (1) per lot | One (1) sign is permitted for each frontage on a corner lot property, provided that the signs are separated by at least three hundred (300) feet, as measured along the front property lines. No more than one (1) sign is permitted per frontage for lots with multiple frontages |
| Size | Same as freestanding sign | |
| Location | Minimum of ten (10) feet from any property line | |
| Height | Four (4) feet | If set back more than twenty (20) feet from the street right-of-way line, height may increase to up to eight (8) feet |
| • Projecting Signs (if no wall sign is present) (See also subsection 6.9.3.P): | | |
| Number | One (1) per main building | |
| Size | Ten (10) percent of the wall area to which it is attached but not exceeding thirty-two (32) square feet | |
| Location | On wall facing street | |

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| Height | N/A |
| • Reader Boards: | |
| Number | One (1) per site |
| Size | Twenty (20) square feet as part of a permitted freestanding, ground or wall sign |
| • Wall or Awning Signs (if no projecting sign is present) (See also subsection 6.9.3.K): | |
| Number | One (1) per main building (except as permitted in subsection 6.9.7.D) |
| Size | Ten (10) percent of the wall area to which it is attached but not exceeding thirty-two (32) square feet |
| Location | On wall facing street and off-street parking area designated for that building |
| Height | N/A |
| • Electronic Changeable Message Signs: | |
| Number | One (1) per site |
| Size | May be all or part of any freestanding, ground or wall sign and is subject to the total size requirements for that type of sign within the zoning district |
| Hours | Hours of business operation. Light intensity shall be dimmed between dusk and dawn if the sign is in operation during those times |

E. IW, IR, IA, IM, IP Districts

• Ground Sign or Freestanding Sign:

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|--------|------------------|
| Number | One (1) per site |
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|---|---|---|
| Size | One hundred (100) square feet | |
| Location | A minimum of ten (10) feet from any property line | If setback is increased to twenty (20) feet, ground sign may be increased to eight (8) feet and freestanding signs may have less than eight (8) feet of clear space |
| Height | Four (4) feet for ground signs and twenty-four (24) feet for free-standing signs with eight (8) feet of free space | |
| <p>• Wall Signs (See also subsection 6.9.3.K):</p> | | |
| Number | One (1) per main building (except as permitted in subsection 6.9.7.D) | |
| Size | Twenty (20) percent of the wall area to which it is attached but not exceeding two (2) square feet per each lineal foot of building wall length, but in no case exceeding one hundred (100) square feet | |
| Location | On wall facing street | |
| Height | N/A | |
| <p>• Industrial Park Development Sign:</p> | | |
| Number | One (1) per entrance | |
| Size | Fifty (50) square feet | |
| Location | A minimum of twenty (20) feet from any property line | |
| Height | Eight (8) feet | |
| <p>• Reader Boards:</p> | | |

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|---|--|
| Number | One (1) per site |
| Size | Twenty (20) square feet as part of a permitted freestanding, ground or wall sign |
| • Electronic Changeable Message Signs: | |
| Number | One (1) per site |
| Size | May be all or part of any freestanding, ground or wall sign and is subject to the total size requirements for that type of sign within the zoning district |
| Hours | Hours of business operation. Light intensity shall be dimmed between dusk and dawn if the sign is in operation during those times |

F. PUD and PD Districts:

Signs in the PUD District shall adhere to the requirements of the district in which the use to which the sign is referring would first be permitted either as a use permitted by right, use permitted under special conditions, or a use permitted by special use permit

6.9.10 Sign variances.

- A. The provisions of article IV, section 4.2 and subsection 4.4.3(3), Rules, apply to requests for sign variances.
- B. The zoning board of appeals shall not consider any request that would authorize any sign, sign structure, or other sign-related activity other than those permitted by this Ordinance.
- C. The zoning board of appeals shall not grant a variance related to any sign allowed by this section unless it makes findings based upon evidence presented to it that all of the following standards are satisfied or found not to be applicable:
 1. The particular physical surrounding shape, topographical, or location conditions of the specific property or structure involved results in an inability to comply with the Ordinance if the strict application of this section was carried out, as distinguished from a mere inconvenience;
 2. That any increased costs associated with maintaining compliance with the Ordinance are not considered as a basis for granting a variance;
 3. The need for the variance has not been created by any person having an interest in the sign, sign structure or property;
 4. Construction of a permitted sign would require removal or severe alteration to natural features on the parcel,

such as but not limited to: Removal of trees, alteration of the natural topography, or obstruction of a natural drainage course.

- D. In addition to the required standards of subsection C, above, the zoning board of appeals may consider any of the following and make findings based upon evidence presented to it when reviewing a sign variance:
1. The conditions upon which the petition for a variance is based would not be applicable, generally, to any other property, or structure in the same general area;
 2. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure for sign purposes;
 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area which the sign is located or otherwise endanger the public safety, or substantially diminish or impair property values within the area;
 4. The permitted signs could not be easily seen by those for whom it is intended due to the configuration of existing buildings, trees or other obstructions;
 5. A sign that exceeds the allowable height or area requirements of the Ordinance would be more appropriate in scale because of the unusually large size or frontage of the premises or building.

(Ord. No. 39.67, 6-3-97; Ord. No. 39.72, 1-20-98; Ord. No. 39.84, 6-1-99; Ord. No. 39.92, § 1, 2-1-00; Ord. No. 39.98, § 1, 5-16-01; Ord. No. 39.104, 1-20-04; Ord. No. 39.110, 2-15-05; Ord. No. 39.112, 5-4-05; Ord. No. 39.113, 11-1-05; Ord. No. 39.126, 6-5-07; Ord. No. 39.149, 5-20-08; Ord. No. 39.154, §§ I—III, 11-4-09)

Footnotes:

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Editor's note— *It should be noted that this section shall take effect on November 13, 2005.*

Section 6.10 - Landscape requirements.

6.10.1 *Landscape standards*

6.10.1.1 *Intent.* It is the intent of this section to require landscape buffers and screening to reduce negative effects between incompatible land uses; to provide landscaping within parking areas; and to enhance the aesthetic qualities, character, privacy and land values of Delhi Charter Township. Landscaping shall be considered as the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation.

6.10.1.2 *Requirement.* Landscaping shall be provided as a part of site plan and/or subdivision design. The landscape plan shall be designed to achieve the following purposes.

- 1) To integrate the various elements of the site.
- 2) To preserve and enhance the site.
- 3) To improve and enhance the character of the site; to screen or filter views, where necessary; to help unify the various parts of the site; blend inharmonious land uses; and buffer incompatible uses.
- 4) To define and articulate outdoor and architectural space.
- 5) To control soil erosion; moderate harsh or unpleasant sounds; remove air pollutants; control glare and reflection; and slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding; and to block divert, or channel winds.
- 6) To moderate the effects of climate and to create a more desirable microclimate.

6.10.1.3 *Definitions*. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennial and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles and planters.

6.10.1.4 *Green area*. All parts of a site that will not be covered by buildings or other structures, streets, driveways, parking lots, or other paved areas are green areas. Green areas shall be stabilized with grass or ground covers, low growing shrubs, or mulch material. In cases of new construction, green area shall be installed within two (2) planting seasons, as defined by subsection 6.10.2.3.7) of this Ordinance, from issuance of the building permit or no more than one (1) year, whichever is less.

6.10.1.5 *Buffer zones*. Buffer zones shall be required between zoning districts. See Landscape Buffer Matrix at the end of [section 6.10](#). Buffer zones shall meet the following standards:

- 1) Minimum width shall be as follows:
 - a) Type A shall be fifty (50) feet.
 - b) Type B shall be thirty (30) feet.
 - c) Type C shall be ten (10) feet.
- 2) Buffer zones shall contain one (1) tree for each thirty (30) lineal feet, or fraction thereof, of the length of the buffer zone.
- 3) Buffer zones. The buffer zone shall contain a screen comprised of shrubs, screen walls, fence, or a combination thereof based on the following criteria:
 - a) When berms, screen walls, and/or screen fencing are used as a part of the screen for all or part of the required buffer zone, one (1) shrub shall be required for each ten (10) lineal feet or fraction thereof of the buffer zone with berm, screen walls, or screen fencing shrub shall be spaced and located to provide the fastest and most aesthetically pleasing arrangement for both the subject property and the public.
 - b) When only plant materials are used for all or part of the required buffer zone, four (4) shrubs shall be required for each twenty (20) lineal feet or fraction thereof of the buffer zone.
- 4) In no case shall buffer zones be considered as a part of the off-street parking area landscape requirement. All required buffer zones shall consist of green space, landscaping and shrubbery. No driveways, maneuvering lanes, parking spaces or other hard surface areas are permitted within any buffer zone except for shared access drives.
- 5) The director of community development may recommend approval of alternative spacing arrangements and alternative numbers of plant materials if the intent of reducing negative effects between incompatible land uses is achieved.

6.10.1.6 *Greenbelts*. Greenbelts shall be required where a developed parcel abuts a public thoroughfare. Greenbelts shall meet the following standards:

- 1) Greenbelts are to be constructed only on private property and are not a part of the public rights-of-way. Tree planting in the Greenbelts are to be planted and maintained in strict accordance with the requirements of the Ingham County Road Commission, Michigan Department of Transportation, or other unit of government having jurisdiction.
- 2) The minimum width of a required Greenbelt shall be at least ten (10) feet.
- 3) Greenbelts shall contain one (1) tree for each fifty (50) lineal feet of frontage, or fraction thereof, on a public thoroughfare. At least one-half of the required trees shall be canopy trees. Trees shall be spaced and located to provide the safest and most aesthetically pleasing arrangement for both the subject property and the public. In

addition, no tree shall be planted closer than twenty-five (25) feet to the intersection of two (2) crossroads, measured from the point of intersecting curb lines or the edge of the pavement if there is no curb.

- 4) Further, Greenbelts shall contain one (1) shrub for each ten (10) lineal feet, or fraction thereof, of frontage on a public thoroughfare. Shrubs shall be spaced and located to provide the safest and most aesthetically pleasing arrangement for both the subject property and the public.
- 5) Deciduous trees, of a species that is approved by the Ingham County Road Commission, may be planted no closer than five (5) feet behind the curb, ten (10) feet in a cul-de-sac island. No evergreen tree, ornamental tree, fruit or nut bearing tree, or other trees not included in the approved list shall be planted closer than fifteen (15) feet behind the curb. No tree shall be planted closer than nineteen (19) feet from the near edge of the pavement if there is no curb.
- 6) The minimum size of a tree to be planted shall be two and one-half (2½) inches in diameter, measured six (6) feet above the base of the tree.
- 7) All trees shall be installed following accepted professional planting procedures as specified in the current Michigan Department of Transportation Standard Specification for Construction. At a minimum, balled and burlapped trees shall be backfilled with high quality top soil, planted in excavations that are two (2) times the diameter of the root ball or two-foot in diameter for every one-inch of diameter for bare root planting stock, one-foot deeper than the height of the root ball or root mass for bare root stock, staked, mulched and watered at the time of planting.
- 8) Trees to be planted should be chosen from those species that are well adapted to the conditions in which they will be planted, are hardy, disease-resistant, long-lived and not prone to weakness. The director of community development shall retain the right to prohibit the use of any species of tree which, in the director's opinion, is not consistent with the requirements and goals of this section.
- 9) All street tree plantings shall be included in the road construction plans, including variances from any of the standards above, and shall be approved by the Managing Director of the Ingham County Road Commission prior to planting.
- 10) In no case shall Greenbelts be considered as a part of the off-street parking area landscape requirement.
- 11) The director of community development may recommend approval of alternative spacing arrangements and alternative numbers of plant materials if the intent of reducing negative effects between incompatible land uses is achieved.
- 12) Greenbelt plantings are required in residential subdivision. Subdivision greenbelts will not be required to provide shrubs as indicated in subsection 6.10.1.6. 4).

6.10.1.7 *Off-street parking areas.* Landscaping shall be required when six (6) or more parking spaces are required. The following landscape requirements shall be met:

- 1) Required landscape areas shall be at least eight (8) feet wide and contain at least one hundred twenty (120) square feet.
- 2) Required landscape areas shall be covered with turf, shredded bark, stone, or living groundcover plants.
- 3) All landscape areas shall contain at least one (1) canopy tree. One (1) canopy tree and one hundred (100) square feet of landscaped area shall be required per ten (10) parking spaces. Trees shall be located to assure that no damage will occur to or from adjacent parked vehicles and shall be spaced and located to provide the safest and most aesthetically pleasing arrangement for both the subject property and the public. The location of the required landscaped areas shall be directed by subsection 6.10.7. 5).
- 4) All landscaping shall be protected by a raised standard or rolled curb and gutter unless otherwise approved by the Delhi Charter Township Planning Commission.
- 5) Delhi Charter Township shall approve the location of required off-street parking area landscaping using the following

criteria:

- a) Landscaping shall be arranged throughout the parking lot in order to break up large expanses of parking area.
- b) The location of canopy trees and landscape material shall be designed so that they are reasonably dispersed throughout the parking area to screen from adjacent properties and from the public street, to provide for effective and efficient site maintenance, and to not impede vehicular and pedestrian circulation within the site.
- c) Landscaping shall be installed in such manner that when mature, the material will not obstruct traffic signs, fire hydrants, lighting, drainage patterns, or vision for reason of safety, ingress or egress.
- d) Alternative paving techniques that are designed to permit the percolation of stormwater into the area below the paving are used, and it is demonstrated that the placement of required landscaping within the parking area will limit the effectiveness or ability to maintain the alternative paving system, the planning commission may permit the placement of required landscaping in alternate locations on the site.

6.10.1.8 *Landscape plans*. Landscape plans shall provide the following information:

- 1) Existing and proposed topography, by contours with an interval of no greater than two (2) feet, correlated with the grading plan.
- 2) Location, type and size of existing plant material and the proposed means of protecting the plant material during construction.
- 3) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing, and root type (bare root or balled and burlapped).
- 4) Location of all proposed improvements, as shown on the site plan.
- 5) Sections, elevations, plans and details of landscape elements such as berms, walls, ponds, retaining walls and tree wells.
- 6) Proposed planting dates.
- 7) Irrigation system plan if included for watering landscaped areas.
- 8) Sub drainage systems for the drainage of landscape areas.
- 9) Planting and staking details, in text or graphic form, explaining the method of installation type and depth of mulch, and any special planting requirements.

6.10.2 *Plant materials*

6.10.2.1 *Installation*. Plant materials shall be installed in a sound, workman-like manner, and according to acceptable planting procedure. All plant materials shall be maintained in a healthy and growing state. All landscape elements such as, but not limited to, fences, screens, walls, or lighting shall be kept in good repair. All landscaped areas shall be maintained by pruning, trimming, weeding, clearing of undergrowth, fertilizing, and watering at intervals necessary to promote optimum growth and health.

6.10.2.2 *Maintenance*. Materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced within the current planting period. Replacement materials shall meet all standards of the original installation. All landscaped areas shall be provided with a readily available and acceptable water supply. Newly planted materials shall be regularly watered until established. The property owner, tenant and their agent, if any, and any homeowners' or condominium association, if any, shall be jointly and severally responsible for maintenance of landscaped areas. Trees shall be maintained such that limbs over roadways will be at least thirteen (13) feet above the elevation of the street surface.

6.10.2.3 *Plant material standards*. Plant materials shall meet the following standards:

- 1) Plant and grass materials shall be acceptable varieties and species, hardy in Ingham County, and shall conform to the minimum standards of the American Association of Nurserymen, and shall have passed any inspections required under federal regulations.
- 2) No plant materials used to satisfy these standards shall be comprised of nonliving materials, such as "plastic" plants.
- 3) Canopy (deciduous) trees shall be species having an average mature crown spread greater than fifteen (15) feet and a mature height of forty (40) feet or more in Ingham County and having trunks that can be maintained with over five (5) feet clear stem if conditions of visibility require; except, however, at street intersections, where at least eight (8) feet stem clearance will be required. Deciduous tree species shall be a minimum of ten (10) feet overall height or a minimum caliper of two and one-half (2½) inches at planting.
- 4) Evergreen trees shall be a minimum of six (6) feet high with a minimum spread of three (3) feet and a burlapped ball size at least ten (10) times the caliper at planting.
- 5) Evergreen and deciduous shrubs that are balled and burlap or bare root shall be a minimum of two (2) feet high, measured at planting, or two (2) feet in spread if the plants are low growing spreading evergreens. Shrubs in landscape containers shall be a minimum of a #5 container size.
- 6) Groundcovers shall be installed and maintained until such time that they present a finished appearance and reasonably complete coverage. Groundcovers shall be planted at a rate of at least three (3) plants per square foot.
- 7) A "planting season" for required trees, shrubs, grass, groundcover and other plantings shall be the periods of April 1 to June 30 and September 1 to October 31.
- 8) Lawn grass shall be planted in species grown as permanent lawns in Ingham County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or diseases.
- 9) All plant materials shall be well formed, sound, vigorous, healthy and free from disease, sunscald, windburn, abrasion and harmful insects or insect eggs including root systems at the time of planting, and shall not be of a species that is known to carry or be a host to destructive pathogens or pests.
- 10) The following plant materials are not permitted for planting in required buffer zones, Greenbelts, or the interior planting areas of parking lots due to their tendency to have wood that is brittle and breaks easily; their roots are known to clog drains and sewers; and they are known to be susceptible to disease or insect pests:

| Common Name | Horticultural Name |
|------------------------|------------------------|
| Silver Maple | Acer saccharum |
| Boxelder | Acer nugundo |
| Ash | Fraxinus species |
| Honey Locust (thorned) | Gleditsia t. (thorned) |
| Ginko (female) | Ginko Biloba (female) |
| Mulberry | Morus species |

| | |
|------------------------|------------------|
| Popular | Populus species |
| Black Locust | Robinis species |
| Willow | Salix species |
| American Elm | Ulmus americans |
| Siberian Elm | Ulmus umila |
| Slippery Elm (Red Elm) | Ulmus rubra |
| Chinese Elm | Ulmus parvilolia |

6.10.3 *Landscape elements*

6.10.3.1 *Standards.* Landscape elements shall meet the following standards:

- 1) *Berms.* Berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet, with at least a two-foot wide generally flat top. Adequate protection against erosion shall be provided. Berms shall be designed and constructed to appear as natural features in the landscape in the vicinity. Uniform heights and shapes should be avoided. If a slope greater than one (1) (vertical) on three (3) (horizontal) is necessary, the surface shall be planted with a groundcover that is suitable for stabilizing the surface.
- 2) *Mulching material.* Mulching material for planted trees, shrubs and vines shall be a minimum of four-inch deep shredded hardwood bark. Decorative materials, such as stonechips, woodchips, mulch, or cobblestones within planting beds and areas shall be placed on a permeable landscape fabric that allows passage of water and air to the soil below. Polyethylene or plastic films shall not be used for this purpose.
- 3) *Walls and fences.* Walls shall be constructed of stone, brick or similar materials. Fences for landscaping purposes shall be constructed of wood. Chain link or other metal fences shall not be used for landscaping purposes. Walls and landscape fences shall be correlated with buildings, in terms of design and materials, and with the character of the site.
- 4) *Paving materials for walks, drives, and parking.* Paving materials shall be installed in a manner that will either contrast with or complement the other landscape elements and plant materials.

6.10.3.2 *Topsoil.* Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion, and shall be redistributed on regarded surfaces to be landscaped, to provide a minimum of four (4) inches of even cover. The topsoil shall then be permanently stabilized by grass, groundcover or other plantings.

6.10.3.3 *Landscape refuse.* All stumps and other tree parts, litter, brush, weeds, excess or scrap construction materials, or other debris shall be removed from the site and deposited according to law. No tree stumps, or portions thereof, or tree limbs shall be buried on the site. Dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used on the site as a mulch, surface for paths, or similar purposes, only if the plants were free of disease prior to removal.

6.10.3.4 *Existing plant materials.* Healthy plant materials existing on a site prior to its development shall be incorporated into the landscape plan. Existing material shall conform to section 6.10.2.3 above. The planning commission may require that such existing materials be inspected by the township's consulting landscape architect and/or urban forester before accepting them as part of the landscape plan. The planning commission may require the saving of significant existing plant materials based upon their determination that a reasonable layout is possible incorporating those materials. Significant materials shall be defined as those not readily replaceable by virtue of their size, species, variety, shape; or location and may include significant wildlife habitats. For existing plant materials to be saved, the planning commission may require that approval of the township's consulting landscape architect be obtained before any limb removal, root pruning, or other work is done.

6.10.3.5 *Detention and/or retention areas.* Detention and/or retention areas shall be permitted within buffer zones provided that they do not hamper the screening intent of the buffer or jeopardize the health or survival of both existing and proposed plant materials.

6.10.3.6 *Solid waste dumpsters.* Solid waste dumpsters and recycling storage containers may be installed in buffer zones provided that they are screened by a continuous opaque screen at least six (6) feet high. Such screen shall be comprised of berms, plant material, screen walls, fencing or any combination of these elements.

6.10.3.7 *Phased projects.* If a project is to be constructed in phases, the landscape screen may also be constructed in phases. Delhi Charter Township shall determine the extent of each phase on:

- 1) Adjacent land use.
- 2) Distance between land uses.
- 3) Operation characteristics on- and off-site.
- 4) Height of structures.
- 5) Physical characteristics of site such as topography, existing vegetation, and utilities and natural drainage.

6.10.3.8 *Waiver of screen requirement.* Delhi Charter Township determines that adequate existing screen on-site already exists or that such landscape screening shall not be required in a buffer or Greenbelt situation. The applicable zoning ordinance provision may be waived by Delhi Charter Township in whole or in part. Criteria considered in such waiver shall include, but not limited to:

- 1) Topography.
- 2) Existing on-site vegetation.
- 3) Existing and proposed building location(s).
- 4) Sight distances.
- 5) Adjacent land use.
- 6) Existing floodplain, wetland, and/or conditions.

6.10.3.9 *Provision for installation and maintenance.*

- 1) Delhi Charter Township may require a financial guarantee of a sufficient amount to insure the proper installation of all required landscaping materials and elements.
- 2) Further, Delhi Charter Township shall mandate that all landscaping shall be maintained in a healthy, neat and orderly state which is free from refuse and/or debris. All dead and/or diseased plant material shall be removed and replaced.

LANDSCAPE BUFFER REQUIREMENTS

ZONING OF ADJACENT PROPERTY

| ZONING OF SUBJECT PROPERTY | A-1 | R-1A | R-1B | R-1C | R-1D | R-1E | RM | RM1 | RM2 | TC | C-1 | C-2 | C-3 | PP | IP | IW | IR | IA | IM | |
|----------------------------|------|------|------|------|------|------|----|-----|-----|----|-----|-----|-----|----|----|----|----|----|----|--|
| | A-1 | | | | | | | | | | | | | | | | | | | |
| | R-1A | | | | | | | | | | | | | | | | | | | |
| | R-1B | | | | | | | | | | | | | | | | | | | |
| | R-1C | | | | | | | | | | | | | | | | | | | |
| | R-1D | | | | | | | | | | | | | | | | | | | |
| | R-1E | | | | | | | | | | | | | | | | | | | |
| | RM | C | C | C | C | C | C | C | C | C | C | | | | C | | | | | |
| | RM1 | C | C | C | C | C | C | C | C | C | C | | | | C | | | | | |
| | RM2 | C | C | C | C | C | C | C | C | C | C | | | | C | | | | | |
| | TC | B | B | B | B | | | | | | | | | | C | | | | | |
| | C-1 | B | B | B | B | C | C | C | C | C | C | | | | C | | | | | |
| | C-2 | B | B | B | B | C | C | C | C | C | C | C | | | B | | | | | |
| | C-3 | B | B | B | B | B | B | B | B | B | B | B | C | | B | | | | | |
| | PP | B | B | B | B | B | B | C | C | C | C | C | | | | | | | | |
| | IP | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | |
| | IW | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | |
| | IR | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | |
| | IA | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | |
| | IM | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | |

(Ord. No. 39.51, 11-16-93; Ord. No. 39.63, 1-2-96; Ord. No. 39.65, 5-21-96; Ord. No. 39.66, 10-1-96; Ord. No. 39.68, 8-19-97; Ord. No. 39.76, 9-1-98; Ord. No. 39.100, § 3, 8-8-02; Ord. No. 39.104, 1-20-04; Ord. No. 39.117, 2-7-06; Ord. No. 39.129, 6-19-07; Ord. No. 39.151, 1-20-09)

Section 6.11 - Towers and antennas.

6.11.1 *Towers and antennas:*

- 1) Satellite dish antennas shall meet the location and development standards of section 6.11.2 and shall include:
 - a) Satellite antennas for communication reception.
 - b) Exceptions:
 - (1) Personal dish receivers for television or satellite communications reception twenty-four (24) inches or less in diameter mounted on the roof of a residence.
- 2) All other communication antennas and towers shall meet the location and development standards of section 6.11.3 and shall include:
 - a) Communication towers and antennas for mobile equipment;
 - b) Radio, television, and microwave towers and antennas;
 - c) Similar vertical structures for wireless communication;
 - d) Exceptions:
 - (1) The township's fire, police or other public service facilities owned and operated by the township, state or federal government.
 - (2) Towers and antennas that are for the exclusive use of schools.
 - (3) Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas primarily used for reception.

- (4) Facilities exclusively for private, noncommercial radio and television reception and private citizen's bands, licenses and other similar noncommercial telecommunications.
- (5) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEE 802.11 a, b, g (Wi-Fi) and Bluetooth) where the facilities do not require a new tower.

6.11.2 *Satellite dish antennas:*

1. *Intent.* It is the intent of this section to regulate the placement, size, height and installation of the satellite dish antennas in all zoning districts in order to preserve the character, scale and beauty of Delhi Charter Township.
2. *Location standards.*
 - a) *Minimum required setbacks.*
 - (1) *Front.* No portion of a satellite dish antenna, including its concrete base, slab, or other structure, shall be located in the area extending the full lot width between the principal building and a street right-of-way.
 - (2) *Side.* No portion of an antenna, including its concrete base, slab, or other structure, shall be located within the required setback area. In no case shall the antenna be located less than five (5) feet from a side lot line.
 - (3) *Rear.* No portion of an antenna, including its concrete base, slab, or other substructure shall be located within five (5) feet of a rear property line.
 - b) *Maximum height.* No portion of a satellite dish antenna shall exceed a height of eighteen (18) feet from ground level. Ground level shall be the average natural grade measured within twenty-five (25) feet of the base of the antenna. Satellite dish antenna height shall be measured vertically from the highest point of the antenna, when positioned for operation, to the bottom of the base which supports the antenna. Satellite dish antennas mounted to towers or poles shall not exceed the maximum height requirement.
 - c) *Maximum size.* The diameter of a satellite dish antenna shall not exceed twelve (12) feet.
 - d) *Roof-mounted.*
 - (1) Satellite dish antennas mounted upon the roof of a primary or accessory structure shall not be attached or anchored to appurtenances such as chimneys or spires.
3. *General standards.*
 - a) In all districts except commercial and industrial, only one (1) satellite dish shall be located on the same lot or parcel as the principal building.
 - b) In any commercial district, all satellite dish antennas shall be installed behind the front building line. Additionally, no such antenna shall be placed within any required setbacks.
 - c) No advertising or name or message which is designed or intended to attract attention to an enterprise or activity shall be permitted on any portion of the satellite dish antenna.

6.11.3 *Wireless communication towers and antennas:*

1) *Purpose and legislative intent.*

Facilities may pose concerns to the health, safety, public welfare, character and environment of the township. Wireless facilities can also be an economic development asset to the township and of significant benefit to residents. It is for these reasons that the township provides the single, comprehensive, wireless facilities application and permit process as outlined in this section.

The intent of this section is to minimize the potential for negative impacts that may be associated with wireless facilities by ensuring that the placement and construction and/or modification of wireless facilities is consistent with the township's land use policies. The establishment of a fair and efficient process for review and approval of

applications assures an integrated, comprehensive review of potential environmental impacts, and protects the health, safety and welfare of the community while offering predictable and clear guidance to those seeking approval of said wireless facilities.

- 2) *Definitions.* The defined terms, phrases, words, abbreviations, and their derivations shall have the following meaning:
- A) *"Applicant"* means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity seeking approval for a wireless special use.
 - B) *"Wireless application", "application" or "completed application"* means all necessary and appropriate documentation that an applicant submits to receive approval for a wireless facility.
 - C) *"Board"* means the Board of the Charter Township of Delhi.
 - D) *"Collocate"* means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
 - E) *"Commercial impracticability" or "commercially impracticable"* means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficiency of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".
 - F) *"Equipment compound"* means an area surrounding or adjacent to the base of a wireless telecommunications support structure and within which wireless communication equipment is located.
 - G) *"Height"* means, when referring to a wireless communication support structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, including any antenna or lightning protection device.
 - H) *"Modification" or "modify"* means, the addition, removal or change of any of the physical and visually discernible components or aspects of a wireless facility equipment compound, landscaping, fencing, changing the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change out of wireless communication equipment for better or more modern equipment. Modification does not include the replacement of any components of a wireless facility that fall within the definition of "repair and maintenance".
 - I) *"Repair and maintenance"* means the replacement of any component of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless facility that will add to the visible appearance as originally permitted.
 - J) *"Stealth" or "Stealth technology"* means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
 - K) *"State"* means the State of Michigan.
 - L) *"Telecommunications"* means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
 - M) *"Temporary"* means temporary in relation to all aspects of this Ordinance, something intended to, or that does not exist for more than ninety (90) days.

- N) *"Wireless communication equipment"* means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communication support structures.
- O) *"Wireless communications support structure"* means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- P) *"Wireless special use permit"* a special use permit pursuant to section 8.1 of this Ordinance issued by the township for the purpose of authorizing the construction of a wireless facility.
- Q) *"Wireless facility"* means and includes wireless communication equipment and/or wireless communications support structures.
- 3) *Requirements for township approval.* In order to ensure that the placement and construction, of wireless facilities protects the health, safety, public welfare, environmental features, and character of Delhi Township the following apply to the review and approval of wireless facilities:
- A) The following are specifically exempt from the provisions of this Ordinance:
- (1) Wireless communications equipment to be collocated on an existing wireless communications support structure or in an existing equipment compound, provided that:
 - i. The existing wireless communications support structure or existing equipment compound is in compliance with the Delhi Charter Township Zoning Ordinance or was previously approved by the township in accordance with the provisions of the zoning ordinance in effect at the time of approval.
 - ii. The proposed collocation complies with the terms and conditions placed on any previous final approval, including but not limited to special use permit or site plan approval, granted by the township.
 - iii. The proposed collocation will not do any of the following:
 - a) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 - b) Increase the width of the wireless communications support structure by more than the minimum amount necessary to permit the collocation.
 - c) Increase the area of the equipment compound by more than two thousand five hundred (2,500) square feet.
 - B) A replacement tower that is constructed on the same site as an existing tower will be considered a collocation as long as the new tower is no taller than the old tower, complies with subsection 6.11.3 3A)(1)ii. above and the old tower is removed in a reasonably short time frame after the new tower is constructed.
 - C) A wireless special use permit shall be required for any new installation of a wireless facility, except as pursuant to subsection 6.11.3 3D) below.
 - D) The following are considered "minor development projects" and shall be reviewed and approved administratively by the director of community development, using such qualified assistance as may be necessary, pursuant to section 3.3.3 of this Ordinance. An application for administrative approval shall be submitted and reviewed pursuant to this section for the following collocations:
 - (1) Any non-exempt collocation, relocation or new wireless facilities located on industrially zoned property.
 - (2) Any non-exempt collocation, relocation or new wireless facilities located on property owned by Delhi Charter Township.
 - (3) Collocations that do not meet the criteria for specific exemption pursuant to subsection 6.11.3 3A) of this

Ordinance.

- 4) *Requirements for all wireless facilities subject to township review.*
- A) *Priority:* New wireless facilities shall be located in accordance with the following township priorities, one (1) being the highest priority and four (4) being the lowest priority.
- (1) Wireless facility on property zoned for industrial land uses.
 - (2) Wireless facility on property zoned for commercial land uses.
 - (3) Wireless facility on property zoned for agricultural land uses.
 - (4) Wireless facility on property zoned for residential land uses.
- B) If a new wireless facility is not proposed for the highest priority listed above, a detailed explanation must be provided as to why a site of a higher priority was not selected. The applicant seeking such an exception must demonstrate, to the township's satisfaction, the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- C) Notwithstanding the above, the township may approve any site, regardless of its priority level as listed above, provided that the township finds that the proposed site is in the best interest of the health, safety and welfare of the township and its inhabitants and will not have a harmful effect on the nature and character of the community and neighborhood. Examples of such harmful effects may include:
- (1) Conflict with safety and safety-related codes and requirements.
 - (2) The use or construction of wireless facilities which is contrary to an already stated purpose of a specific zoning or land use designation.
 - (3) The placement and location of wireless facilities which would create an identifiable and unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the township, or employees of the service provider or other service providers.
- D) *Collocation:* Wherever possible sharing and/or collocation of wireless facilities among service providers is required.
- E) *Aesthetics and visual impact:* Placement, height and quantity of wireless facilities shall be done in manner that minimizes any adverse aesthetic or visual impacts on the land, property, people or structures within one-fourth mile. This may include, but not be limited to, the use of stealth technology, or other methods. The wireless facility shall be constructed using the least visually and physically intrusive method that is not technologically or commercially impracticable.
- F) *Utilities:* All utilities at a wireless facility site shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the township, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- G) *Landscaping:* The following requirements shall govern the landscaping surrounding towers:
- (1) Wireless facilities shall be landscaped with a Type C buffer as described in section 6.10.1.5 of this Ordinance.
 - (2) In locations where the visual impact of the wireless facility would be minimal, the landscaping requirement may be reduced or waived by, and in the sole discretion of, the planning commission in the case of a wireless special use permit and by, and in the sole discretion of, the director of community development in the event of an administrative review pursuant to section 6.10.3.8.
 - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless facilities sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

- H) *Access road:* At a wireless facility, an access road, turn-around space and parking shall be provided to assure adequate and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practical. Construction shall at all times minimize ground disturbance and the cutting of vegetation.
- I) *Compliance with all codes and regulations:* All wireless facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the township, state, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to include, but are not limited to, construction, building, electrical, fire, safety, health, and land use. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- J) *Permits and licenses:* All applicants shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the township or other governmental entity or agency having jurisdiction over the applicant.
- K) *Number of applications:* An applicant shall submit to the township one (1) original and eleven (11) copies of all application materials, unless otherwise specified by the director of community development. Additional copies will be supplied by the applicant if requested by the township.
- L) *Incomplete application, time for decision:* The township may reject an application that is incomplete. However, written or electronic notice of rejection on that basis must be given to the applicant within fourteen (14) business days after the application is received. The notice shall also specify the information necessary to make the application complete, or if a required fee has not been paid the notice shall advise the applicant that a fee is required to accompany the application and has not been paid and the amount due. Upon receipt of a complete application, the township shall approve or deny the application within sixty (60) days after the application is considered to be administratively complete, if the township fails to provide notice of an incomplete application within fourteen (14) days of its receipt or if the township fails to approve or deny the complete application within sixty (60) days after the application is considered to be complete, the application will be considered to have been approved.
- M) *Pre-approval required:* No non-exempt wireless facilities shall be installed, constructed or modified until the application is reviewed and approved by the township, as required.
- N) *Applicant representations:* Any and all representations made by the applicant to the township during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the township.
- O) *Signature of application:* An application for a wireless facility shall be signed by the applicant with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The individual preparing the and/or with responsibility of acting as the primary contact shall be specified in the application. The name, address, phone and fax numbers, e-mail address and any other contact information deemed necessary by the township must be supplied for the applicant, application preparer and primary contact person. If the owner of the wireless communications support structure is different than the applicant, contact information for the owner shall also be supplied.
- P) *Authority of applicant:* The applicant must provide documentation to verify it has the right to proceed as proposed in the application. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required. All customary contact information shall be supplied for the property owner of record.
- Q) *Written statements required in application:* The applicant shall include the following written statements as a part

of any application to the township:

- (1) That the applicant's proposed wireless facilities shall be maintained in a safe manner, and in compliance with all conditions of the approval, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable township, state and federal laws, rules, and regulations.
 - (2) That the construction of the wireless facility is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the state, and that the presence of the wireless facility in the proposed location complies with all federal regulations.
- R) *Certifications:* Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a registered professional, licensed in the state, such as an engineer.
- S) *Security of wireless facilities:* All wireless facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.
- (1) All wireless facilities, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed and are unlikely to be collided with.
 - (2) Wireless communications equipment and equipment compounds shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.
- T) *Signage:* Wireless facilities shall contain required signs. No other signage, including advertising, shall be permitted. Required signage is as follows:
- (1) A sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. This will typically be located on the fence surrounding the equipment compound.
 - (2) A sign of the same size to contain the name(s) of the owner(s) and operator(s) of the wireless facility as well as emergency phone number(s).
 - (3) On tower sites, an FCC registration sign, as applicable, is also to be present.
 - (4) Signs shall not be lighted, unless applicable law, rule or regulation requires it.
- U) *Lot size and setbacks:* All wireless facility structures shall be set back from abutting lots or parcels and recorded public rights-of-way by the greater of the following distances:
- (1) A distance equal to the height of any proposed wireless communication support structure plus five (5) percent of the height, or the existing setback requirement of the underlying zoning district, whichever is greater.
 - (2) In the case of a wireless facility located on leased property, the lot lines of the entire parcel, not merely the leased area, shall be used for determining setbacks.
- V) *Other application requirements:* The following information must also be supplied to the township as a part of all applications:
- (1) Documentation that demonstrates the need for the wireless facility. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a gap in coverage and/or if a capacity need.
 - (2) Height:
 - i. The applicant shall submit documentation justifying the total height of any wireless facility requested and the basis therefore.
 - (3) Lighting:
 - i. Wireless facilities shall not be artificially lighted or marked, except as may be required by state or federal

law.

- ii. If lighting is required, the applicant shall provide a lighting plan that details sufficient lighting to comply with what is required while ensuring that the lighting is as unobtrusive as permissible.
- (4) The postal address and tax map parcel number of the property.
 - (5) The number, type and model of the antenna(s) proposed with a copy of associated specification sheet(s).
 - (6) The make, model, type and manufacturer of the wireless communication support structure and design plan stating the wireless communication support structure's capacity to accommodate multiple users.
 - (7) A certified statement attesting that the proposed installation will not cause physical or RF interference with other telecommunications devices.
 - (8) A copy of the FCC license applicable for the intended use of the wireless facility.
 - (9) A copy of the geotechnical subsurface soils investigation, evaluation report and foundation recommendation, signed by a qualified professional, for a proposed or existing wireless facility.
 - (10) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new wireless communication support structure or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the proposal is to increase the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
 - (11) A site plan drawing demonstrating the following:
 - i. A site plan describing the proposed wireless facility and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting.
 - ii. The zoning district or designation in which the property is situated.
 - iii. Size of the complete lot or parcel stated in square feet and acres, and a survey showing the location of all lot lines.
 - iv. The location of nearest residential structure, with distance between it and the wireless facility identified.
 - v. The location, size and height of all existing and proposed structures on the property which are the subject of the application.
 - vi. The type, locations and dimensions of all proposed and existing landscaping, and fencing.
- 5) *Specific additional application requirements for new wireless communications support structures.*
- A) The applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing wireless communications support structure. Copies of any written requests for collocation shall be provided to the township in the application, along with responses.
 - B) The applicant shall submit a comprehensive report inventorying existing wireless communication support structures within two (2) miles of the location of the proposed site and demonstrate conclusively why an existing wireless communication support structure cannot be used.
 - C) The wireless communication support structure shall be designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference.
 - D) The applicant shall provide certification with documentation (structural analysis) that the wireless communication support structure and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and are or will be

- constructed to meet all local, township, state and federal structural requirements for loads, including wind and ice loads.
- E) Demonstration that the wireless facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area.
 - F) Wireless communication support structures shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance. The selected color or treatments shall be demonstrated in the visual impact assessment.
 - G) Applicant shall furnish a visual impact assessment, which shall include:
 - (1) A computer generated "Zone of Visibility Map" at a minimum of one (1) mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
 - (2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the township as may be appropriate, including but not limited to major roads; local parks; other public lands; and from any other location where the site is visible to a large number of visitors or residents. Guidance will be provided concerning the appropriate key sites. The applicant shall provide a map showing the locations of where the pictures were taken and distance from the proposed wireless facility.
 - (3) The applicant shall prepare "street view" renderings demonstrating how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless facility from abutting and adjacent property and streets as it relates to the need and/or appropriateness of proposed screening.
- 6) *Specific additional application requirements for collocations not exempt from the provisions of this Ordinance pursuant to subsection 6.11.3 3)A).*
- A) The applicant shall provide signed documentation of the wireless communication support structures current condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
 - B) Certification with documentation (structural analysis), including calculations, that demonstrates that the existing wireless communication support structure, foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed for and will accommodate the proposed modification and meet all local, township, state and federal structural requirements for loads, including wind and ice loads.
 - C) Documentation that demonstrates the intent of the existing owner to permit use of the existing wireless communication support structure by the applicant.
- 7) *Retention of expert assistance.*
- A) The township may hire any consultant and/or expert necessary to assist the township in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections.
- 8) *Application fee.* The fee for review of any wireless special use permit shall be one thousand dollars (\$1,000.00) payable at the time of application submission.
- 9) *Action on the application for a wireless special use permit.*
- A) Applications for wireless special use permit shall be reviewed and approved pursuant to the provisions of section 8.1 of this Ordinance, except that the "data required" provided under subsection 8.1.2(2) shall not be required and instead the application requirements detailed in this section (6.11.3) shall apply.

- B) Except for necessary building/trade permits, soil erosion and sedimentation control permits, and subsequent certification, no additional permits or approvals from the township, such as site plan or zoning approvals, shall be required from the township for the wireless facilities covered by the wireless special use permit.
- 10) *Reservation of authority to inspect wireless facilities.* In order to verify that wireless facilities and any and all lessees, renters, and/or licensees of wireless facilities, place and construct such facilities, including wireless communication support structures, wireless communication equipment and equipment compounds, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the township or its agents may inspect the placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or any other structures constructed or located on the permitted site from time to time.
- 11) *Liability insurance.*
- A) Wireless facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for as long as the wireless facility shall exist in amounts as set forth below:
- (1) Commercial general liability covering personal injuries, death and property damage: one hundred thousand dollars (\$1,000,000.00) per occurrence/two hundred thousand dollars (\$2,000,000.00) aggregate.
 - (2) Automobile Coverage: one hundred thousand dollars (\$1,000,000.00) per occurrence/two hundred thousand dollars (\$2,000,000.00) aggregate.
 - (3) Workers compensation and disability: Statutory amounts.
- B) For a wireless facility on township property, the commercial general liability insurance policy shall specifically include the township and its officers, board, employees, committee members, attorneys, agents and consultants as additionally insured parties.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the township with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the township at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F) Before construction of a wireless facility is initiated a copy of each of the policies or certificates representing the insurance in the required amounts shall be delivered to the community development director.
- 12) *Removal of wireless facilities.*
- A) Under the following circumstances, the township may determine that the health, safety, and welfare interests of the township warrant and require the removal of wireless facilities:
- (1) Wireless facilities have been abandoned (i.e., not used as wireless facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred eighty (180) days in any three hundred sixty-five (365) day period, except for periods caused by force majeure or acts of God, in which case, repair, replacement or removal shall commence within ninety (90) days.
 - (2) Permitted wireless facilities fall into such a state of disrepair that it creates a health or safety hazard.
 - (3) Wireless facilities have been located or modified without first obtaining the necessary township approval as may be required pursuant to this Ordinance.
- B) If the township makes such a determination as noted in subsection A) of this section, then the township shall notify the owner of record as shown on the current assessment rolls for the wireless facilities within forty-eight

(48) hours that said wireless facilities are to be removed, the township may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless facilities.

- C) The holder of the wireless special use permit, or the owner of the wireless facility in the case of non-special use cases, or its successors or assigns, shall dismantle and remove such wireless facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the township. However, if the owner of the property upon which the wireless facilities are located wishes to retain any access roadway to the wireless facilities, the owner may do so.
- D) If wireless facilities are not removed or substantial progress has not been made to remove the wireless facilities within ninety (90) days after notice was sent pursuant to subsection B) above, then the township may order officials or representatives of the township to remove the wireless facilities at the sole expense of the owner.
- E) The township may approve a temporary written agreement for the wireless facilities during which time a suitable plan for removal, conversion, or re-location of the affected wireless facilities shall be developed by the owner, subject to the approval of the township. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the township may take possession of and dispose of the affected wireless facilities in the manner provided in this section.
- F) The township may initiate an action in a court of competent jurisdiction seeking an order requiring the removal of abandoned wireless communication facilities, including use, for that purpose, of the security on deposit with the township. Upon obtaining such an order and if the security for removal is inadequate, the township may dispose of said items by sale, and apply the proceeds to the cost of the action and removal.

13) *Adherence to state and/or federal rules and regulations.*

- A) To the extent that the owner of a wireless facility has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the owner shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC.
- B) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified after the approval of a wireless facility, then the owner shall conform the wireless facility to the applicable change and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable change and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

(Ord. No. 39.51, 11-16-93; Ord. No. 39.57, 12-6-94; Ord. No. 39.75, § 1, 9-1-98; Ord. No.39.96, §§ 1—6, 10-3-00; Ord. No. 39.99, §§ 1, 2, 8-8-02; Ord. No. 39.156, §§ II—IV, 8-2-11; Ord. No. 39.159, § I, 3-19-13)

Section 6.12 - Stormwater retention areas and lakes/ponds.

6.12.1 *Stormwater retention areas:*

- 1) Retention areas. Methods of providing for the stormwater retention include, but are not limited to the following:
 - a) Deep permanent lakes shall:
 - (1) Be at least ten (10) feet deep over two-thirds the surface area or have mechanical aeration or supplemental well supply.
 - (2) Have in-water slopes not steeper than one vertical on three horizontal (1:3).
 - (3) Not be closer than twenty (20) feet from any structure at maximum elevation.

- (4) Have a discharge for either normal use or emergency use.
 - (5) Have their retention calculated only above the outlet invert.
 - b) Landscaped shallow dry retention ponds shall:
 - (1) Have minimum bottom slopes of one (1) percent.
 - (2) Discharge by gravity from the lowest elevation of the pond.
 - (3) Have sodded or concreted channels to direct flow.
 - c) Dished parking lot.
 - d) Underground storage.
 - e) Roof storage.
- 2) Discharge from the developed site shall not exceed the maximum rate of discharge which occurred on the undeveloped site from a ten-year rainfall. For purposes of these standards, this storm event may be considered to be three and two-tenths (3.2) inches of rainfall on the entire site.
- a) For all methods of retention, other than deep permanent lakes, the discharge shall be at the lowest elevation of the pond. Discharge must be by gravity. Pumping will not be permitted. Adequate protection must be given to all inlets and outlets.
 - b) The discharge shall be converted to sheet flow prior to reaching the property line of the development, unless it can flow directly into an acceptable storm sewer, drain, stream, or lake.
- 3) Grading around and in retention basins shall meet the following minimum requirements:
- a) No building may be closer than twenty (20) feet from the 100-year high water elevation, measured horizontally.
 - b) In the above-mentioned twenty (20) feet, the maximum slope away from the buildings shall be ten (10) percent.
 - c) All slopes in the ponds shall be three horizontal on one vertical (3:1) or flatter.
 - d) Various safety features for the prevention of vehicular and pedestrian entry into retention basins shall be required, where appropriate, such as:
 - Large trees.
 - Boulders.
 - Berms.
 - Restraining fences.
- 4) Wetlands may be used as stormwater retention ponds. However, they must be preceded by sedimentation traps and/or basins. All activity in or discharge into defined wetlands must be approved by the Michigan Department of Natural Resources.
- a) It shall be generally unacceptable to provide stormwater retention in a required front yard setback or the setback required adjacent to a public or private street.
- 5) Required submissions:
- a) Shop drawings shall be submitted by the underground contractor for all storm sewers and appurtenances that he or she will install. A minimum of six (6) copies of each shop drawing shall be submitted. Shop drawings will consist of letters of certification for the pipe and manufacturer's standard details or cut sheets for structures and appurtenances.
 - b) "As-built" plans shall be submitted by the developer after construction is complete. These plans shall show the correct location and elevations of all storm sewers and appurtenances. The "as-built" plans shall be on reproducible mylar.

- c) Easements shall be provided to the appropriate authority for all storm sewers. These easements shall be prepared by the developer after township approval.

6.12.2 *Lakes/ponds. [Also see section 8.6.3 7) for: Excavation of Soil and Minerals].*

- 1) *Lakes and lake banks.* Lake banks shall be fully landscaped and stabilized to prevent erosion; protect the health, safety and welfare of those utilizing the lake or lake bank; and to protect and maintain the aesthetics and value of the lake, adjoining property and neighboring properties. Site grading incorporated into the site development to safely and aesthetically enhance public views of a lake are encouraged.
- 2) *Gradients.* Lake banks shall be graded and landscaped in a manner so as to provide a stable bank, and not be subject to erosion, will be easily maintained, and will minimize the risk of a person falling into the water and maximize the ability of a person in the water to safely get out. This may be done by a number of means. The owner and his/her designer shall be responsible for providing a safe and aesthetically pleasing design which considers variable water levels and specific site conditions.
 - a) Natural earth grades shall not exceed a three-foot horizontal to one-foot vertical slope (3:1) to any point on a lake bank from the top crest of the bank to an elevation three (3) feet below the average water elevation of the lake. All earth or natural bank cover shall be fully landscaped with grass, groundcover and/or shrubs to provide one hundred (100) percent coverage within ninety (90) days in growing season.
 - b) Decorative retaining walls and fencing may be utilized at the water's edge, and/or boardwalks or other walkways or platforms with decorative and sound railings may be utilized on the lake bank or embankment.
 - c) Paving of lake banks for other than pedestrian use or the minimum practicable requirements for boat launch facilities shall be prohibited.
- 3) *Fences and barriers.* Fences and barriers located on a lake or lake embankment, or within twenty (20) feet of a lake or top of a lake bank, shall be structurally sound and aesthetically pleasing when viewed from either side. No chain link, barbed wire, or other mesh or wire fencing shall be permitted at these locations.
- 4) *Landscape planting.* Trees shall be planted and maintained for bank stabilization, beauty and natural habitat on lake banks or embankments. Planting shall be at the rate of one (1) minimum two-inch caliper large or medium size shade tree for every fifty (50) feet of lake bank on the property, as measured along the edge of water where water meets land, soil, walls or structures. Existing trees shall be maintained to the extent possible. Trees shall be interspersed upon the bank or embankment or within ten (10) feet of the bank in addition to requirements of any other landscaping requirement of these land development standards. Existing trees of healthy condition that are over two-inch caliper and are preserved within this location may be counted in meeting this tree planting requirement. For those properties not abutting a lake but having property lines within twenty (20) feet of a lake or top of a lake bank, tree planting requirements of this section shall be required as if the described property line were the edge of water. The required trees shall be planted within ten (10) feet of that property line or the top of bank.
- 5) *Vehicular use areas.* Parking or other vehicular use areas shall not be permitted on any lake bank or within twenty (20) feet of the edge of water of any lake except for a drive as required to service a permitted boat launch facility.
- 6) *Applicability.* All new developments will be required to comply with this section. Nonconforming uses, pavement conditions or structures which were existing prior to the effective date of the adoption of this section 6.12 may be maintained and kept in good repair; however, any further extension or expansion of existing nonconforming facilities or conditions shall comply fully with this section. The addition of any on-site structures, pavement or other facilities between a lake and the primary structure shall require that all nonconforming facilities and conditions on the site be removed, modified and/or otherwise made to comply with this section 6.12, including all landscape, tree planting and grading requirements.

Section 6.13 - Private roads.

Purpose: The intent of this section is to identify circumstances under which private roads are permitted and establish minimum standards for design and construction of private of private roads within Delhi Township. In addition, it provides Delhi Township with a means of ensuring that private roads will be maintained through a provision requiring road maintenance agreements and deed restrictions.

Private roads shall only be permitted when they serve condominiums. When private road development occurs in Delhi Township and is not subject to the standards established under the Subdivision Control Act, P.A. 288 of 1967, MCLA 560.101 et seq., the following minimum private road standards shall apply. No person, firm, or corporation shall hereafter divide any land without providing for public access through a right-of-way dedicated to the Ingham County Road Commission or the Township Planning Commission may allow for private ownership of a roadway at the time of site plan approval if the road is designed to Ingham County Road Commission standards, and the entire cost of construction of the private road is assured by a performance bond for public improvement as stated in section 3.1.4.

- 1) Roadway required. Every structure hereinafter erected or moved shall be on a parcel abutting a public road an approved private road, with access to the road to provide safe, convenient access for serving fire protection and any off-street parking. No resultant lot from any land division shall have public frontage less than that required in the zone in which it is located.
- 2) All private roads constructed in Delhi Charter Township shall be constructed in a good and workmanlike manner upon and, parallel to the centerline of a permanent right-of-way easement duly recorded with the Ingham County Register of Deeds. Rights-of-way or easements, while not required to be dedicated as public, will be reserved for possible future dedication and preclude any development within this designated area. All plans as submitted for approval must show the private road easement including a legal description, the grades for the roads, and any drainage facilities and structures.
- 3) All private roads shall have names approved by the Delhi Charter Township Fire Department, Police Department, the Department of Community Development, and the Ingham County Road Commission. All addresses will be issued by Delhi Township.
- 4) There shall be clear vision at corners of intersecting roads or road junctions. The clear vision zone is a triangular area defined by the point of intersection of the right-of-way lines and the two (2) points extended along such lines a distance of twenty-five (25) feet from the point of intersection. Within this clear vision triangle no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets. However, not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches as for such heights may be located within such area. This section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions.
- 5) All private road easements shall meet the following requirements:
 - a) Unless otherwise specified in this Ordinance, easements shall be a minimum of sixty (60) feet wide. Delhi Charter Township may require additional width to the right-of-way easement to insure for adequate construction in specific situations.
 - b) The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
 - c) The minimum distance between private road outlets on a single side of a public road shall be six hundred (600) feet.
 - d) Shall be posted with speed limits of twenty-five (25) mile per hour or less.
 - e) No private road in the township may be barricaded with a fence, wall, manual or electronic gate, or similar

structures and devices so as to prevent continuous pedestrian and vehicular access to any portion of the private road.

- 6) A drainage plan shall be submitted on a topographic map, indicating the manner in which surface drainage is to be dispersed. All drainage must be approved by the Ingham County Drain Commission and the Ingham County Road Commission. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property lines unless appropriate easements are provided.
- 7) All roads constructed in Delhi Charter Township shall be constructed so as to sufficiently control stormwater runoff and permit effective stormwater drainage and prevent soil erosion and shall have all required stormwater and soil erosion permits. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives (listed below in order of priority, as it is recognized that some may not exist or may conflict with others on a given site):
 - a) Not on soils classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
 - b) Along fence rows or the edges of the open fields or other open spaces adjacent to any woodlands.
 - c) Within marginal areas of woodlands (note: marginal areas shall extend a maximum of two hundred (200) feet into the interior of said woodlands).
 - d) On areas not considered prime or unique farmlands or in areas considered as prime forest land soils on a national or regional basis.
 - e) In locations least likely to impact scenic vistas, as seen from public roadways or waters.
- 8) Any private road in Delhi Township shall at a minimum meet the following standards:
 - a) Shall be located on a right-of-way easements a minimum of sixty (60) feet wide containing thirty (30) feet of roadway pavement width measured between the face of both of the curbs. If more than fifty (50) homes are using the roadway, even if the homes are not necessarily located on it, then the right-of-way easement shall be a minimum of sixty-six (66) feet wide containing thirty-six (36) feet of pavement width. In any case, the easement shall extend fifteen (15) feet beyond the curb and gutter. An additional and separate utility easement may be deemed necessary as well.
 - b) Have sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at least minimum road grade gravel.
 - c) Be constructed over adequate culverts where necessary.
 - d) Paving shall be required for all private roads. The roadway shall meet or exceed Ingham County Road Commission standards and specifications for materials, thickness, and roadbed construction. (Note: Grade shall be determined by calculating the differences in elevations at stations located at one hundred (100) feet intervals along the centerline of the final road grade).
- 9) Construction permits from the county road commission are required for connection to county roads. Permits are required from the Ingham County Drain Commission under the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1974, MCLA 282.101 et seq., when applicable. No building permit shall be issued on any private road until such private road is given approval by the Delhi Charter Township Engineer.
- 10) Application for road construction shall be made at the same time as a land division occurs creating a lot(s) without frontage on an existing public road. Applicant shall prepare a general property development plan complying with the requirements of the Land Division Ordinance or the Condominium Ordinance. Prior to approval by the Delhi Charter Township Planning Commission, the applicant will prepare and provide three (3) sets of plans including the following:
 - a) Engineered road construction plans.
 - b) Drainage plan.
 - c) Road maintenance agreement and deed restriction satisfactory to the Delhi Charter Township Attorney, signed

by the applicant/owner, providing for:

- (1) A method of initiating and financing of such road and/or easements in order to keep the road in reasonably good and usable condition.
 - (2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - (3) A notice that if repairs and maintenance are not made within six (6) months of the date of official notice from the Delhi Township Board, Delhi Township may bring the road up to county road commission design standards and assess owners of parcels on the private road for the cost of all improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
 - (4) A notice that no public funds of Delhi Charter Township are to be used to initially build, thereafter repair, or maintain the private road.
 - (5) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - (6) A provision that the owners of any and all property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, trades persons, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
- 11) All private roads shall be built to the specifications of the Ingham County Road Commission for a public road.
- a) The Delhi Charter Township Engineer shall review and approve plans of the private road and inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road will be made by the engineer who shall forward his/her recommendation to the department of community development who shall be responsible for granting final approval.
 - b) All private roads shall be designated as such and have a sign and name adhering to county sign standards created by the property owner. Said signs shall be of a primary color. In addition to road identification, private.
 - c) road signs shall also include the wording "Private Road" in a minimum of two (2) inch letters.
 - d) An application fee is to be established by the Delhi Charter Township Board. Before final approval, the cost for review of plans and inspection by the Delhi Charter Township Engineer of the private road and drainage shall be paid for by the applicant/developer.
 - e) All purchases of units where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
 "This parcel of land has private road access across a permanent _____ (insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the purchaser aware that this parcel of land has egress and ingress over this easement only."
 - f) Neither the county nor Delhi Charter Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)

(Ord. No. 39.70, 12-16-97; Ord. No. 39.76, 9-1-98; Ord. No. 39.79, § 1, 11-17-98; Ord. No. 39.104, 1-20-04; Ord. No. 39.118, 2-7-06)

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

Section 7.1 - Off-street parking requirements.

7.1.1 *Purpose and intent.* It is the intent of this Ordinance to provide for adequate vehicular and bicycle storage space for the myriad of land uses within Delhi Charter Township. Sufficient parking spaces and access will protect the health, safety, and welfare of the general public by promoting safe and efficient storage of motor vehicles to avoid unnecessary interference with the public use of streets and to help relieve traffic congestion.

7.1.2 *Extent of control:*

- a) All buildings and structures erected or altered and all land uses initiated after the effective date of this Ordinance shall provide off-street parking and/or loading facilities as required herein. When a building or structure undergoes any increases in the number of dwelling units, gross floor area, usable floor area, maximum capacity, or other unit of measurement specified for off-street parking, parking requirements shall be determined for the entire building or structure as modified.
- b) No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

7.1.3 *Ownership.* All off-street parking and loading areas shall be under the direct control, either by ownership or lease, and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons.

7.1.4 *Location of parking areas.* Off-street parking areas required by this chapter shall be located in relation to the use they are intended to serve. All parking areas shall be on the same property as the principal building in all zoning districts. All parking areas are preferred to be located on the premises behind the principal building away from any adjacent thoroughfare. However, the following uses may have parking located off the premises within five hundred (500) feet walking distance, measured from the nearest corner of the parking area to the nearest entrance point into the principal building:

- a) Public and quasi-public buildings, assembly halls, private clubs, associations and institutions.
- b) Uses in industrial warehouse, research, assembling, and manufacturing districts.
- c) Commercial and office uses, except hotels, motels, and commercial lodging, where parking must be on the premises.

7.1.5 *Definitions:*

- a) *Floor area, usable floor area, and leasable floor areas:* Gross floor area used or intended to be used for services to customers, patrons, clients, patients, or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing mechanical equipment integral with the building for maintenance facilities, or for those areas so restricted that customers, patients, clients, and the general public are denied access. For buildings where use areas are not defined, the gross floor area may be reduced by fifteen (15) percent to determine usable floor area.
- b) *Fractional spaces:* A calculation of the number of parking spaces needed resulting in a fraction of a space shall be corrected by deleting any space less than one-half ($\frac{1}{2}$) of a full space or by adding one (1) space for any fraction value over one-half ($\frac{1}{2}$) of a full space.
- c) *Maximum capacity:* Legal maximum occupancy as determined by the building code. Maximum number of persons permitted to occupy an establishment based on its title.
- d) *Employees:* For parking requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest working shift.
- e) *Seating allocation:* In a stadium, sports arena, church, or other place of assembly in which customers or spectators occupy a bench, pew, or similar type of seating, each eighteen (18) inches of available seating shall be counted as one (1) seat for the purpose of determining off-street parking requirements.

7.1.6 *Use of parking areas:* Absolutely no commercial repair work or servicing of any kind shall be conducted on any parking area. Selling may be permitted as regulated in section 5.10.3, Temporary Outdoor Uses. Only those traffic directional signs necessary for the proper functioning of the parking area may be permitted.

7.1.7 *Mixed/joint use of parking areas:* The joint use of parking facilities by two (2) or more uses is recommended whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, construction, and landscaping can be satisfied.

In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times, the maximum capacity required for the joint parking area will be less than the sum of the total space requirements.

A copy of an agreement between the joint users shall be filed with the application for a building permit and recorded with the Register of Deeds of Ingham County. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

7.1.8 *Parking for handicapped persons.* The number of parking spaces reserved for physically handicapped or challenged persons shall be identified by signs and shall be available in a number that is required by all applicable state and federal laws.

7.1.9 *Required parking space ratios.* Parking space requirements for motor vehicles in all land use districts shall be provided in accordance with the following minimum standards:

| | | |
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| A. | Residential. | |
| | 1) Single- and two-family | Two (2) spaces for each dwelling unit |
| | 2) Multiple-family and group home | Units with two (2) or more bedrooms must have two (2) spaces per unit; units with only one (1) bedroom must provide one and one-half (1.5) spaces for each unit |
| | 3) Boarding/room-for-rent | One (1) space for each boarder/roomer |
| | 4) Efficiency unit | One (1) space for each unit |
| | 5) Fraternity or sorority | One (1) space for every five (5) active members |
| | 6) Convalescent/nursing home | One (1) space for every four (4) beds, one (1) additional space for each staff doctor, and one (1) space for each employee on the largest working shift |
| | 7) Housing for elderly | "Independent living" areas must have one (1) space for each unit; "interim/intermediate" care facilities must have one (1) space for every two (2) beds and one (1) space for each employee |

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| | 8) Mobile home park | Two (2) spaces for each mobile home or mobile home site and one (1) additional space for each employee |
| B. | Institutional. | |
| | 1) Religious Institutions | One (1) space for every four (4) persons allowed under the maximum capacity for the assembly area as determined by the fire marshal |
| | 2) Hospitals/sanitariums | One (1) space for every two (2) beds, one (1) space for each staff doctor, and one (1) additional space for each employee on the largest working shift |
| | 3) Child care and adult care establishments | |
| | Child care and foster care centers | Five (5) spaces, plus one (1) space for each full-time employee, one (1) space for every two (2) part-time employees, and one (1) space for each five (5) children of the total licensed capacity |
| | Group day care or foster family home | Parking shall be required based upon site plan submitted for special use permit to ensure parking meets site specifications and does not place an undue hardship on parcel owner or neighbors |
| | Home child care or family day care | Two (2) spaces per residence |
| | 4) Elementary and junior high schools | One (1) space for each teacher, administrator and employee; additional parking required for an auditorium (see below) |
| | 5) Senior high school and colleges | One (1) space for each teacher, administrator, and employee, and one (1) space for every ten (10) students; additional parking is required for an auditorium (see below) |
| | 6) Auditoriums | One (1) space for every four (4) persons allowed under the maximum capacity for the auditorium as determined by the fire marshal; an additional one (1) space for every two (2) employees is also required |
| | 7) Theaters and assembly halls | One (1) space for every four (4) seats as measured by the maximum capacity and one (1) space for each employee in the largest working shift |

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| | 8) Stadiums sports arenas and similar outdoor places of assembly | One (1) space for every four (4) seats as measured by the maximum capacity and one (1) space for every two (2) employees on the largest working shift |
| | 9) Dance, union, exhibit halls, and civic clubs | One (1) space for every four (4) persons of the total maximum capacity |
| | 10) Private golf clubs, ski clubs, private tennis clubs (without seating) | One (1) space for every four (4) persons of the total maximum capacity |
| | 11) Golf courses open to the general public (except miniature and par 3) | Five (5) spaces for each hole and one (1) space for each employee in largest working shift |
| | 12) Library, museum, post office, and noncommercial gallery | One (1) space for every eight hundred (800) square feet of usable floor area and one (1) space for every four (4) employees on largest working shift |
| C. | Business and Commercial. | |
| | 1) Barber shop and beauty salons | Two (2) spaces for each chair and one (1) space for each employee in the largest working shift |
| | 2) Billiards or dance hall (without fixed seats), roller rink, and other commercial recreation establishments | One (1) space for every three (3) persons of maximum capacity |
| | 3) Bowling alley | Five (5) spaces for each lane and additional spaces for accessory uses like restaurants, cocktail lounges, etc. |
| | 4) Car washes | |

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| Automatic car washes | One (1) space for each employee on the largest working shift and the appropriate number of stacking spaces per section 7.1.10 |
| Self-service car washes | Two (2) stacking spaces for each bay entrance and three (3) additional spaces |
| 5) Drive-in, drive-thru, fast food | One (1) space for every three (3) patron seats and one (1) space for each employee in maximum shift, or one (1) space for each thirty (30) square feet of usable floor area, whichever is greater |
| 6) Funeral home or mortuary | One (1) space for every fifty (50) square feet in service parlors, chapels, and reception areas, one (1) space for every two (2) employees and one (1) additional space for each vehicle maintained on the premises |
| 7) Furniture and home furnishing store | One (1) space for each eight hundred (800) square feet of usable floor area |
| 8) Gas stations | Two (2) spaces for each bay and one (1) space for every two (2) employees |
| Full- and self-service gas stations | |
| Gas stations with convenience stores | |
| 9) Health clubs/dance studios | One (1) space for every four (4) persons allowed within maximum capacity and one (1) space for each employee on the largest working shift |
| 10) Hotel, motel or other commercial lodging | One (1) space for each guestroom, one (1) space for each employee on the largest working shift and additional spaces for accessory uses at fifty (50) percent of the maximum capacity |
| 11) Laundromats and dry cleaners | One (1) space for every two (2) washing machines and one (1) space for each employee |
| 12) Miniature or par 3 golf courses | Three (3) spaces for each hole and one (1) space for each employee |
| 13) Motor vehicle repair station | Five (5) spaces and an additional two and one-half (2.5) spaces for each bay |

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| 14) Motor vehicle and mobile home sales | One (1) space for every four hundred (400) square feet of usable floor area in the showroom, one (1) space for each automobile or mobile home for sale, one (1) space for every employee on the maximum shift, and an additional two (2) spaces for each service stall in the service area if applicable |
| 15) Outdoor sales areas (open air business) | One (1) space for every eight hundred (800) square feet of outdoor sales area |
| 16) Restaurants, taverns, bars, nightclubs | One (1) space for every three (3) persons allowed within the maximum capacity or one (1) space for every thirty (30) square feet of usable floor area, whichever is greater |
| 17) Supermarket, self-service food or beverage shop | One (1) space for every two hundred (200) square feet of usable floor |
| 18) Tanning salons and massage parlors | One (1) space for each tanning bed or table and one (1) space for every employee on the maximum working shift |
| 19) Animal daycare or related pet business | Five (5) spaces, plus one (1) space for each full-time employee, one (1) space for every two (2) part-time employees, and one (1) space for each five (5) animals over ten (10) of the total capacity. |
| 20) Veterinary clinics | See retail uses |
| 21) Other commercial/retail uses | |
| Less than twenty-five thousand (25,000) square feet | One (1) parking space for every one hundred fifty (150) square feet |
| Twenty-six thousand (26,000) to one hundred thousand (100,000) square feet | Five (5) spaces per one thousand (1,000) square feet |

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| | Over one hundred thousand (100,000) square feet | Four (4) spaces per one thousand (1,000) square feet |
| D. | Office. | |
| | 1) Business and professional office (nonmedical) | One (1) space for every two hundred (200) square feet of usable floor area |
| | 2) Financial institutions (banks, credit unions, and savings and loans) | One (1) space for every one hundred fifty (150) square feet of usable floor area |
| | 3) Administrative government buildings | One (1) space for every one and one-half (1.5) employees or one (1) space for every two hundred (200) square feet of floor area, whichever is greater |
| | 4) Medical and dental office or clinic | Four (4) spaces for each practitioner and one (1) space for every other two (2) employees |
| | 5) Offices in retail centers | One (1) space for every two hundred (200) square feet |
| | 6) Building supply contractor facilities including warehouse, office, and on-site equipment storage | One (1) space for every seven hundred (700) square feet of gross floor area, or one (1) space for every three (3) employees in the largest working shift (including contractors), whichever is greater; and one (1) space for each company vehicle stored on the premises. |
| E. | Industrial. | |
| | 1) Industrial manufacturing, research, testing lab establishment (IR, IA, IM) | Five (5) spaces, plus one (1) space for every two (2) employees on the largest working shift and one (1) space for each company vehicle stored on the premises |
| | 2) Warehouses, truck terminals (IW) | One (1) space for every two (2) employees on the largest working shift, or one (1) space for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater |

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| | 3) Wholesale establishment | Five (5) spaces, plus one (1) space for every two (2) employees on the largest working shift, or one (1) space for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater |
| | 4) Mini-warehouses | The parking space requirements will be determined through the site plan review process. If a security residence or an on-site apartment exists, the residential or office parking space requirements shall apply for these accessory uses |
| 5) For those parcels zoned Industrial Park (IP), the off-street parking space requirements shall be based on the actual use of each particular parcel as determined through the site plan review process. | | |

7.1.10 *Required storage spaces.* In addition to the off-street parking space requirements listed in section 7.1.9, land uses with drive-in services shall also provide storage spaces for customers in vehicles waiting to be served. Such spaces shall be of the same size and construction as parking spaces and shall be arranged so that they do not obstruct traffic movements through the property nor extend into any right-of-way. Storage spaces are typically arranged in a linear fashion. The minimum number of storage spaces required for a use shall be determined according to the ratios listed below:

| | | |
|----|-----------------------------------|---------------------------------|
| A. | Car wash, drive-thru auto service | |
| | 1) Conveyor system | 1 per 2.5 linear feet of system |
| | 2) Service bay | 2 per bay |
| B. | Restaurant (fast food) | 8 for every window serving food |
| C. | Financial institution | 4 per window |
| D. | Automatic teller | 2 per machine |
| E. | Other | 5 per window |

7.1.11 *Requirements for a use not mentioned.* To determine the requirements for an off-street parking facility for a land use not specifically mentioned, those requirements for a use which is mentioned and which is most similar to the use not mentioned shall apply.

7.1.12 *Other restrictions:*

- a) *Parking in yards.* No mobile homes, tent and travel trailers, motor homes, boats, snowmobiles, trailers, and the like shall be parked or stored within the primary front yard setback area or in an exposed side yard of a corner lot of a residential district in excess of forty-eight (48) hours in a seven-day consecutive period. An exception to this requirement may be granted to properties that do not have an open area in excess of eight (8) feet in any dimension

between the side property line and the principal structure on the property. In these cases, all recreation vehicles may be parked ahead of the front building lines. Furthermore, no parking space may extend into a public right-of-way. These provisions are designed to ensure emergency vehicles access to structures and to maintain the character of existing neighborhoods.

- b) *Maximum use restriction.* If fewer spaces are available than the minimum requirement for the use stipulates, the extent and occupancy of the use shall be restricted proportionately to the number of parking space available.
- c) *Changes in use.* Any change in the use or occupancy of a property that would result in a higher parking space requirement than that stipulated in section 7.1.9 shall be considered an expansion of the use and shall be subject to review. For any expansion of a use, all existing and proposed parking access facilities shall be improved and maintained in accordance with the standards in this chapter.
- d) *Semi-truck trailer storage.* The parking of semi-truck trailers for more than a 48-hour period in any off-street parking area in the Town Center, Low Impact Commercial, General Business, Highway Service, and Planned Shopping Center Districts is prohibited.
- e) *Single- and two-family and Town Center District parking requirements.* For the purposes of this section, parking areas shall be defined as areas specifically intended for the placement of vehicles when not in use. Vehicles shall include, but not be limited to, cars, trucks, pickups and vans. Unless otherwise specified, single- and two-family and Town Center districts shall provide for off-street parking as follows:
 - 1) Every dwelling unit must be provided with a designated parking area containing a minimum of two hundred (200) square feet located behind the front of the building line. Required parking may be in a garage, carport, or other structure, or may be out-of-doors.
 - 2) Parking of commercial vehicles in excess fifteen thousand (15,000) pounds of gross vehicle weight shall not be permitted in any single- or two-family residential district.
 - 3) The open storage or parking of commercial vehicles greater than fifteen thousand (15,000) pounds of gross vehicle weight, semi-trucks and trailers, tractors, bulldozers, earth carriers, cranes or other such equipment, unless in use during construction work, is prohibited in any residential district in Delhi Charter Township.
 - 4) Any designated front yard parking area shall not exceed fifty (50) percent of the total front yard area or one thousand (1,000) square feet, whichever is less.
 - 5) Nothing in this section shall prohibit the parking of vehicles for a period of eight (8) hours or less on lawns or grassy areas for purposes of delivery, pickup, or service to a dwelling.
- f) *Uses requiring a special use permit.* For those land uses which require a special use permit and are not specifically addressed in section 7.1.9, the parking space requirements will be determined through the site plan review process.

7.1.13 *Surfacing materials:*

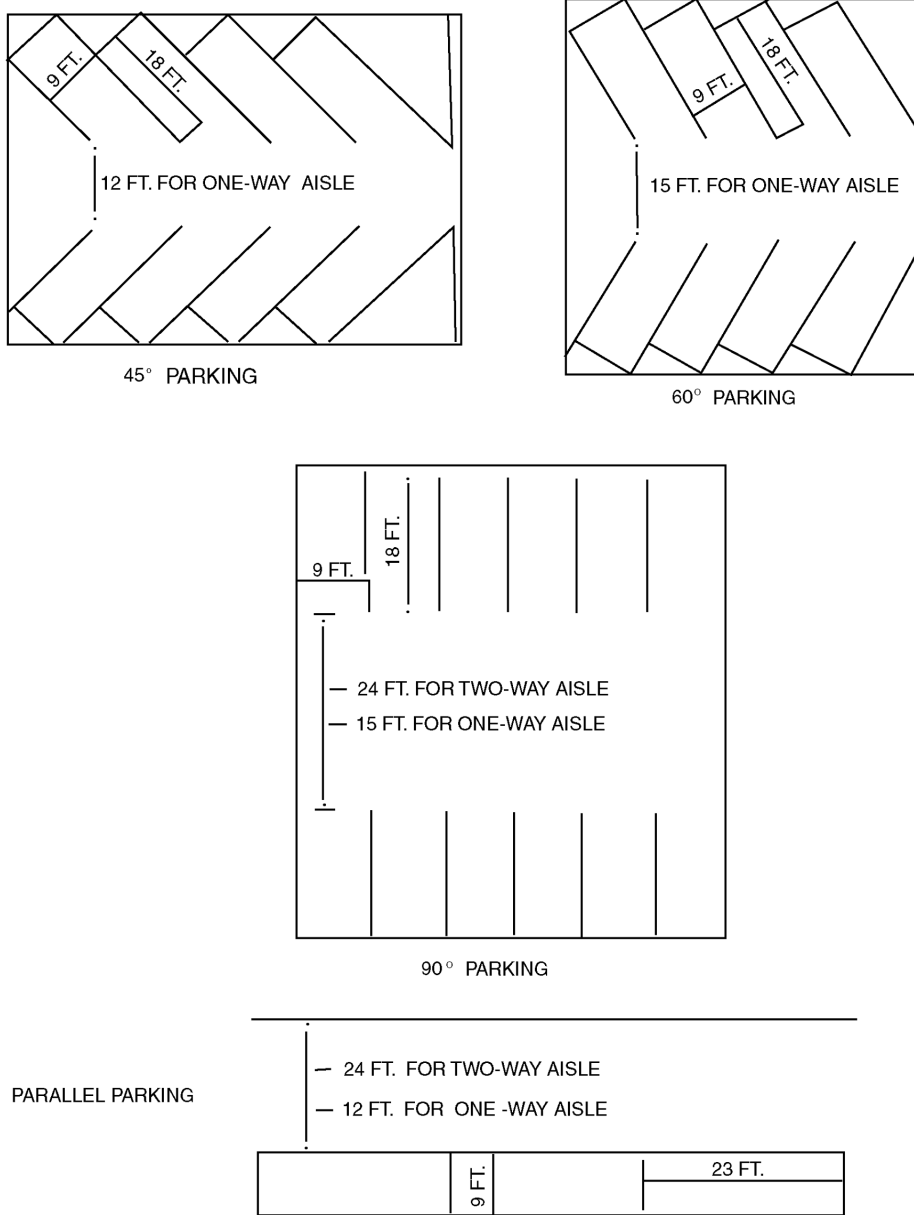
- a) Off-street parking areas with a capacity of four (4) or more vehicles and loading areas, excluding access drives, shall be hard-surfaced with either asphalt, concrete, limestone, gravel or similar surface.
- b) No parking shall be permitted on lawns or grassy areas, with the exception of section 7.1.12 e)5.
- c) Designated parking areas with a capacity of four (4) or more vehicles shall consist of a level, durable, well-drained, dust-free, smooth surface.

7.1.14 *Parking design and access standards:* In addition to the general design requirements specified in other portions of this chapter and in section 6.10.1.7, the following design and construction requirements shall be satisfied in all off-street parking areas with the exception noted below:

- a) *Minimum residential parking space size.* A minimum of one hundred sixty-two (162) square feet shall be provided for each vehicle parking space.

- 1) Parking spaces shall be at least nine feet by eighteen feet (9' × 18'), except where the zoning ordinance permits sma and except for barrier-free spaces, which shall be provided in accordance with the barrier-free design rules of the S Michigan Bureau of Construction Codes. Parking spaces which abut sidewalks or landscaped areas may be produce than sixteen (16) feet in length, to allow for vehicle overhang, if the adjacent sidewalk has a minimum width of seven
- 2) Driveways between parking bays intended for two-way flow shall have a minimum width of twenty-four (24) feet.
- 3) See Table 1 and Figure 1 for more details on parking space size requirements.

FIGURE 1: PARKING SPACE SIZE DIAGRAMS



Parking Space Size Requirements

| Parking Pattern (in degrees) | Maneuvering Lane Width (feet) | Parking Space Width (feet) | Parking Space Length (feet) |
|---------------------------------|----------------------------------|----------------------------------|-----------------------------------|
| 45° | 12 | 9 | 18 |
| 60° | 15 | 9 | 18 |
| 90° (Perpendicular) | 24 (Two-way), 15 (One-way) | 9 | 18 |
| 90° (Parallel) | 24 (Two-way), 12 (One-way) | 9 | 23 |

| | | | |
|----------------------|----------------------|---|----|
| 0 (parallel parking) | 24 (two-way traffic) | 9 | 23 |
| 0 (parallel parking) | 12 (one-way traffic) | 9 | 23 |
| 45 | 12 (one-way traffic) | 9 | 18 |
| 60 | 15 (one-way traffic) | 9 | 18 |
| 90 | 24 (two-way traffic) | 9 | 18 |
| 90 | 15 (one-way traffic) | 9 | 18 |

- b) *Marking or designation.* Parking areas shall be designated and marked as to provide for orderly and safe movement and storage of vehicles.
- c) *Access drives.* Except for parking spaces provided on residential lots, access drives shall be provided not less than twenty (20) feet wide and so located as to secure the most appropriate development of the individual property.
- d) *Employee long-term off-street parking.* In an employee long-term off-street parking facility, the minimum dimensions of the parking lot shall be described in Tables 2, 3, 4, or 5. "Employee long-term off-street parking facility" means an off-street parking facility for employees of the owners or beneficial users of the facility, where the average period of times that vehicles are parked in the facility is four (4) hours or more.

TABLE 2: MINIMUM DIMENSIONS FOR LAYOUT OF OFF-STREET PARKING SPACES IN GENERAL SERVICE FACILITIES
(8.5-Ft. Parking Space Width)

| Parking Angle (degrees) | Parking Space Width* (feet) | Parking Space Length (feet) | Maneuvering Aisle Width (feet) | Cross Aisle Width One-Way (feet) | Cross Aisle Width Two-Way (feet) | Turning Radius (feet) |
|-------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------------------|----------------------------------|-----------------------|
| 30—45 | <u>8.5</u> | 18.5 | 11.0 | 12.0 | 20.0 | 12.5 |
| 51—65 | <u>8.5</u> | 18.5 | 15.0 | 12.0 | 20.0 | 12.5 |
| 66—80 | <u>8.5</u> | 18.5 | 19.0 | 12.0 | 20.0 | 12.5 |
| 81—90 | <u>8.5</u> | 18.5 | 22.0 | 12.0 | 20.0 | 12.5 |

*Measured perpendicular to length.

TABLE 3: GENERAL SERVICE FACILITIES
(8.5-Ft. Parking Space Width)

| | | Parking Angle (degrees) | | | |
|---------|--|-------------------------|------------|------|------------|
| Diagram | Dimension | 45 | 60 | 75 | 90 |
| A | Parking space width, parallel to aisle | 12.0 | 9.8 | 8.8 | <u>8.5</u> |
| B | Parking space length of line | 24.5 | 22.0 | 20.1 | 18.5 |
| C* | Parking space depth to wall | 17.3 | 19.0 | 19.4 | 18.5 |
| D | Maneuvering aisle width | 11.0 | 15.0 | 19.0 | 22.0 |
| E* | Parking space depth to interlock | 15.2 | 17.5 | 18.6 | 18.5 |
| F | Module, wall to interlock | 43.5 | 51.5 | 57.0 | 59.0 |
| G | Module interlocking | 41.4 | 50.0 | 56.2 | 59.0 |
| H | Module interlock to curbface | 41.7 | 49.3 | 54.6 | 56.5 |
| I | Bumper overhang (typical) | 1.8 | 2.2 | 2.4 | 2.5 |
| J | Offset | 6.0 | 2.5 | 0.6 | 0.0 |
| K | Setback | 11.3 | <u>8.5</u> | 4.6 | 0.0 |

| | | | | | |
|----|--|------|------|------|------|
| L1 | Cross aisle width, one-way | 12.0 | 12.0 | 12.0 | 12.0 |
| L2 | Cross aisle width, two-way | 20.0 | 20.0 | 20.0 | 20.0 |
| R | Radius (turning) | 12.5 | 12.5 | 12.5 | 12.5 |
| B1 | Parking space length of line (interlock) | 43.0 | 40.4 | 38.5 | 37.0 |
| C1 | Parking space depth (interlock) | 30.4 | 35.0 | 37.2 | 37.0 |

*NOTE: The "parking space depth to wall" and the "parking space depth interlock" are determined by rotating a 6 × 18.5 foot rectangle to the appropriate angle.

TABLE 4: MINIMUM DIMENSIONS FOR LAYOUT OF PARKING SPACES IN AN EMPLOYEE LONG-TERM OFF-STREET PARKING FACILITY
(8-Ft. Parking Space Width)

| Parking Angle (degrees) | Parking Space Width* (ft.) | Parking Space Length (ft.) | Maneuvering Aisle Width (ft.) | Cross Aisle Width One-Way (ft.) | Cross Aisle Width Two-Way (ft.) | Turning Radius (ft.) |
|-------------------------|----------------------------|----------------------------|-------------------------------|---------------------------------|---------------------------------|----------------------|
| 30—50 | 8.0 | 18.5 | 12.0 | 12.0 | 20.0 | — |
| 51—65 | 8.0 | 18.5 | 16.0 | 12.0 | 20.0 | — |
| 66—80 | 8.0 | 18.5 | 20.0 | 12.0 | 20.0 | — |
| 81—90 | 8.0 | 18.5 | 23.0 | 12.0 | 20.0 | — |

*Measured perpendicular to length.

TABLE 5: EMPLOYEE LONG-TERM FACILITIES

(8.5 Ft. Parking Space Width)

| | | Parking Angle (degrees) | | | |
|---------|--|-------------------------|------------|------------|------|
| Diagram | Dimension | 45 | 60 | 75 | 90 |
| A | Parking space width, parallel to aisle | 11.3 | <u>9.2</u> | <u>8.3</u> | 8.0 |
| B | Parking space length of line | 24.5 | 22.0 | 20.1 | 18.5 |
| C* | Parking space depth to wall | 17.3 | 19.0 | 19.4 | 18.5 |
| D | Maneuvering aisle width | 12.0 | 16.0 | 20.0 | 23.0 |
| E* | Parking space depth to interlock | 15.2 | 17.5 | 18.5 | 18.5 |
| F | Module, wall to interlock | 44.5 | 52.5 | 58.0 | 60.0 |
| G | Module interlocking | 42.4 | 51.0 | 57.2 | 60.0 |
| H | Module interlock to curbface | 42.7 | 50.3 | 55.6 | 57.5 |
| I | Bumper overhang (typical) | 1.8 | 2.2 | 2.4 | 2.5 |
| J | Offset | <u>5.7</u> | <u>2.3</u> | 0.6 | 0.0 |

| | | | | | |
|----|--|------|------------|------|------|
| K | Setback | 11.6 | <u>8.7</u> | 4.6 | 0.0 |
| L1 | Cross aisle width, one-way | 12.0 | 12.0 | 12.0 | 12.0 |
| L2 | Cross aisle width, two-way | 20.0 | 20.0 | 20.0 | 20.0 |
| R | Radius (turning) | 12.5 | 12.5 | 12.5 | 12.5 |
| B1 | Parking space length of line (interlock) | 43.0 | 40.0 | 38.5 | 37.0 |
| C1 | Parking space depth (interlock) | 30.4 | 35.0 | 37.2 | 37.0 |

*NOTE: The "parking space depth to wall" and the "parking space depth interlock" are determined by rotating a 6 × 18.5 foot rectangle to the appropriate angle.

- e) *Drainage.* Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that will provide a durable, smooth and dustless surface and must be graded and provided with adequate drainage facilities to dispose of all collected surface water. All such parking areas shall be adequately maintained as to provide a durable, smooth, dustless surface.
- f) *Curb and gutter.* Except for single-family and two-family residential lots, concrete curbs and gutters shall be required to control storm water flow from the parking areas and to protect all landscaped areas such as landscape islands. Exceptions to this requirement may be granted by the zoning administrator or his/her designee, provided that the applicant can show that drainage will not run off onto adjacent parcels or otherwise negatively impact neighboring parcels.
- g) *Backing onto street.* All off-street parking and loading areas that require vehicles to back directly into a public road are prohibited.
- h) *Lighting.* Except for single-family and two-family residential lots, adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be arranged so that no source of light shall be visible beyond the parcel or lot upon which the parking area is located.

On-site lighting shall be directed away from residential properties and public or private streets. Light poles or other supports, fixtures, and the quality of light emitted in residential developments shall be compatible with the surrounding residential character. Lighting emitted in nonresidential developments, which are adjacent to residential developments shall be compatible with the character of the adjacent residential areas.

Light poles shall be located not less than five (5) feet from the edge of a drive or parking space. Light poles located along streets shall be in accordance with the Ingham County Road Commission and/or the Michigan Department of Transportation requirements, as applicable. Wiring for outside lighting shall be underground. Light poles or other supports shall be located so as not to interfere with traffic flow and access to fire hydrants or other utilities. Information shall be supplied on the height, direction, location, and intensity of outside lighting.

- i) *Buffer zones.* When a parking area is adjacent to a property of a different zone, a landscape buffer in accordance with section 6.10.1.5 shall be required.
- j) *Greenbelts.* When a parking area is adjacent to a public thoroughfare, a landscape greenbelt in accordance with section 6.10.1.6 shall be required.
- k) *Landscaping.* Off-street parking area landscaping shall be in accordance with section 6.10.1.7 of this Ordinance.

7.1.15 *Plot plan review:* Plans and specifications for the construction or alteration of an off-street parking area shall be subject to site plan review per section 3.3 of this zoning ordinance.

7.1.16 *Bicycle parking:*

- a) It shall be the responsibility of both the owner and the occupant of any new multiple family housing, restaurant service, commercial recreation, retail shopping, and institutional developments to provide parking for bicycle users in accordance with the following provisions:
 - 1) *Multiple-family development.* One (1) bicycle parking space shall be provided on the premises for each dwelling unit.
 - 2) *Nonresidential.* At least four (4) bicycle storage spaces shall be provided on the premises and be accessible to visitors, employees, and/or customers.
- b) Such facilities shall be located in a convenient and accessible place which does not interfere with pedestrian or vehicular circulation.
 - 1) *Storage space size requirements.* Bicycle storage racks or other outdoor locking devices must be at least two (2) feet wide. Storage space within a building must be at least ten (10) square feet and must be exclusive of habitable rooms, kitchens, dining rooms, bathrooms, hallways, balconies, or patios which are accessible to occupants and employees of the premises.
 - 2) *Exemptions.* Nonresidential uses or developments with two (2) or less dwelling units located in the Town Center District (TC) shall be exempt from the requirements of this section.

(Ord. No. 39.51, 11-16-93; Ord. No. 39.55, 4-5-94; Ord. No. 39.68, 8-19-97; Ord. No. 39.76, 9-1-98; Ord. No. 39.77, 10-6-98; Ord. No. 39.90, § 1, 1-18-00; Ord. No. 39.101, § 4, 11-4-03; Ord. No. 39.109, 1-18-05)

Section 7.2 - Loading and unloading space requirements.

7.2.1 *Intent and purpose.* In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary and other similar uses customarily receiving or distributing goods by motor vehicles shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

7.2.2 *Additional parking space.* Loading space required under this section shall be provided as area additional to off-street parking space as required under section 7.1 and shall not be considered as supplying off-street parking space.

7.2.3 *Space requirements.* There shall be provided adequate space for standing, loading and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, open or enclosed, for all uses listed in the following table or for similar uses similarly involving the receipt or distribution by vehicles of materials or merchandise.

TABLE 6: LOADING AND UNLOADING SPACE REQUIREMENTS

| Use | Floor Area (in square feet) | Required Space |
|--|---|----------------|
| Commercial uses, such as retail stores, personal services, amusements, automotive services | First 2,000 | None |
| | Next 20,000 or fraction thereof | 1 space |
| | Each additional 20,000 or fraction thereof | 1 space |
| Hotels, offices | First 2,000 | None |
| | Next 50,000 or fraction thereof | 1 space |
| | Each additional 100,000 or fraction thereof | 1 space |
| Wholesale and storage, including building and contractor's yards | First 20,000 | 1 space |
| | Each additional 20,000 or fraction thereof | 1 space |
| Manufacturing uses | First 20,000 or fraction thereof | 1 space |
| | Each additional 20,000 or fraction thereof | 1 space |
| Funeral homes and mortuaries | First 5,000 or fraction thereof | 1 space |

| | | |
|---|---|---------|
| | Each additional 20,000 or fraction thereof | 1 space |
| Hospitals | First 10,000 | None |
| | Next 100,000 or fraction thereof | 1 space |
| | Each additional 200,000 or fraction thereof | 1 space |
| Schools, churches, clubs, public assembly buildings | For each building | 1 space |
| For similar uses not listed | For each building 5,000 or over | 1 space |

7.2.4 *Access.* Access to a truck standing, loading and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

7.2.5 *Site requirements.* Off-street loading spaces and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational or religious purposes or abuts a residential district, there shall be provided a masonry wall not less than four (4) feet in height between the off-street loading space and said residential, educational, recreational or religious premises or residential zone.

(Ord. No. 39.68, 8-19-97)

ARTICLE VIII. - USES AUTHORIZED BY SPECIAL USE PERMIT

Section 8.1 - General standards and requirements.

8.1.1 *Intent and purpose.* Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses or land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will at the same time maintain sound provisions for the protection of the health, safety, convenience and general welfare of township inhabitants. In order to provide controllable and reasonable flexibility, this article permits review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the planning commission and township board have the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other articles of this Ordinance, designate specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

8.1.2 *Permit procedures.* An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:

- 1) *Submission of application:* Any application shall be submitted through the township clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the township board to cover costs of processing the application. No part of any fee shall be refundable.
- 2) *Data required:* Every application shall be accompanied by the following information and data:
 - a) The special form supplied by the township clerk filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in section 8.1.3.
 - b) Site plan, plot plan, or development plan, drawn to scale of not more than one (1) inch = one hundred (100) feet of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - c) Preliminary plans and specifications of the proposed development and for all construction.
 - d) All interested parties desiring use of permit shall sign application.
- 3) *Planning commission review and hearing:* The application, along with all required data, shall be transmitted to the planning commission for review and the planning commission shall publish one (1) notice in a newspaper of general circulation in the township that a request for special land use approval has been received and that a public hearing on the special land use request may be requested by any property owner or occupant of any structure located within three hundred (300) feet of the property being considered for the special land use, regardless of whether the property owner or occupant is located within the township. Such request for public hearing shall be made in writing to the township by no later than 5:00 p.m., the second Monday after the notice first appeared in the newspaper. A public hearing shall not be held unless requested by the township officials, by the applicant, or by property owner or occupants within three hundred (300) feet. If requested, publication and notice shall be made in the same manner as in section 9.3.4 of this Ordinance.
- 4) *Township board action:* Upon receipt of the planning commission's recommendation by the clerk, the township board shall consider the special use permit application at its next regular meeting. The township board shall approve or disapprove the recommendations of the planning commission. Only upon approval of the township board may a special use permit be issued by the township clerk.
- 5) *Special use permits* issued under this section shall be valid for an indefinite period of time unless otherwise indicated on the permit. If a complete application for site plan review pursuant to section 3.3 of this Ordinance has not been submitted within one (1) year of the date of approval of the special use permit by the township board, the special use permit shall automatically become null and void, and all rights thereunder shall terminate. Upon written request filed prior to termination of the one-year period, the planning commission may recommend to the township board authorization or denial of an extension of the time limit for a period of not more than one (1) year without the necessity of holding another public hearing.
- 6) The township board shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in article VIII. After a revocation notice has been given, the use of which the permit was granted must cease within sixty (60) days.
- 7) *Reapplication:* No application for a special use permit which has been denied wholly or in part by the township board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

8.1.2.1 Unless prohibited elsewhere in this Ordinance, special use permits shall be assignable from one (1) party to another, provided, however, that the site, location and any other restrictions placed on the original special use permit do not change. Assignability of said permit shall be subject to the following requirements and conditions:

- 1) Prior to reassignment of the special use permit to any owner, lessee, occupant or operator, the current permit holder shall notify the director of community development of his/her intention to assign the permit to a third party.
- 2) The assignee of the permit shall complete the appropriate application for a continued use of the permitted operation.
- 3) The assignee of the permit shall meet with the director of community development in an effort to become familiar with all existing requirements of the special use permit. Unless provided elsewhere in this Ordinance, the new assignee must comply with all special use permit requirements of the current permit holder.

8.1.2.2 Approved uses, except seasonal uses, which cease for a period of one hundred eighty (180) days', are hereby considered abandoned, and any such abandonment shall render the special use permit null and void. Seasonal uses which cease for a period of one (1) year shall become null and void. Any use following an abandonment must meet the requirements of this Ordinance and will require a new special use permit as required in section 8.1 of this Ordinance. For purposes of this section, seasonal uses shall be defined as uses which require or are affected or caused by certain weather availability.

8.1.3 *Basis for determinations.* Before making a recommendation on a special use permit application, the planning commission shall establish to its satisfaction that the following general standards, as well as the specific standards outlined in each applicable section of this article shall be satisfied.

- 1) *General standards.* The planning commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:
 - a) Be harmonious with and in accordance with the general principles and proposals of the Comprehensive Development Plan of Delhi Charter Township.
 - b) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - c) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
 - d) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.
 - e) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - f) Be consistent with the intent and purposes of the zoning district in which it is proposed to locate such use.
 - g) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity, and the community as a whole.
 - h) Be related to the valid exercise of the police power, and purposes which are affected by the imposed use of activity.
 - i) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

- 2) *Conditions and safeguards.* The planning commission may impose such additional conditions and safeguards deemed r for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the p granted.
- 3) *Specific requirements.* The general standards and requirement of the section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(Ord. No. 39.59, 6-6-95; Ord. No. 39.135, 6-19-07; Ord. No. 39.152, § IV, 5-31-09)

Section 8.2 - Institutional structures and uses in residential, agricultural and multiple districts.

8.2.1 *Authorization.* The planning commission and township board may authorize the construction, maintenance and operation in R-1A, R-1B, R-1C, R-1D, R-1E, or A-1 Districts of institutional uses specified in this section by the issuance of a special use permit. Such permit shall not be issued unless all the procedures and applicable requirements of this section, can be complied with.

8.2.2 *Institutional uses that may be permitted.* The following land and structure uses may be permitted in R-1A, R-1B, R-1C, R-1D, R-1E, or A-1 Districts, provided the applicable stipulated conditions are met:

- 1) Religious institutions.
- 2) Educational and social institutions. Public and private schools, assembly buildings, and fraternal organization provided that none are operated for profit.
- 3) Public buildings and public service installations. Publicly owned and operated buildings, public utility buildings and structures, telephone exchange buildings, transformer stations and substations, and gas regulator stations.

8.2.3 *Institutions specifically prohibited.* The following uses, but not limited to those enumerated, shall not be permitted in any residential district, but may be allowed as follows:

- 1) Institutions for drug or alcoholic patients and camps or correctional institutions may be allowed in A-1 Districts only.
- 2) Institutions for human care. Hospitals, sanitariums, philanthropic and eleemosynary institutions, except for those enumerated in section 8.2.3 1) above, may be allowed in A-1 District.
- 3) Auditoriums and other places of assembly, centers for social activities, but excluding schools or studios for music and dancing instruction may be allowed in the A-1 District.

8.2.4 *Site development requirements.* A permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction or alteration of any institutional structure unless all of the following site development requirements are met:

- 1) Minimum site shall have a lot width and a lot depth of not less than two hundred (200) feet and the lot width to depth ratio consistent with the minimum requirement for the zoning district in which it is located.
- 2) The lot shall have adequate land area to accommodate the building, setbacks, parking, greenbelts, landscaping and other required site improvements, to minimize negative impacts on affected residential uses.
- 3) The site shall have direct access to a public road.
- 4) All driveway approaches shall be subject to all requirements of the Ingham County Road Commission.
- 5) All yard setbacks shall be at least fifty (50) feet.
- 6) Off-street parking shall be prohibited in the front yard setback area and within ten (10) feet of any rear or side property lines. In case any off-street parking abuts a lot in any residential district, a wall or a greenbelt shall be

provided per sections 6.10.5.6.

- 7) No building may exceed the required building height for the applicable zoning district in which the site is located, provided that the required front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum allowable height. The maximum height of the steeple shall not exceed sixty (60) feet. The additional setback requirements referenced above shall not apply to the steeple, provided that it is a single architectural element and not incorporated into the mass of the building.
- 8) A twenty-foot buffer strip pursuant to section 6.10.1.5 of this Ordinance, shall be provided where the site abuts either a residential district or an existing residential use.
- 9) Off-street parking facilities shall be provided as specified in section 7.1 of this Ordinance.
- 10) Accessory facilities such as meeting or social halls, residences, indoor or outdoor recreation facilities, auditoriums, and other similar uses incidental to the principal use shall also conform to the standardized parking requirement(s) outlined in section 7.1.9 of this Ordinance.

(Ord. No. 39-17, § 8.2.4, 2-15-77; Ord. No. 39.21, § 8.2.4, 10-16-79; Ord. No. 39.69, 11-18-97; Ord. No. 39.91, § 1, 1-18-2000; Ord. No. 39.92, § 1, 2-1-00; Ord. No. 39.101, § 5, 11-4-03)

Section 8.3 - Reserved.

Editor's note— Ord. No. 39.81, § 1, adopted Feb. 2, 1999, deleted and eliminated in its entirety § 8.3, which pertained to the cluster single-family housing district, and which derived from Ord. No. 39.51, adopted Nov. 16, 1993; and Ord. No. 39.55, adopted April 5, 1994.

Section 8.4 - Mobile home park developments.

8.4.1 *Authorization.* A permit may be issued within the RM Multiple-Family District when all of the procedures and applicable requirements stated in section 8.1 and the additional requirements of this section can be complied with.

8.4.2 *Uses that may be permitted.* Any mobile home park development may include any or all of the following uses, provided that a plan of the proposed development is approved by the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended, and provided further that said development plan can meet the standards of this section.

- 1) Trailers, trailer coaches, mobile homes or similar vehicles designed for occupancy as a dwelling.
- 2) Accessory buildings required for normal operation of the mobile home park development. Such uses as stores, mechanical dispensers, equipment storage, coin-operated laundry and dry cleaning facilities may be permitted, provided that such uses:
 - a) Shall not occupy more than ten (10) percent of total site;
 - b) Shall be subordinate to the residential use and character of the park;
 - c) Shall be located, designed and intended to serve the trade or service needs of persons residing in the park.
- 3) Signs may be permitted as provided in article VI, section 6.9.
- 4) Off-street parking, as required in article VII, section 7.1.

8.4.3 *Site development requirements.* The following requirements for site development, together with any other applicable requirements of the State of Michigan Act 243, Public Acts 1959, as amended, shall be complied with. A complete copy of the plans and specifications filed as required under section 7 and 8 of Act 243, as amended, shall be filed with the township clerk at the time of application for a special use permit. If any of the requirements of this Subsection are less than those in the State Act, the State requirements shall prevail.

- 1) *Minimum site size.* Five (5) acre site with a minimum width of two hundred fifty (250) feet.

- 2) *Site location.* The proposed site shall have at least one (1) property line abutting upon a major arterial. All ingress and egress to the site shall be provided directly from said arterial. The major road shall be paved and of sufficient design capacity as required by the Ingham County Road Commission to safely and effectively handle any increased traffic which has been generated by the mobile home park. If the major road does not meet the required standards of the Ingham County Road Commission, the developer of the mobile home park shall pay the cost of the improvements which are necessary before a special use permit is granted.
- 3) *Site yard dimensions.* All buildings and mobile homes within the mobile home park site shall be no closer than fifty (50) feet from any public street line and no closer than fifty (50) feet from any side or rear property line of the mobile home park site. Such setback space shall be occupied by plant materials and appropriately landscaped. The plans and specifications for the mobile home park development shall include the proposed arrangements of such plantings and/or screening structures which shall be subject to the approval of the planning commission.
- 4) *Site access.* All points of entrance or exit from the mobile home park development shall be paved to a minimum width of twenty-four (24) feet. Said entrance or exit drives or roadways shall be located no closer than two hundred (200) feet from the intersection of any two (2) public highways or streets.
- 5) *Space requirements.* The minimum lot area or premises used or occupied by each mobile home shall be three thousand (3,000) square feet and shall not be less than thirty-five (35) feet in width.
- 6) *Yard requirements.* There shall be a minimum side yard of fifteen (15) feet at the entry side of a mobile home and a minimum side yard of eight (8) feet at the nonentry side. There shall be a minimum of ten (10) feet between the ends of the mobile home and the side lot lines. The edge of any internal paved street shall be deemed a side boundary line. Space between mobile homes may be used for parking of motor vehicles if such space is ten (10) feet from the nearest mobile home lot boundary, provided such space is surfaced with a material which provides a dustless, durable and smooth surface.
- 7) *Park roads.* Each mobile home lot or premises shall have access to a park driveway, roadway or street which shall be paved to a minimum width of twenty-four (24) feet, provided that no parking shall be permitted on said roadway. The required paving width for said streets, roadways or driveways may be adjusted if the following conditions exist:
 - a) If a one-way street pattern is proposed as part of the proposed site development, the street shall be paved to a minimum width of twenty (20) feet, provided no parking shall be permitted on said roadway.
 - b) If on-street parking is proposed for either a one-way or two-way street pattern as part of the proposed site development, an additional ten (10) feet of street paving shall be provided for each parking lane desired, provided that at least one (1) parking stall is provided for each mobile home lot or premises.
- 8) *Walks.* A thirty-inch-wide concrete walk shall be provided from the entrance of each mobile home to all required service facilities within the mobile home park.
- 9) *Mobile home lot improvements.* All mobile homes shall be parked on a reinforced concrete slab at least four (4) inches in depth, ten (10) feet in width and forty-five (45) feet in length. All parking areas provided on the mobile home lot or premises shall be clearly defined and hard-surfaced. Each mobile home shall be supported on uniform jacks or blocks.
- 10) *Building height.* No building or structure shall exceed twenty (20) feet in height.
- 11) *Lighting.* No spot or floodlights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. All other lighting shall be in accordance with the State of Michigan Act 243, Public Acts of 1959, as amended.
- 12) *Play areas.* Exclusive of other yard and open space requirements of this section, there shall be provided a usable outdoor play area at the rate of seventy-five (75) square feet for each mobile home space in the mobile home park. Such open space shall contain a minimum area of thirty-five hundred (3500) square feet and shall be developed and maintained by the management to provide for recreation for the children of the mobile home park.

- 13) *Fuel tanks.* All fuel oil and all gas tanks shall be located on each mobile home site in a uniform manner or furnished to be underground. All aboveground tanks shall be on noncombustible stands which are supported on a concrete base.
- 14) *Sanitary sewer and water facilities.* All mobile homes shall be connected to public sanitary sewer and water facilities when within one (1) mile of the development. When not available, water and sanitary sewer facilities shall be provided from central systems constructed by the park owner and approved by the township planning commission and the Ingham County Health Department. If, on the basis of the Ingham County Health Department, unsafe health conditions are present in either the water or sanitary sewer systems, the special use permit will automatically be terminated.
- 15) *Utility cabinets:*
 - a) Each mobile home park shall permit one (1) enclosed waterproof structure suitable for storage of goods and the usual effects of the inhabitants of such park, but not to exceed ninety (90) cubic feet of storage space at each mobile home site or other adequate structure or structures for such storage elsewhere in such park.
 - b) Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.
- 16) *Recreation areas.* Exclusive of other yard and open space requirements of this section, common usable recreation space of at least one hundred (100) square feet per mobile home site in the park with a minimum area of five thousand (5,000) square feet shall be developed and maintained by the management. The area or areas shall not be less than seventy-five (75) feet in its smallest dimension and no further than five hundred (500) feet from any mobile home site served.

LANDSCAPE BUFFER REQUIREMENTS

Zoning of Adjacent Property

| | A-1 | R1A | R1B | R1C | R1D | R1E | RM | RM1 | RM2 | TC | C1 | C2 | C3 | IP | IW | IR | IA | IM |
|-----|-----|-----|-----|-----|-----|-----|----|-----|-----|----|----|----|----|----|----|----|----|----|
| A-1 | | | | | | | | | | | | | | | | | | |
| R1A | | | | | | | | | | | | | | | | | | |
| R1B | | | | | | | | | | | | | | | | | | |
| R1C | | | | | | | | | | | | | | | | | | |
| R1D | | | | | | | | | | | | | | | | | | |
| R1E | | | | | | | | | | | | | | | | | | |
| RM | C | C | C | C | C | C | C | C | C | C | | | | | | | | |
| RM1 | C | C | C | C | C | C | C | C | C | C | | | | | | | | |
| RM2 | C | C | C | C | C | C | C | C | C | C | | | | | | | | |

| | | | | | | | | | | | | | | | | | |
|----|---|---|---|---|---|---|---|---|---|---|---|---|---|--|--|--|--|
| TC | B | B | B | B | | | | | | | | | | | | | |
| C1 | B | B | B | B | C | C | C | C | C | C | | | | | | | |
| C2 | B | B | B | B | C | C | C | C | C | C | C | | | | | | |
| C3 | B | B | B | B | B | B | B | B | B | B | B | C | | | | | |
| IP | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | |
| IW | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | |
| IR | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | |
| IA | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | |
| IM | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | |

(Ord. No. 39.92, § 1, 2-1-00)

Section 8.5 - Reserved.

Editor's note— Ord. No. 39.94, adopted June 20, 2000, deleted Appendix A, § 8.5 pertaining to gasoline service stations, which derived from Ord. No. 39.55, adopted April 5, 1994.

Section 8.6 - Miscellaneous special uses.

8.6.1 *Authorization.* It is the intent of this section to provide a framework of regulatory standards which can be utilized by the planning commission and township board as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.

8.6.2 *Special uses that may be permitted.* The following land and structure uses may be permitted within the particular zone districts cited, provided that requirements specified in section 8.1 and the applicable specified conditions established herein are complied with:

- 1) Incinerators and sanitary fills within any agricultural or industrial district.
- 2) Salvage yard within any industrial zone district.
- 3) Sewage treatment and disposal installations within any industrial or agricultural zone district.
- 4) Drive-in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges, and miniature golf courses within C-3 Highway Service Districts.
- 5) Special open space uses, such as public beaches, bathhouses, private resorts, recreational camps, and other open space uses operated for profit within any agricultural zone district.
- 6) Institutions for the mentally retarded and physically handicapped, drug or alcohol patients and camps or correctional institutions within any agricultural zone district.

- 7) Sand or quarries, gravel pits, temporary asphalt plant installations, within any agricultural zone district or industrial zone
- 8) Temporary structures.
- 9) Adult motion picture theaters, bookstores, massage parlors within the C-2 General Business District.
- 10) Child care establishments and foster care in zones as permitted in section 8.6.3.
- 11) Utility grid wind energy system, on-site use wind energy system over twenty (20) meters high, and anemometer towers over twenty (20) meters high.

8.6.3 *Site development requirements.* All requests for special use permits are subject to site plan review per section 3.3 of this Ordinance. A special use permit shall not be issued for the occupancy or use of a structure or parcel of land or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements:

Without limiting the powers of the township board in any other section of this Ordinance, the township board shall have the authority to revoke any special use permit when, after reasonable warning, the operators of any use permitted under this section fail to comply with any of the requirements stipulated. In addition, the planning commission, as part of its approval of a particular special use permit, may recommend to the township board any additional conditions and safeguards that are deemed necessary for the protection of the public welfare.

1) *Incinerators and sanitary fills:*

- a) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. In addition, all sanitary landfills shall be licensed with the Michigan State Health Department in accordance with Act 87 of the Public Acts of 1965 and site locations shall be reviewed by the Michigan State Water Resources Commission.
- b) All uses shall be enclosed by a fence four (4) feet or more in height for the entire periphery of the property. Fences shall be maintained at all times.
- c) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned, so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
- d) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- e) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

2) *Salvage yards:*

- a) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
- b) The site shall be a minimum of five (5) acres in size.
- c) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted and otherwise finished neatly and in conspicuously.
- d) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area.
- e) All fenced-in areas shall be set back at least ten (10) feet from any front street or property line and a minimum of ten (10) feet from any side or rear property line. Such front yard setback shall be planted with trees, grass and

shrubs to minimize the appearance of the installation.

- f) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- g) Special use permits for salvage yards shall not be transferable to third parties without application and public hearing as is provided in section 8.1.

3) *Private multi-user sewage treatment and disposal installations:*

- a) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
- b) All operations shall be completely enclosed by a wire-link fence not less than six (6) feet high.
- c) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials and structural screens shall be placed. The planning commission shall approve all treatment of transition strips.

4) *Drive-in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges and miniature golf courses:*

- a) All sites shall be located on a major or minor arterial. All traffic ingress or egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or out of the major thoroughfare.
- b) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- c) All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
- d) Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major arterials, where possible.
- e) Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least fifty (50) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the planning commission shall be placed within said transition strip.
- f) A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the planning commission.
- g) Race tracks and drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least eight (8) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly, attractively and inconspicuously.
- h) Drive-in theaters: Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) percent of the vehicular capacity of the theater.
- i) Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in height.
- j) For drive-in theaters, no more than two (2) advertising signs not exceeding in aggregate more than five hundred (500) square feet shall be permitted. Said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon any public street. In no event is any one (1) sign to exceed two hundred fifty (250) square feet.

- 5) *Special open space uses:*
- a) The proposed site shall be at least to two (2) acres in area.
 - b) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
 - c) All buildings and structures shall be set back at least fifty (50) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this 50-foot setback shall be landscaped with trees, grass and structural screens of a type approved by the planning commission to effectively screen the installation from surrounding residential properties.
 - d) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
 - e) Special use permits for special open space uses shall not be transferable to third parties without application and public hearing as is provided in section 8.1.
- 6) *Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions:*
- a) The proposed site shall have at least one (1) property line abutting a major arterial. All ingress and egress to the off-street parking area shall be directly from the major arterial.
 - b) All two-story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one (100) feet setback and an additional one-foot for each foot of additional height above two (2) stories.
 - c) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
 - d) Ambulance and delivery areas shall be obscured from all residential view by a solid fence six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major arterial.
 - e) All signs shall be in accordance with the schedule outlined in article VI, section 6.2.3.
 - f) Off-street parking space shall be provided in accordance with the schedule outlined in article VII, section 7.1 and off-street loading in conformance with article VII, section 7.2.
- 7) *Excavation of soil and minerals.* The purpose of these provisions is to provide for use of lands which have significant mineral deposits such as gravel and sand and which if mined for such deposits under regulations of this section, insures that doing so will not constitute a hazard to the public health, safety and welfare. Also to insure that said operation will result in the reclamation of said lands so that they will be suitable for other uses upon expiration of the mining activity. (Note: Topsoil shall not be stripped, excavated or other wise removed from any premises for sale at retail or wholesale, or for any other use than on the premises on which the topsoil was originally located. This provision shall not be construed, however, to prohibit sod farm operations.)
- a) *Mining and extractive procedures and regulations:*
- (1) Application for a special use permit shall be made and submitted not less than thirty (30) days before any regular meeting of the Delhi Charter Township Planning Commission to be placed on the agenda for the meeting.
 - (2) In addition to necessary application fees the petition will be accompanied by a professionally drawn site plan. The plans shall be drawn to a scale of 1" = 50' and include the production schedule for extraction and rehabilitation of the site. They shall also include a proposed final grade elevation plan and written explanation of the proposed future land use and its compatibility with the adopted Delhi Township future land use plan.
 - (3) The following information shall be provided in the aforementioned plans, application or through additional documentation:

- (a) Name and address of owner(s) of land from which removal will take place.
 - (b) Name and address of person, firm or corporation who will be primarily responsible for conducting the actual removal operation.
 - (c) Location, size and legal description of the total site and estimated area to be mined.
 - (d) The site plan shall indicate surrounding zoning and current land uses (to be indicated by the director of community development).
 - (e) The roads and types of road surfaces that serve the site or will be utilized on the site.
 - (f) The proposed haul route that is expected to be the predominate traffic pattern for vehicles to and from the site.
 - (g) The location and size of any processing equipment and/or structures.
 - (h) Proposed method of removal and general description of equipment to be utilized.
 - (i) Estimated length of time to complete operations.
 - (j) Estimated area in acres from which excavation will take place in the first year of operation and successive years to completion.
 - (k) A detailed plan of drainage on and away from area subject to mining, showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including any points of discharge.
 - (l) Describe the general ground water conditions and the visible impact of mining operation upon adjacent ground water levels and quality. The operator must identify plans to alleviate possible problems in the ground water supply to adjacent landowners.
 - (m) Specify the disposal plan for human excreta or domestic, commercial or industrial wastes.
- (4) Before a special use permit is issued, the petitioner shall submit:
- (a) A final site plan for approval by the planning commission.
 - (b) A detailed plan of operation for stripping topsoil and overburden, stockpiling, excavating and rehabilitating. Details shall include depths of cuts and fills and the type of fill, if any is proposed.
 - (c) Financial guarantees shall be furnished the township prior to the issuance of a special use permit to insure proper rehabilitation and reclamation in accordance with the provisions of this Ordinance; in the amount of two thousand five hundred dollars (\$2,500.00) per acre to be mined in the total project over the life of the permit. In determining the area for which guarantees must be supplied, the following shall be included:
 - 1. Any area stripped of topsoil or overburdened.
 - 2. Area from which material is extracted.
 - 3. Area utilized for stockpiling extracted material, overburden and topsoil.
 - 4. Any area which from a past year of operations has not been fully rehabilitated on the annual anniversary of the issuance of the special use permit.
 - (d) In no event shall a financial guarantee be less than thirty thousand dollars (\$30,000.00) in amount.
 - 1. Financial guarantees shall be in one of the following forms:
 - Cash or Certificate of Deposit (C.D.).
 - Certified check.
 - Irrevocable bank letter of credit.

- Corporate surety bond of a licensed insurance company.

2. Said guarantee shall remain in effect and be supplied until such time as it is determined by official inspection that the acreage it guarantees is rehabilitated and the release of the bond or any portion thereof shall require formal planning commission and the board of trustees approval.
3. In addition to the above guarantee, a cash fund in the amount of one thousand five hundred dollars (\$1,500.00) plus twenty-five dollars (\$25.00) per acre for the first year and one thousand dollars (\$1,000.00) for each subsequent year of operation shall be deposited with Delhi Township for special fees, inspection costs, engineering fees for site plan review, or other costs incurred by Delhi Township in assuring compliance with the special use permit. These funds shall be held in escrow by Delhi Township until such time as fees, inspections, or costs will no longer be incurred as a result of the issuance of said special use permit. Any funds not spent for designated purposes are to be refunded to developer upon completion of rehabilitation.

b) *Site development requirements:*

- (1) Setbacks in which no part of mining operation may take place, excepting ingress and egress shall be as follows:
 - (a) A setback of not less than seventy-five (75) feet from any road right-of-way bounding the site.
 - (b) A setback of not less than fifty (50) feet from any lot line common to undeveloped property and seventy-five (75) feet from lot lines common to residentially zoned land. However, more strict requirements may be specified in order to give substantial support to surrounding property where soil or geographic or geological conditions warrant it.
 - (c) The setback requirements may be reduced when there is approval in writing of the adjoining property owners, when such will enhance the residual value and reclamation of the total project.
- (2) Screening: Fixed machinery or structures exceeding thirty (30) feet in height shall be screened from view by use of berms and planting as evaluated at site plan review.
Where structures exceed the aforementioned height plans detailing the method, location, sizes and types of plant materials shall be required.
- (3) Fencing shall be required around the perimeter of the site area being worked at any one time and shall consist of a four-foot woven wire or equivalent fence and barbed wire (total five (5) feet). The work area enclosed by said fencing shall be provided with gates at any point of ingress or egress which shall be secured at anytime the site is not open for business. Fencing shall be maintained until rehabilitation is completed.
- (4) Posting the aforementioned fence enclosing any mining operation shall be posted at a minimum of two hundred-foot intervals by durable, weather proof signs not less than two (2) square feet in size with a minimum of two-inch lettering, containing the following in large print: NO TRESPASSING.
- (5) At no time shall slopes on previously excavated areas outside the fenced working area to be left at greater than thirty (30) degrees pending rehabilitation. And no finished grade shall exceed 3 in 1, three (3) feet horizontal to one-foot vertical respectively.
- (6) Erosion: All slopes shall be adequately seeded and/or planted with appropriate vegetation such as trees to prevent erosion.

Said reestablishment of vegetation of abandoned slopes and areas shall take place progressively as outlined in the production plans on file and shall be accomplished prior to the renewal of the special use permit for the successive year of operation. To insure the permanence of the reestablished vegetation of rehabilitated

areas, the permit holder will be released from such care and maintenance only after inspection approval of the zoning official or other duly authorized representative of the planning commission.

- (7) Noise: Equipment for the processing, crushing, sorting, washing, loading and transporting of mineral material shall emit noise not louder than sixty (60) decibels measured at any occupied dwelling. Berming or screening may be required by the planning commission to provide additional noise buffering to the neighboring properties.
- (8) Hours of operation: Mineral removal, processing and transport operations and activities shall commence no earlier than 7:00 a.m. and shall cease no later than 7:00 p.m. on weekdays of Monday through Friday. Saturday operations will be allowed during the construction season of May 1 through November 30, with operations commencing no earlier than 7:00 a.m. and shall cease no later than 5:00 p.m. No hours of any type of operation shall take place at any time during Sundays or legal holidays (such holidays are determined to be Christmas Day, New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Labor Day). Crushing operations shall not commence any earlier than 7:00 a.m. and shall cease no later than 6:00 p.m. on weekdays of Monday through Friday and shall not be allowed on Saturdays, Sundays, and legal holidays.
- (9) Dust:
 - (a) Dust generated by sand mining activities and vehicle movement shall be controlled by the application of a Department of Natural Resources and/or Ingham County Health Department approved dust treatment, which is biodegradable and non-toxic, or by other approved means. This section shall apply to any operations on site and the use of any access roads which are unpaved.
 - (b) Each operator shall keep the public roads at entrance to and from property clean on a daily basis or as required by the Ingham County Road Commission.
- (10) Permitted installations: Shall be maintained in a neat and orderly condition.
- (11) Topsoil: Shall be placed to a depth of four (4) inches in establishing finish contours for rehabilitation. The removal and sale of topsoil is specifically prohibited, except as recommended by the planning commission and approved by the township board.
- (12) Permits to extract minerals shall be granted for a specific number of years based on anticipated length of project and shall be reviewed annually and shall be subject to review of past performance and verification that operations have been conducted according to the requirements of this chapter and the approved plans. Site operations shall be open to inspection at all times and as often as necessary to assure compliance. Any costs incurred for special inspections, consultant fees or special studies made to ensure compliance with the special use permit shall be paid from the one thousand dollars (\$1,000.00) per year cash fund required in item (4)(d)3. above. In the event such review determines that there has not been compliance with the terms of the permit, such permit shall lapse until such time as compliance is completed.
- (13) The developable land, upon completion of mining operations, shall have a depth above seasonal high groundwater level of not less than six (6) feet or original depth.
- (14) Any extension of operations beyond the limits applied for and approved under the permit shall require additional approval of the planning commission.
- (15) Permits to extract minerals shall be nontransferable.
- (16) A special inspector/consultant may be hired by the township to ensure compliance with this special use permit. Inspection costs shall be paid from the cash fund required in item (4)(d)3. above.
- (17) Any additional safeguards or guarantees may be required by the planning commission and/or township board of trustees to protect the health, welfare and safety of the residents of Delhi Township.
- (18) Special use permits for any excavation of soil and minerals shall not be transferable to third parties without

application and public hearing as is provided in section 8.1.

8) *Adult motion picture theaters; bookstores; massage parlors:*

- a) *Purpose.* The purpose and intent of this section is to regulate the location of, but not exclude, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters and massage parlors in the township by preventing the concentration of such uses in one area. This regulation is done with the understanding that the township recognizes that there are some uses which, because of their nature, have serious, objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent resident and commercial areas. The township recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.
- b) *Location of uses.* No building or land, and no building hereafter erected, converted or structurally altered, shall be used as an adult bookstore, adult motion picture theater, adult mini-motion picture theater or massage parlor within four hundred (400) feet of the property line of any residentially zoned district as defined in this zoning ordinance or within two thousand six hundred forty (2,640) feet of any public school or public facility or religious site of assembly, worship and school. No adult bookstore, adult motion picture theater, adult mini-motion picture theater or massage parlor shall be located within one thousand two hundred (1,200) feet of any other establishment known as an adult bookstore, adult motion picture theater, adult mini-motion picture theater or massage parlor.
- c) Definitions as used in this section:
 - (1) "Adult bookstore" means an establishment which excludes minors, as defined in MCL 722.51 et seq. and has, as a substantial or significant portion of its stock in trade, books, periodicals, magazines, pamphlets, pictures, photographs, sexual paraphernalia, motion picture films and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to nudity, sado-masochistic abuse or sexual conduct.
 - (2) "Adult motion picture theater" means an establishment, whether in a completely enclosed building or not, which excludes minors, as defined in MCL 722.51 et seq. and offers, for admission fee, membership fee or other valuable consideration, the viewing of motion picture films, pictures or photographs which are distinguished or characterized by their emphasis on nudity, sado-masochistic abuse or sexual conduct, during more than twenty-five (25) percent of its operating hours. (If a drive-in theater, compliance must also be made with section 8.6.3(4).
 - (3) "Adult mini-motion picture theater" means an enclosed building or any portion of a building from which minors, as defined in MCL 722.51 et seq. are excluded, and which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct, nudity or sado-masochistic abuse, by any means of display, including, without limitation, by motion picture, mechanical amusement devises, television (including videotape or closed circuit) or live performances for observation by patrons therein.
 - (4) "Massage parlor" means any establishment which offers services in the form of massages, health rubs, rub downs, stress stroking, or other forms of manual manipulation, singly or in combination, to club member or to the public for charge. "Massage Parlor" does not include:
 - (a) Activities in hospitals, nursing homes, medical clinics, or the office or quarters of physicians, surgeons, chiropractors or osteopaths;
 - (b) Exercise clubs exclusively for members or clientele where the services do not include any form of massage;

- (c) Exercise or health clubs or health spas where aerobic physical fitness and physiologic muscle joint improvement ninety (90) percent of the program and also concurrently uses massage therapy as a form of physical therapy by a certified and licensed therapist;
 - (d) Barbershops and/or beauty parlors.
- (5) "Nudity" means uncovered or less than opaquely covered post-pubertal human male or female genitals, pubic area, buttocks, or female breasts below a point immediately above the top of the areola.
- (6) "Offered for sale" means offered in exchange for money, membership fee or any other valuable consideration.
- (7) "Sado-masochistic" means flagellation or torture by or upon a human.
- (8) "Sexual conduct" means any of the following actual or simulated acts of: human sexual intercourse (homosexual or heterosexual), human or animal masturbation, bestiality, fellatio, cunnilingus, human excretory functions, homosexuality, or lesbianism.
- 9) *Child care establishments and foster care:*
- a) *Intent of provisions:* It is the intent of this Ordinance to provide for healthy and safe child care and foster care establishments in Delhi Charter Township; to reduce the negative effects between incompatible land uses; and to ensure that child care and foster care establishments are licensed by the State of Michigan. All requirements of the State of Michigan with regards to required areas, staff and care of children shall be complied with. A failure to comply with any state requirement shall constitute a violation of this Ordinance.
 - b) *Definitions:*
 - (1) *Family day care or home child care*—Care facility accommodating six (6) or less children or adults. Family day care or home child care establishments are permitted by right in any residential zoning district and in the A-1: Agricultural zoning district.
 - (2) *Group day care facility, foster family home*—Child care or adult care facilities that accommodates between seven (7) and twelve (12) children or adults are permitted subject to the special conditions listed in section 8.6.3(9)(c)(2) below in any residential zoning district and the A-1: Agricultural zoning district. Foster family homes shall mean an establishment which provides interim care to adults. A foster family home is not a nursing home.
 - (3) *Child care centers, foster care center*—Child care or adult foster care facility which accommodates thirteen (13) or more children or adults are permitted by special use permit subject to section 8.6.3(9)(c)(3) below:
 - c) *Regulations:* Child care and adult foster care establishments shall be permitted as provided below:
 - (1) Family day care or home child care facilities shall be permitted by right in all residential districts subject to the following provisions:
 - (a) Such uses shall be duly licensed by the appropriate state agency. Proof of compliance with state licensing requirements must be submitted to the director of community development.
 - (b) Buildings and lots so used shall conform to all state and local code requirements.
 - (c) All dimension requirements stipulated in the zone in which the family day care or home child care facility is proposed, including maximum lot coverage, shall apply.
 - (2) Group day care facilities and/or foster family homes shall be permitted in all residential districts and the A-1 Agricultural District, subject to the conditions listed below. Such uses shall be subject to the same provisions as family day care or home child care facilities as listed above. Additionally, the following provisions must also be met.
 - (a) The group day care and/or foster family home use must be incidental to the residential use.

- (b) The indoor ratio of child care providers to children, as required by the State of Michigan, must be maintained as well, when children are outside. Additionally, outdoor play times must be supervised in such a manner that is unreasonably disruptive to adjacent properties within fifty (50) feet of the play area.
 - (c) Fencing must be provided around all outdoor play areas and open recreational space per the requirements of section 6.2.4 of the Zoning Ordinance. Fencing, gates and latching mechanisms must be of a type sufficient to prevent unauthorized access by outsiders to the play area and to prevent children in care from leaving the area without appropriate supervision.
 - (d) Outdoor play areas shall be appropriately landscaped with plant selections that are nonpoisonous and/or hazardous. Play equipment and play structures shall be setback a minimum of ten (10) feet from any property line.
- (3) Child care centers and foster care centers shall be permitted in Commercial Districts, Agricultural (A-1), and Rural Residential (R-1A) Districts by special use permit. They are not permitted in any Industrial District or any Residential District, except R-1A. The permit will require that:
- (a) All such child care centers and adult foster care establishments shall comply with existing state law with regard to barrier free access.
 - (b) All such child care centers and adult foster care establishments shall be duly licensed by the appropriate state agency.
 - (c) Buildings and lots shall conform to all state and local code requirements.
 - (d) Contiguous open space (play area) shall be a minimum of one thousand two hundred (1,200) square feet. Contiguous open space (play area) shall be provided exclusive of front yard, side yard, driveway and parking areas.
 - (e) Fencing must be provided around all play areas and open recreational space per the requirements in section 6.2.4 of the Zoning Ordinance. Fencing, gates and latching mechanisms must be of a type sufficient to prevent unauthorized access by outsiders to the play area and to prevent children in care from leaving the area without appropriate supervision.
 - (f) Open recreational space and play areas shall be screened with a type C buffer, as outlined in section 6.10 of this Ordinance.
- d) *Additional requirements:*
- (1) Day nurseries, nursery schools or pre-schools shall meet the same requirements as child care centers.
 - (2) All other applicable ordinance requirements, including, but not limited to, parking, signage and landscaping, must be complied with at all times.
- 10) *Utility grid wind energy system, on-site use wind energy system over twenty (20) meters high, and anemometer towers over twenty (20) meters high.* An utility grid wind energy system, on-site use wind energy system over twenty (20) meters high, and anemometer towers over twenty (20) meters high shall meet the following standards in addition to the general special use standards in section 8.1 of this Ordinance.
- a) *Property setback:*
- (1) Utility grid, on-site use wind energy system and anemometer tower setback shall be the greater distance of the following:
 - (a) The setback from property lines of the respective zoning district;
 - (b) The setback from the road right-of-way; and
 - (c) A distance at least equal to the height of the tower from the property lines or from the lease unit boundary, whichever is less.

- (2) An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the requirements applicable to public utilities.
- b) *Sound pressure level:* The sound pressure level shall not exceed 55dB(A), measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day.
- c) *Safety:*
- (1) Utility grid wind energy system, on-site use wind energy system over twenty (20) meters high, and anemometer towers over twenty (20) meters high shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - (2) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site.
 - (3) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage shall be placed at the road access that will be used to warn visitors about the potential danger of falling ice.
 - (4) The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- d) *Post construction permits, construction codes, towers and interconnection standards:* Utility grid wind energy system, on-site use wind energy systems over twenty (20) meters high, and anemometer towers over twenty (20) meters high shall comply with all applicable state construction and electrical codes and local building permit requirements.
- e) *Pre-application permits:*
- (1) *Other regulations:* Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, MCL 259.481 et seq.). The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy system shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission Interconnection standards.
 - (2) *Environment:*
 - (a) The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the environmental impact analysis.
 - (b) Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including, but not limited to the following:
 - i) Part 31 Water Resource Protection (MCL 324.3101 et seq.);
 - ii) Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.);
 - iii) Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.);
 - iv) Part 303 Wetlands (MCL 324.30301 et seq.);
 - v) Part 323 Shoreline Protection and Management (MCL 324.32301 et seq.);
 - vi) Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.);
 - vii) Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

- f) *Utilities:* Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. A ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee published standards to prevent avian mortality.
- g) *The following standards apply only to utility grid wind energy systems:*
- (1) *Visual impact:* Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single nonreflective matte color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - (2) *Avian and wildlife impact:* Site plan or other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the avian and wildlife impact analysis.
 - (3) *Shadow flicker:* Site plan or other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the shadow flicker impact analysis.
 - (4) *Decommissioning:* A decommissioning plan indicating the following, will be submitted for approval by the planning commission:
 - (a) The anticipated life of the project.
 - (b) The estimated decommissioning costs, net of salvage value in current dollars.
 - (c) The method of ensuring that funds will be available for decommissioning and restoration.
 - (d) The anticipated manner in which the project will be decommissioned and the site restored.
 - (5) *Complaint resolution:* A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.
 - (6) *Electromagnetic interference:* No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antennae for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(Ord. No. 39.55, 4-5-94; Ord. No. 39.67, 6-3-97; Ord. No. 39.69, 11-18-97; Ord. No. 39.71, 12-16-97; Ord. No. 39.77, 10-6-98; Ord. No. 39.80, § 3, 2-2-99; Ord. No. 39.104, 1-20-04; Ord. No. 39.127, 6-19-07; Ord. No. 39.155, § XV, 2-16-10)

Section 8.7 - Open space option.

8.7.1 *Intent and purpose.* In accordance with Public Act 177 of 2001, (the Open Space Preservation Act), an applicant may choose to utilize the provisions of this section for residential development in zoning districts R-1A, R-1B, A-1, and in any circumstances where the requirements of this section create a density equivalent to:

- Two (2) or fewer dwelling units per acre; or
- Three (3) or fewer dwelling units per acre if the land is served by a public sewer system.

The open space option is designed as a special use overlay option to provide for an environmental choice for Delhi Charter Township by encouraging creativity and flexibility of low to medium density residential design, diversity of building types, open space arrangements and environmental preservation.

The open space option project is intended to accomplish the following within the R-1A, R-1B, and A-1 districts, and where the densities stated within PA 177 are accommodated.

- 1) Result in a more efficient development pattern with shorter streets and utility networks.
- 2) Preserve existing natural assets, such as stands of trees, floodplains, and open spaces.
- 3) Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.
- 4) Such development may consist of individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.
- 5) Provide for planned living environments that enhance the residential stability and economic base of the Delhi Charter Township through the application of the special use permit process.

The provisions of the following sections provide enabling authority and standards for the submission, review and approval of applications for special land uses in article VIII.

8.7.2 *General requirements.*

- 1) Must provide access to a road under the jurisdiction of Ingham County with a right-of-way width that is a minimum of sixty-six (66) feet or have vehicular access approved through section 3.3.3 (Site plan review).
- 2) The entire site must not exceed the stated land use(s) and density requirements of the district in which the property is located.
- 3) The principal permitted use shall be low to medium density residential and can be provided in a variety of development configurations as regulated by this section.
- 4) The proposed density shall not exceed the density of the zoning district in which the project is located. If the site contains wetlands, floodplain, natural vegetation, and/or surface water areas that are required to be preserved, these areas shall not be included in the computation of density for the project unless, in the opinion of the planning commission, it can be shown that they can be made an integral and useable part of the proposed development.

8.7.3 *Approval process.* Submission, review, and recommendation on an open space option project shall be subject to the following three-step process:

- 1) *Pre-application conference.* Prior to submission of an application for this special use option, the applicant shall meet with the director of community development and appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the pre-application conference an explanation of ordinance requirements, procedures, and estimated time lines.
- 2) *Preliminary development concept.* Prior to setting a public hearing on the open space option application, the planning commission shall review and comment on the preliminary development concept for the proposed open space option project. The intent of the planning commission review is to provide as much feedback as possible to the applicant prior to the official public hearing as required under article VIII.

Prior to the planning commission's review of a preliminary development concept, the following information shall be submitted:

- a) Evidence of ownership or equitable interest in the proposed site of the open space option project.
- b) Legal description and general location.
- c) Fifteen (15) copies of a parallel plan and a conceptual site plan for the proposed development that contains the following information:

- Readable scale.
 - Existing zoning of the site and adjacent properties.
 - Existing land use of the site and adjacent properties.
 - Location of proposed structures, parking areas, and open space.
 - Development summary data (acres, units).
 - General descriptions of water, sanitary and storm drainage systems including storage basins.
 - Identification of existing natural features of the site and location of specific wetland area.
 - Description of proposed landscape features, buffers, and pedestrian circulation system.
 - Identification of existing and proposed easements.
 - Identification of existing and proposed public and private rights-of-way.
 - Other information as may be required by Delhi Charter Township Planning Commission or the director of community development.
- d) Description of development ownership, proposed ownership form for residential components, means of preserving open space, and proposed maintenance concept.
- 3) *Final development plan.* The final development plan for a proposed planned unit development shall meet the requirements of section 3.3.6 of the Delhi Charter Township Zoning Ordinance and shall meet the following additional requirements:
- a) The application and all supportive materials shall be submitted at least thirty (30) days prior to the scheduled public hearing for the open space option project.
 - b) The application and supportive materials shall contain a site plan that contains the information submitted for the preliminary development plan plus the following information:
 - Meets the requirements of section 3.3 (Site plan review).
 - Indicates engineering recommendations for water, sanitary sewer, storm drainage, natural gas, electric and telephone systems.
 - Indicates recommended road alignments, existing contours and proposed topographic data.
 - Indicates soil erosion and sedimentation control procedures.
 - Detailed landscape plans.
 - Provides a specific schedule of the proposed development, including open space provision, common use areas, utilities, and landscaping requirements.
 - c) The provision of studies that may be required by the township, at the applicant's expense, that address issues such as, but not limited to, traffic circulation and safety, utility systems and environmental impact.
 - d) The final development plan shall meet the requirements of the development standards as established in section 8.7.4.

8.7.4 *Development standards.*

- 1) The open space option project shall not be greater than the density allowed for the underlying residential zoning district(s). The number of dwelling units allowable within an open space option project shall be determined in the following manner:

Parallel plan:

The applicant shall prepare, and present to the planning commission for review, a detailed parallel design plan for the project. For single family residential projects, this plan shall comply with state and township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended, and the Township subdivision control regulations. The parallel plan shall represent an approvable design incorporating all of the township's adopted development standards. This plan shall include all information as required by the procedures stated in section 3.3. The planning commission shall review the design and, based upon typical review criteria, determine the maximum number of lots or residential dwelling units that could be feasibly constructed following the parallel design. This number, as approved by the planning commission, shall become the maximum number of dwelling units allowable within the site.

- 2) The project shall not contain any additional dwelling units than would feasibly be allowed on the same parcel of land without the exercise of this option.
- 3) The open space option projects shall meet the flood hazard area regulations as described in section 6.6.
- 4) The open space option project shall be subject to the site plan review requirements of section 3.3.
- 5) The open space option project shall be subject to the regulation of signage as described in section 6.9.
- 6) The open space option project shall be subject to the following design, performance objectives:
 - a) *Yard, setback, lot size, type of dwelling unit, height, and frontage requirements* restrictions are waived for the open space option project; provided, however, that the spirit and intent of this section, as defined in the purpose clause, are incorporated within the total development plan. The planning commission may determine that bulk and area requirements be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the purpose clause of this section.
 - b) *Access*: Every structure or dwelling unit shall have access to a public or private street, or other areas dedicated to common use.
 - c) *Land usage*: The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
 - d) *Privacy*: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
 - e) *Off-street parking*: Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirement of article VII of this Ordinance. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to assure the safety of the occupants and the general public. Screening of parking and services areas may be required through use of trees, shrubs, hedges or screening walls.
 - f) *Development concept*: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond site.
 - g) *Utilities*: An open space option project shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm

water, and to prevent erosion and the formation of dust. This will include the establishment of retention basins in order to minimize storm water runoff per requirements of the Ingham County Drain Commission.

- h) *Pedestrian circulation*: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
 - i) *Planting*: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
 - j) *Density*: The density (dwelling units per acre) in an open space option project shall not exceed the net density of the zoning district in which it is located as shown and approved by the planning commission on the parallel plan.
 - k) *Density, gross* means a numerical figure that equals the total number of dwelling units on a parcel divided by the total number of acres included in the parcel.
 - l) *Density, net* means a numerical figure that equals the total number of dwelling units on a parcel divided by the total number of acres included in the parcel, excluding any parcel area owned by a governmental entity, used as a private street.
 - m) *Open space* is defined as parcel or parcels of land or an area of water or combination of land and water designed and intended for the use or enjoyment of the residents of the open space option project. "Open space" does not include proposed street rights-of-way and open parking area. The area of open space within an open space option project may not be less than fifty (50) percent of the land. The open space area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. All open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a homeowners association or other legal entity, or by reservation by means of a restrictive covenant. The terms must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance. Open space may be dedicated to the public at large if agreed upon by the township board. Open space shall not include a golf course.
- 7) *Circulation facilities*: The arrangements of public and common ways for pedestrian and vehicular circulation shall be coordinated with other existing or planned streets in the area.
 - 8) In the event that public water and sewer facilities shall be available or shall be provided as part of the development, ownership and operation of the services shall be subject to review and approval by the township. Ownership and operation shall be dedicated to the township.
 - 9) The open space option project's landscape plan shall meet the requirements of section 6.10 (Landscape plan).
 - 10) The open space option project may be developed in stages or phases, but must receive conceptual approval for future stages within a time frame found acceptable to the planning commission. A final site plan review and approval are required prior to construction of each state or phase.
 - 11) Initial construction on the first phase of the project must begin within two (2) years of approval from the township or the entire site shall be subject to a new application.
 - 12) In the opinion of the director of community development, amendments to the approved open space option project that increase the intensity of use or increase the impact on adjacent properties must be resubmitted to the planning commission for review and approval.
 - 13) Private ownership of streets may be allowed, but all streets must meet the design and construction standards of the subdivision control ordinance and the Ingham County Road Commission.
 - 14) Financial guarantees may be required by the planning commission or the director of community development in the form of a cash deposit, certified check, bond, or other financial guarantee acceptable to the township to ensure

compliance with such requirements as infrastructure, drives, walks, parking, landscaping or other features of the development. The financial guarantee shall be deposited with the township at the time of issuance of the permit authorizing the project or activity. The township may release portions of the guarantee as work is completed on the project or activity.

- 15) The applicant shall establish an escrow account with the township at a date to be established by the township to cover such additional review costs as engineering, legal, or other professional assistance as may be required.
- 16) Upon approval of the open space option project, the applicant shall develop with the township a development agreement to assure that all of the customary municipal improvements required by existing ordinances and regulations will be properly made and that funds will be made available by the applicant to assure the installation of certain site improvements prior to any permits being issued.

8.7.5 *Previous planned unit developments.* Any planned unit development or open space option project approved prior to (date) may be completed consistent with the approved concept and previous approvals subject to the time frame approved by the planning commission. Changes to approved concept plans, site plans or time frames for these projects shall be subject to review and approval as a special land use per article VIII.

(Ord. No. 39.60, 8-1-95; Ord. No. 39.62, 12-5-95; Ord. No. 39.69, 11-18-97; Ord. No. 39.102, 4-20-04)

Footnotes:

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Editor's note— *Formerly Planned Unit Development.*

ARTICLE IX. - AMENDMENTS

Section 9.1 - The township board may amend.

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of Delhi Charter Township may be amended, supplemented or changed by resolution of the township board, in accordance with Act 110 of the Public Acts of 2006, as may be amended.

(Ord. No. 39.131, 6-19-07)

Section 9.2 - Initiation of amendments.

Proposals for amendments, supplements or changes may be initiated by the township board on its own motion, by the planning commission or by petition of one (1) or more owners of the property to be affected by the proposed amendment.

(Ord. No. 39.131, 6-19-07)

Section 9.3 - Amendment procedure.

9.3.1 *Petition to township board.* Each petition by one (1) or more owners for an amendment shall be a submitted application to the township clerk on a standard form provided. A fee, as established by the Charter Township Board, shall be paid at the time of application to cover costs of necessary advertising for public hearing, for the use of a standard amendment sign and investigation of the amendment request. No part of such fee shall be returnable to a petitioner. The township clerk shall transmit the application to the township board.

- 1) In the event the landowner or authorized entity acting on behalf of the landowner desires or intends to propose a particular land use or development as a condition to rezoning pursuant to Act 577 of the Public Act 2004, (MCL

125.286i) a written notice of intent to make such an offer shall be given to the director of community development.

- 2) The notice of intent required herein shall be in writing and shall be accompanied by a proposed covenant to run with the land regarding the proposed use or a proposed agreement setting forth the development conditions relating to said rezoning request.
- 3) Unless waived by the township board, all proposals for conditional zoning shall be reviewed by the planning commission and addressed in the planning commission's recommendation on the underlying rezoning request as required by section 9.3.3 of this article. In the consideration of such a proposal, the planning commission and township board may request additional information and data, as they may deem appropriate.

9.3.2 *Referral to planning commission.* The township board shall refer every proposed amendment, supplement or change to the planning commission for recommended action.

9.3.3 *Planning commission recommendation.* The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Comprehensive Development Plan of Delhi Charter Township. The planning commission may recommend any additions or modifications to the original amendment proposal.

9.3.4 *Public hearing.* The planning commission shall conduct a public hearing on any request for an amendment to the Zoning Ordinance or zoning district map and shall provide notice to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within three hundred (300) feet of the subject property, regardless of whether such occupants are located in the township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area, owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service, and shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice must describe the nature of the request, state when and where the request will be considered, indicate when and where comments will be received concerning the request, indicate the property that is the subject of the request, and, for a request involving ten (10) or fewer adjacent properties, the notice shall include a listing of all existing street addresses within the property.

9.3.5 *Action by township board.* Immediately after reaching a decision, the planning commission shall transmit its recommendation and a summary of comments received at the public hearing to the township board. The township board may hold an additional hearing or hearings if it considers same to be necessary and, if so, shall publish notice of the hearing in a newspaper of general circulation in the township not less than fifteen (15) days before the date of the hearing. The township shall grant to an interested property owner who request a hearing by certified mail, addressed to the clerk of the township. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service at least fifteen (15) days before the date the hearing will be held. The publication and notice shall contain the same information as required by section 9.3.4 of this article.

If it so desires, the township board may refer any proposed amendments to the planning commission for recommendation and comment within a time specified by the township board.

9.3.6 *Resubmittal*. No application for a rezoning which has been denied by the township board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the township board to be valid.

(Ord. No. 39.86, § 1, 8-17-99; Ord. No. 39.92, § 4, 2-1-00; Ord. No. 39.115, § I, 2-7-06; Ord. No. 39.131, 6-19-07; Ord. No. 39.152, §§ V, VI, 5-31-09)

ARTICLE X. - DEFINITIONS

Section 10.1 - Rules applying to the text.

For the purpose of this Ordinance, certain rules of construction to the text, as follows:

- 1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- 2) The work "person" includes a corporation or firm, as well as an individual.
- 3) The word "building" includes the word "structure".
- 4) The word "lot" includes the word "plot", "tract" or parcel".
- 5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- 6) The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or to be used or occupied".
- 7) Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

(Ord. No. 39.140, 6-19-07)

Section 10.2 - Definitions.

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory building: A subordinate building or structure on the same lot with a principal or main building or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Alley: Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: Any modification, additions or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height, or the moving from one (1) location to another.

Alternative tower structure: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Ambient: The sound pressure level exceeded ninety (90) percent of the time or L_{90} .

Anemometer tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

ANSI: The American National Standards Institute.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antique: A work of art, piece of furniture, or decorative object made at an earlier period at least fifty (50) years ago, exclusive of any item meeting the definition of a "junk motor vehicle" or "junk" by chapter 9 Nuisances of the Code of Ordinances for Delhi Township.

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling, intended or designed for use as a residence by a single-family.

Apartment, cluster: A group of buildings used or designed to contain separate living units for three (3) or more families but which each building may have joint services or facilities or both. These buildings are so arranged to have a common wall with an adjacent building whereby only fifty (50) percent of the wall or less is a common wall and the adjacent open spaces are for the mutual use of the occupants of each building.

Apartment, garden: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

Apartment house: (See "Dwelling, multiple-family".)

Auto court: (See "Motel".)

Backhaul network: The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching office(s), and/or long distance providers, or the public switched telephone network.

Basement: A story having more than one-half of its height below the average story for the purpose of height measurement.

Bed and breakfast facility: Any facility which is rented out to the public on a daily or weekly basis for the purpose of providing a place for resting or relaxing in a home atmosphere and provides no other meal to the renter than a customary breakfast.

Boardinghouse: A building, other than a motel, where for compensation and by prearrangement for definite periods meals or lodging and means are provided for three (3) or more persons.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or property.

Building area: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building envelope: The building envelope is the area contained within the setback lines established by this Ordinance.

Building, front: The front of the building shall be considered to be facing the street on which the building is addressed.

Building, front line of: The line that faces the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs, and the deck line of mansard roofs and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building lines: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building, principal: A building in which is conducted the main or principal use of the lot on which it is located.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

Clubs: An organization catering exclusively to members and their guests or premises and buildings for recreational, artistic, political or social purposes which are not conducted primarily for gain and which do not provide merchandising, vending or commercial activities, except as required incidentally for the membership and purpose of such club.

Cluster house: A multiple dwelling unit of two (2), or three (3), or four (4) dwelling units, attached in such a manner that no common wall is more than fifty (50) percent of the length of the wall and arranged so that all of the fronts do not face the same direction; each dwelling unit must have a private yard area, an attached garage, a separate entrance on the first floor and shall have a legal vehicle designating the responsibility of maintenance of all common yard and house area.

Common land: A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Compassion club or medical marihuana compassion club: See Medical marihuana.

Condominium: A condominium is a system of separate ownership of individual units in multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of these zoning regulations, condominium terms shall be defined as follows:

- a) *Condominium Act:* Shall mean Public Act 59 of 1978, as amended.
- b) *Condominium lot:* The portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance.
- c) *Condominium subdivision plan:* Drawings and information that show the size, location, area and boundaries of each condominium unit, building location(s), the nature, location, and approximate size of common elements, an other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- d) *Condominium unit:* That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- e) *Common elements:* Portions of the condominium project other than the condominium units.
- f) *Contractible condominium:* A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g) *Conversion condominium:* A condominium project containing condominium units some or all of which were constructed and/or occupied before the establishment of the condominium project.
- h) *Convertible area:* 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 provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i) *Expandable condominium:* 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.
- j) *General common elements:* Common elements other than the limited common elements, intended for the common use of all co-owners.
- k) *Limited common elements:* Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

- l) *Master deed*: The condominium document recording the condominium project to which are attached as exhibits and in by reference the bylaws for the project and the condominium subdivision plan.
- m) *Monument*: A surveying marker whose placement is defined in section 5.14.6.
- n) *Site condominium project*: A condominium project designed to function in a similar manner, and/or as an alternative to platted subdivision. A residential site condominium project shall be considered as equivalent to platted subdivision for purposes of regulation of this Ordinance, the Township Subdivision Control Ordinance No. 88, as amended, and other township ordinances and policies.

Convalescent or nursing home: A building where infirm, aged or incapacitated persons are furnished shelter, care, food, lodging and needed attention for compensation.

Court: An unoccupied open space, other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

Court, closed: A court enclosed on three (3) sides by exterior walls of a building or enclosed on all sides by a combination of exterior walls and freestanding walls with one (1) side or end open to a street, alley or yard.

Coverage: That percent of the plot or lot covered by the building area.

dB(A): The sound pressure level in decibels. It refers to the "A" weighted scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.

Debilitating medical condition: See Medical marihuana.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Density: The number of dwelling units residing upon or to be developed upon a net acre of land.

Dispensary or medical marihuana dispensary: See Medical marihuana.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density or development, yard requirements and height limitations.

Driveway: A defined vehicle access way from a public or private roadway, providing vehicular access for a single zoning lot.

Dormitory: A building, or portion thereof, used for housing purposes under the supervision of a college, university or other institutions.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, single-family: A detached building designed for or occupied exclusively by one (1) family.

Dwelling, two-family: A detached or semidetached building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, multiple-family: A building, or portion thereof, used or designed to contain separate living units for three (3) or more families but which may have joint services of facilities or both.

Dwelling, row house or townhouse: Three (3) or more one-family dwelling units each having access on the first floor to the ground and with common walls separating the dwelling units.

Dwelling unit: A building, or portion thereof, designed exclusively for residential occupancy by one (1) family and having cooking facilities.

Environmentally sensitive area: An area with one (1) or more of the following environmental characteristics:

1. Steep slope over eighteen (18 percent).

2. Floodplain areas.
3. Wetlands.
4. Submerged land and/or surface water.
5. Forest land.

Erected: The building, construction, alteration, reconstruction, moving upon or any physical activity upon a premises or lot.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, telephone transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities departments or commissions.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Family: An individual or two (2) or more persons related by blood, marriage or adoption, or a group not to exceed two (2) persons not related by blood or marriage occupying a premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boardinghouse, lodging house, hotel, club, fraternity or similar dwelling for group use. The usual domestic servants residing on the premises shall be considered as part of the family.

Farm: Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural produces, livestock, poultry and dairy products. It includes necessary farm structures within prescribed property boundaries and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

Floodplain: Areas subject to inundation by the highest expected floodwater level.

Floor area: Sum of the gross horizontal areas of the floor of a building or dwelling unit, measured from the exterior faces of the exterior walls or from the centerline of walls separating dwelling units.

Fueling stations: Any area of land, including any structure or structures thereon, that is used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting) or otherwise cleaning or servicing such motor vehicles.

Funeral home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals; called also funeral parlor.

Garage, parking: A structure or series of structures for the temporary storage or parking of motor vehicles having no public shop or service connected therewith.

Garage, private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers and similar vehicles owned and used by the occupants of the building to which it is accessory.

Grade, finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Grading: The mechanical shaping of land, including stripping, cutting, filling and stockpiling earth. Agricultural plowing and disking are not included.

Group housing: A residential development involving the ultimate construction of a group of dwelling units, including a combination of one-family, two-family or multiple-family dwellings on a lot, parcel or tract of land or on a combination of lots under one (1) ownership and containing common services or facilities.

Guest unit: A room or group of rooms occupied, arranged or designed for occupancy by one (1) or more guests for compensation.

Height: When referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Home occupations: As defined in section 5.1.11.1.

Hotel: A building in which the rooms are occupied or designed for temporary abiding places for individuals who are lodged with or without meals and in which there are more than ten (10) sleeping rooms served only by a general kitchen and dining facility located within the building.

IEC: The International Electrotechnical Commission.

ISO: The International Organization for Standardization.

Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets. Kennel shall also mean the keeping of five (5) dogs, cats and/or other household pets over the age of six (6) months.

Lease unit boundary: The boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right-of-ways.

Line, street: The dividing line between a street right-of-way and a lot.

Lodging house: A building in which three (3) or more rooms are rented and in which no table board is furnished, but not exceeding five (5) persons.

Lots: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a street.

Lot, corner: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

Lot, depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, interior: A lot other than a corner lot.

Lot line: The lines bounding a lot as herein described.

Lot of record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds in Ingham County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in Ingham County.

Lot, width of: The width measured along the front lot line or street line. The lot width is measured along the front face of the house if it is located on an irregular shaped lot.

Major thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Comprehensive Development Plan of Delhi Charter Township.

Manufactured home: A dwelling unit composed of one (1) or more components substantially assembled in a manufacturing plant and designed to be transported to a building site. A manufactured home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development Regulations for Manufactured Housing. A mobile home is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-build homes. The removal of a manufactured home's wheels and/or the attachment to a permanent foundation shall not change its classification.

Medical marihuana: For the purposes of this Ordinance, the following definitions shall apply:

- a) *Compassion club:* Any entity whose members are comprised of primary caregivers or qualifying patients which is not open to the public and the purpose of which includes uses or consumption of marihuana in any form or the facilitation of such use or consumption.
- b) *Debilitating medical condition:* The conditions and circumstances provided in Section 3(a) of the Michigan Medical Marihuana Act (MCL 333.26423(a)).
- c) *Dispensary or medical marihuana dispensary:* Any location at which marihuana is transferred from one person to another, other than transfers of marihuana from a registered primary caregiver to a qualifying patient to whom said primary caregiver is connected through the department of community health registration process.
- d) *Marihuana (also known as marijuana and cannabis):* The substance defined in Section 7106 of the Public Health Code, PA 1978, No. 368 (MCL 333.7106).
- e) *Medical use:* 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 qualifying patient's debilitating medical condition or symptoms association with the debilitating medical condition. The term "transfer" as used herein shall be limited to a transfer of marihuana from a primary or a registered primary caregiver to a qualifying patient or registered qualifying patient who is connected to the caregiver through the department of community health's registration process.
- f) *Primary caregiver or registered primary caregiver:* A person who has agreed to assist with a registered qualifying patient's medical use of marihuana and who has a valid registry identification card identifying said person as a primary caregiver.
- g) *Qualifying patient or registered qualifying patient:* A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by the Michigan Department of Community Health which identifies the person as a registered qualifying patient.
- h) *Usable marihuana:* The dried leaves and flowers of the marihuana plant and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant.

Medical use: See Medical marihuana.

Minor street: A public way, the principal use or function of which is to give access to abutting properties.

Mobile home park: Any lot, site, parcel or tract of land under the control or management of any person, upon which two (2) or more mobile homes are parked, or which is offered to the public for that purpose, regardless of whether a change is made thereof or not, and including any building, structure, tent, vehicle or enclosure used or intended to be used as part of the equipment of such mobile home park.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts", "tourist courts", "motor courts", "motor hotels" and similar appellations which are designated as integrated units of individual rooms under common ownership.

Multistory residence: All residences other than single-story or two-story residences, including, but not limited to, bi-level and one and one-half (1½) story [residences].

Nonconforming use: A legally constructed building, structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulation of the district or zone in which it is situated.

On-site wind energy system: A land use for generating electric power from wind and is an accessory structure that is intended to primarily serve the needs of the consumer at that site.

Open space: Any unoccupied space open to the sky on the same lot with a building.

Plan, comprehensive development: An adopted statement of policy by the planning commission relative to the agreed upon desirable physical patten of future community development, consisting of a series of maps, charts and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

Pre-existing towers and pre-existing antennas: Any legally existing tower or antenna prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Primary care giver: See Medical marihuana.

Principal use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private road: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.

Qualifying patient or registered qualifying patient: See Medical marihuana.

Recreation, private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of manmade structures and/or other artificial apparatus which are necessary to or from the basis for said use.

Recreation, public: Any recreational space or structure owned by the public or any space and structure, or combination thereof, privately owned and publicly used, consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).

Religious institutions: Means a structure, regardless of name or title, used to conduct a religious service on a regular basis. A church may include accessory structures and uses that are customarily incidental and subordinate to the principle use such as convents, rectories, parsonages, monasteries, gymnasiums and meeting or social halls.

Right-of-way: A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities.

Room: A room shall be defined as any area used for sleeping, living or preparation of food. Dining areas may be included in any living room or kitchen. Kitchens, bedrooms and living rooms may not be combined. Kitchenettes which are enclosed and not larger than twenty (20) square feet shall not be considered as rooms. Hidden beds, either in furniture or the walls, shall not be considered a combination of rooms.

Rooming house: A building where lodging only is provided for compensation.

Rotor: An element of a wind energy system that acts as an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Salvage yard: Any land or building over two hundred (200) square feet in area used for abandonment, storage, keeping, collection, or baling of paper, rags, scrap metals, other scrap or discarded materials for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles or machinery or parts thereof.

Secondary thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Comprehensive Development Plan of Delhi Charter Township.

Shadow flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects such as, but not limited to a window in a dwelling.

Signs: See section 6.9.2 for all sign related definitions.

Site, net area: The total area within the property lines of a project or development, excluding streets.

Site plan review committee: A group of people representing the various agencies, organizations and individuals with regulatory authority over construction or development requiring site plan review pursuant to section 3.3 of this Ordinance.

Sound pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Stable, private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

Story, first: The story that is immediately above the basement or crawl space that has a floor elevation slightly above the grade of the adjoining ground. It can also be the story having part, but not more than one-half of its height below the average finished elevation of the adjoining ground, such as a tri-level home. The first story shall be counted as a story for the purpose of height measurement.

Story, half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, height of: The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street line: The legal line of demarcation between a street and abutting land.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural alterations: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the roof and exterior walls.

Swimming pools: A swimming pool within the meaning of this Ordinance shall mean any permanent construction of a pool of any depth greater than one (1) foot.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Usable marihuana: See Medical marihuana.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Use, principal: The use that occupies more than fifty (50) percent of the total area of the total building area.

Utility grid wind energy system: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to a SCADA tower or electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wind energy system: A land use for generating power by use of wind; utilizing a wind turbine generator and includes the turbine, blades and tower, as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also: On-site wind energy system and utility grid wind energy system.

Wind energy system height: The vertical distance from the highest point of the tower or turbine blade, whichever is greatest, to the average grade of the ground immediately beneath the wind energy system.

Wind site assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Yard: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein, the measurement of a yard shall be construed as the minimum horizontal distance between the lot and the building line.

Yard, front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, rear: An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there be an alley, and the rear line of the building.

Yard, side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

(Ord. No. 39.67, 6-3-97; Ord. No. 39.70, 12-16-97; Ord. No. 39.75, § 2, 9-1-98; Ord. No. 39.101, § 6, 11-4-03; Ord. No. 39.104, 1-20-04; Ord. No. 39.105, 5-4-04; Ord. No. 39.111, 5-4-05; Ord. No. 39.140, 6-19-07; Ord. No. 39.148, 2-5-08; Ord. No. 39.155, § XVI, 2-16-10; Ord. No. 39.157, § III, 2-15-11)

ARTICLE XI. - VALIDITY

Should any article, section, clause or provision of this Ordinance be declared by the courts to be invalid, [such] decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XII. - REPEALS

The Zoning Ordinance originally enacted by Delhi Charter Township on April 18, 1962, and all amendments and extensions thereof are hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

ARTICLE XIII. - LEGISLATIVE INTENT

It is the intention of Delhi Charter Township that the original Delhi Charter Township Zoning Ordinance No. 39 shall remain in full force and effect except as same has been amended or repealed herein, and that in the event of conflict in language, definition or description, the original ordinance shall be deemed to still be in full force and effect.

ARTICLE XIV. - EFFECTIVE DATE

This Ordinance shall become effective the twenty-eighth day of October, 1968.