

***DELTA CHARTER TOWNSHIP***

***ZONING ORDINANCE***

***OF***

***1990***



***(As Amended Through February 17, 2014)***

# DELTA CHARTER TOWNSHIP ZONING ORDINANCE

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# CHAPTER 1

## TITLE, PURPOSE, AND SCOPE

### SECTION 1.1.0 TITLE.

This Ordinance shall be known and may be cited as "The Delta Charter Township Zoning Ordinance of 1990."

### SECTION 1.2.0 PURPOSES.

This Ordinance is based on the Delta Charter Township Comprehensive Plan and is intended and designed to regulate land development, to provide for the establishment of districts in the Township which regulate the use of land and structures, and to accomplish all of the following: to promote the public health, safety and welfare; to ensure that the use of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; and to reduce hazards to life and property.

### SECTION 1.3.0 SCOPE.

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.
- C. Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure is located.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

**SECTION 1.4.0 VALIDITY AND SEVERABILITY.**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

**SECTION 1.5.0 EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days from the date of final publication.

**SECTION 1.6.0 REPEAL OF PRIOR ORDINANCE.**

The Delta Charter Township Zoning Ordinance, effective September 14, 1974 and all amendments thereto, and any prior zoning ordinances of Delta Charter Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of said ordinance shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under said ordinance, or any part thereof, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

**SECTION 1.7.0 LEGAL BASIS.** (Amended 12/4/2006)

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act, as amended.

## CHAPTER 2

### DEFINITIONS

#### SECTION 2.1.0 RULES OF CONSTRUCTION.

A. The following rules of Construction shall apply:

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

#### SECTION 2.2.0 GENERAL DEFINITIONS.

For the purpose of this ordinance, certain words and terms are defined as follows:

**Abutting (lot or parcel):**

A lot or parcel which shares a common border with the subject lot or parcel.

**Access Management (Access Control):**

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access. Methods used include construction of frontage roads, service drives, and shared driveways, as well as medians or islands to restrict ingress and/or egress.

**Accessory Use, Building or Structure:**

A use, building, or structure, whether attached or detached, which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related. (Amended 6/7/93)

**Adjacent (lot or parcel):**

A lot or parcel which abuts or is directly across a street right-of-way from any lot or parcel line of the subject lot or parcel.

**Antenna:** (Amended 4/3/00)

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 communications signals.

**Antenna, Attached:** (Amended 4/3/00)

An antenna that is affixed to an existing structure; for example, an existing building, tower, water tank, flag pole, utility pole, etc. which does not include an additional tower.

**Apartment:**

A dwelling unit within a building containing (three) or more dwelling units.

**Arcade:**

Any place, premises, establishment or room set aside in a retail or commercial establishment in which are located for public use five or more coin operated amusement devices. This definition does not apply to coin operated amusement devices owned or leased to a private club, religious or fraternal organization which is not open to the public.

**Arterial Street, Regional:**

Defined in the Township Comprehensive Plan and by the Michigan Department of Transportation as streets where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function (i.e. limited).

**Athletic Facilities:** (Amended 12/1/97)

A building and/or site used for indoor and outdoor sports/fitness purposes including, but not limited to, activities such as tennis, swimming, aerobics, basketball, baseball, soccer and similar uses. The facility may include accessory uses such as concessions, child care, pro shop, locker rooms, management offices, etc.

**Automobile Body Repair Establishment:** (Amended 4/15/91)

Buildings and premises used for the primary purposes of automobile refinishing, body work, and painting.

**Automobile Service Station:**

Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for the automobile, and the installation of such commodities, and for other minor automobile repair not to include: auto refinishing, body work, dismantling of automobiles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair or service.

**Banquet Hall:**

An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and similar celebrations. A banquet hall may include kitchen and catering facilities. (Amended 2/7/2011)

**Base Flood:**

A flood having a one percent chance of being equalled or exceeded in any given year. This flood is also referred to as the 100 year flood.

**Basement: (See Figure 2-1)**

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Bed and Breakfast Establishment:**

A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

**Berm:**

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**Blood Plasma Center:**

A building and premises used for the primary function of the performance of plasmapheresis. Plasmapheresis means the the procedure whereby whole blood is removed from a plasma donor by venipuncture or phlebotomy, the plasma is separated therefrom for sale or transfer, and the formed elements of the blood are returned to the donor. This definition does not include blood banks in which primarily whole blood is extracted from donors and used, transferred or sold, such as blood donation centers sponsored by the American Red Cross. (Amended 2/17/2014)

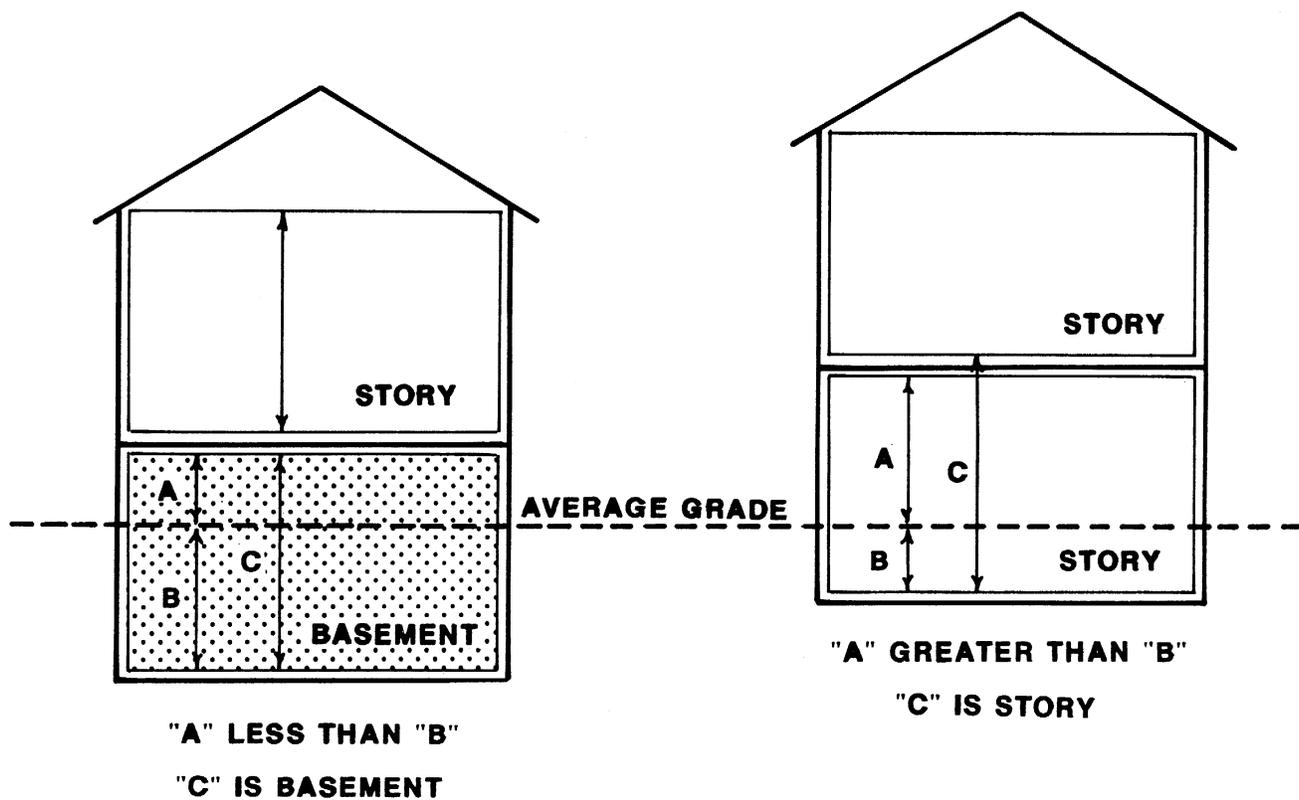
**Buffer Zone:**

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

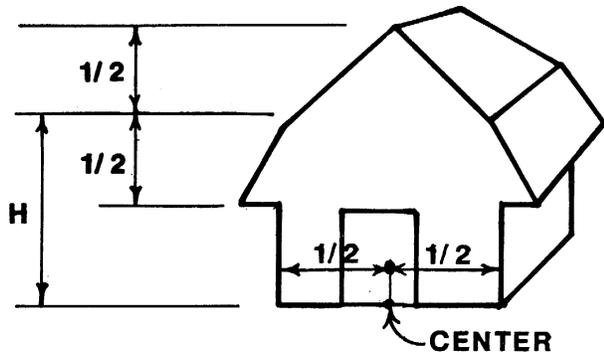
**Building:**

Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes: mobile homes, tents, sheds, garages, greenhouses, and other accessory structures.

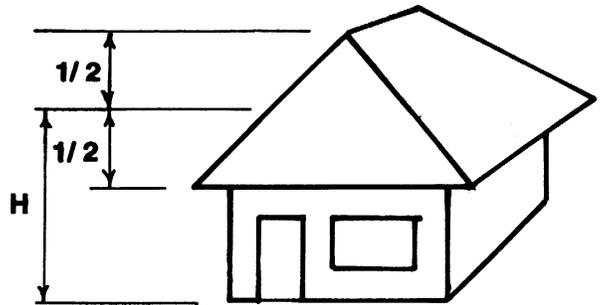
**FIGURE 2-1**  
**BASEMENT AND STORY**



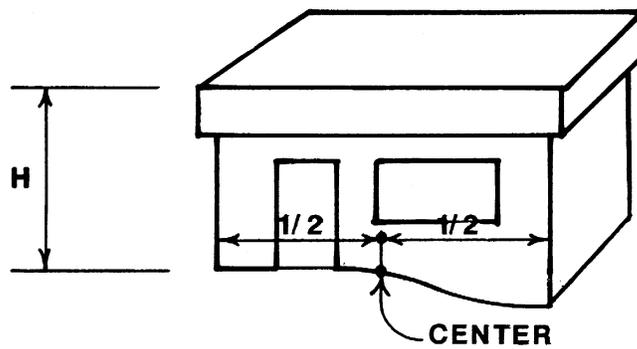
**FIGURE 2-2**  
**BUILDING HEIGHTS**



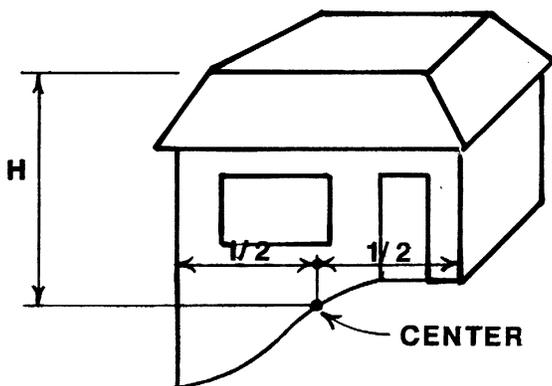
**GAMBREL ROOF**



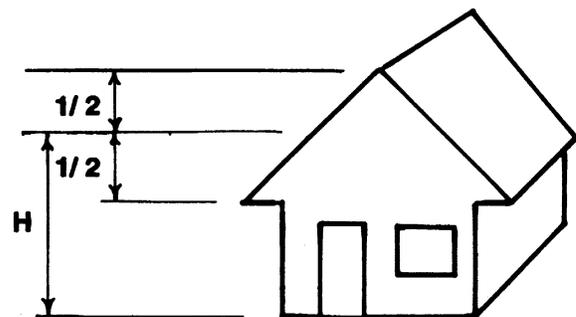
**HIP ROOF**



**FLAT ROOF**



**MANSARD ROOF**



**GABLE ROOF**

**Building Height: (See Figure 2-2)**

In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. For measurement of height of accessory buildings, see Sec. 3.11.0 (D).

**Building, High Rise:**

Any building exceeding forty (40) feet in height.

**Building Inspector or Building Official:**

An individual appointed by the Township Board delegated to administer the Delta Charter Township Building Code Ordinance.

**Building Line:**

A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way, easement line of an approved private street, proposed right-of-way line as indicated in the Township's Comprehensive Plan, or ordinary high water mark.

**Building, Principal:**

A building in which is conducted the main or principal uses of the lot on which said building is located.

**Building, Temporary:**

A structure erected on a property which is intended for limited duration.

**Canopy Tree:**

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

**Cellar:**

See definition for basement.

**Certificate of Zoning Compliance:**

A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the zoning ordinance.

**Child Care Center: (Amended 7/6/2010)**

A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility

operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

**Church or Synagogue:**

A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

**Clinic:**

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis, but not to include the dispensing of medical marihuana. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation. (Amended 5/2/2011)

**Club:**

The buildings and facilities owned or used by a non-profit organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

**Coin Operated Amusement Device:**

Any amusement machine or device operated by means of insertion of a coin, token or similar object, or activated and/or paid for by any other means, for the purpose of amusement or skill. Coin operated music devices or machines shall not be considered a coin operated amusement device.

**Commercial Fueling Station:** (Amended 9/3/91)

An unmanned automated fuel service facility which dispenses gasoline and diesel fuel exclusively to commercial fleet vehicles.

**Commercial Garage:** (Amended 5/5/97)

A facility located within a commercial or industrial zoning district which is used for the repair, maintenance, and storage of motor vehicles. Such facilities would include shops dealing with brakes, mufflers, transmissions, tires, towing, tune-ups, etc.

**Commercial Recreation Establishments:**

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities either indoors (within an enclosed building) or outdoors (outside of an enclosed building) operated as a business and open for use by the public for a fee.

**Common Land:**

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

**Common Open Space:**

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents and generally owned and maintained in common by them, often through a homeowners association.

**Comprehensive Plan:** (Amended 12/15/2008)

A document containing the future development policies and map for Delta Charter Township, together with supporting documentation, as most recently adopted or amended by the Delta Township Planning Commission pursuant to the Michigan Planning Enabling Act, 2008 PA 33 (MCL 125.3801 et. seq.), as amended.

**Condominium Project:**

Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978).

**Condominium Subdivision:** (Amended 12/4/2006)

A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**Condominium Subdivision Plan:**

The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** (Amended 3/2/92)

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

**Conference Center:** (Amended 2/7/2011)

A facility used for conventions, conferences, seminars, product displays, exhibitions, and entertainment activities along with accessory functions, including temporary outdoor displays and food and beverage preparation for on-premise consumption.

**Congregate Housing:**

A dwelling unit providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance. Such a facility offers residents a semi-independent lifestyle, but does not provide the intensive personal care such as dispensing of medication and round the clock nursing care of a nursing home.

**Corridor Plan(s), Studies:**

Specific studies of a roadway and its adjacent land uses. Topics addressed commonly include traffic volumes, access management, right-of-way, and signage.

**Crematory**

A building or structure within which the remains of deceased persons or animals are or are intended to be cremated.

**Cul-de-sac:**

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

**Deceleration Lane:**

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

**Density:**

The number of dwelling units situated on or to be developed per net or gross acre of land.

**Detention Facility:**

A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

**Drive-Thru:**

A business establishment providing retail goods or services to patrons while in the motor vehicle, including customer communication facilities for banks or other uses. Such businesses would include, but not be limited to, banks, credit unions, savings and loans, laundries, dry cleaners, pharmacies, convenience stores, video rental stores, beer/liquor stores, and donut shops. (Amended 10/2/00)

**Drive-through Restaurant:**

A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Driveway Throat Width:**

The driveway width, measured perpendicularly from face-of-curb to face-of-curb, in the narrowest section of the driveway.

**Dumpster:** (Amended 3/15/2010)

Dumpster shall mean a mobile garbage bin or trash receptacle used or intended to be used for the collection of quantities of garbage, refuse, debris, waste and rubbish, greater than one (1) cubic yard in area.

**Dwelling, Efficiency:**

A dwelling unit of not more than one room in addition to a kitchen and a bathroom.

**Dwelling, Functional Family:**

A dwelling unit occupied by a functional family as defined in this Ordinance.

**Dwelling, Multiple-Family:**

A building designed exclusively for, and containing three (3) or more dwelling units.

**Dwelling, Single-Family:**

A detached building designed exclusively for, and containing one (1) dwelling unit only.

**Dwelling, Two-Family:**

A detached building designed exclusively for, and containing two (2) dwelling units only.

**Dwelling Unit:**

A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

**Dwelling Unit, Attached:**

A dwelling unit attached to one or more dwelling units by common major structural elements.

**Dwelling Unit, Detached:**

A dwelling unit which is not attached to any other dwelling unit by any means.

**Easement:**

A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**Essential Service:** (Amended 2/18/2008)

The erection or construction of utility systems whether underground, surface, or overhead which are necessary for the furnishing of adequate service by private or public utilities for the general public health, safety, and welfare. These systems include storm and sanitary sewer, water, electric, gas, telephone and cable television facilities and their required accessory facilities not to include telecommunication towers. A Minor Essential Service Installation shall consist of building(s) and/or structures which cover less than 1,000 square feet of area. A Major Essential Service Installation shall consist of building(s) and/or structures which cover 1,000 square feet or more of area.

**Excavation:**

An activity which may include cutting, digging, or removing.

**Fall Zone:** (Amended 4/3/00)

A distance from the base of a tower, measured in all directions, where an unoccupied area shall be maintained, except for accessory structures related to the facility, in case of structural damage to the facility, falling debris, or catastrophic failure.

**Family:**

An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**Family Child Care Home:** (Amended 7/6/2010)

A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family child care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

**Family, Functional:**

A group of persons which does not meet the definition of "Family" herein, living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

**Fence:**

An accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

**Filing Date:**

The date upon which any application pursuant to this Ordinance is submitted and the required filing fee is paid.

**Filling:**

The permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.

**Flood or Flooding:**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters.
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Area:**

Land which, on the basis of available flood plain information, is subject to a one percent or greater chance of flooding in any given year.

**Flood Insurance Rate Map (FIRM):**

A map of the township prepared by the Federal Emergency Management Agency, which identifies the 100 and 500 year flood plain and other related flood information; and which is used as the official floodplain map for flood insurance purposes.

**Flood Insurance Study:**

The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevations of the base flood.

**100 Year Flood Plain:**

Same as Flood Hazard Area.

**Floodproofing:**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:**

The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be reserved in order to discharge the base flood. Floodway is also the same as the regulatory floodway.

**Floor Area, Gross:**

The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area Ratio:**

The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. In calculating the floor area, the floor area of accessory buildings shall be included.

**Floor Area, Usable:** (Amended 3/2/92)

For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Foster Care Facility:**

An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended.

- A. Family home: A facility which provides foster care to six (6) or fewer persons.
- B. Group home: A facility which provides foster care to seven (7) or more persons.

**Fraternity/Sorority House:**

A dwelling unit maintained exclusively for persons who are joined together by common interests and affiliated with an institution of higher learning.

**Frontage Road:**

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

**Grade, Average: (See Figure 2-3)**

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

**Grade, Finished:**

The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

**Grade, Natural:**

The elevation of the ground surface in its natural state, before man-made alterations.

**Greenbelt:**

A landscaped area along a street between the right of way line and the front yard parking setback.

**Gross Site Area:**

The total area of a planned unit development site including flood plains and water bodies.

**Group Child Care Home: (Amended 7/6/2010)**

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

**Halfway House:**

Public or private building(s) used principally for the occupancy and therapy of mentally and emotionally ill persons not requiring intensive care, supervision, or confinement. For purposes of this Ordinance all requirements for public and semi-public institutions shall apply.

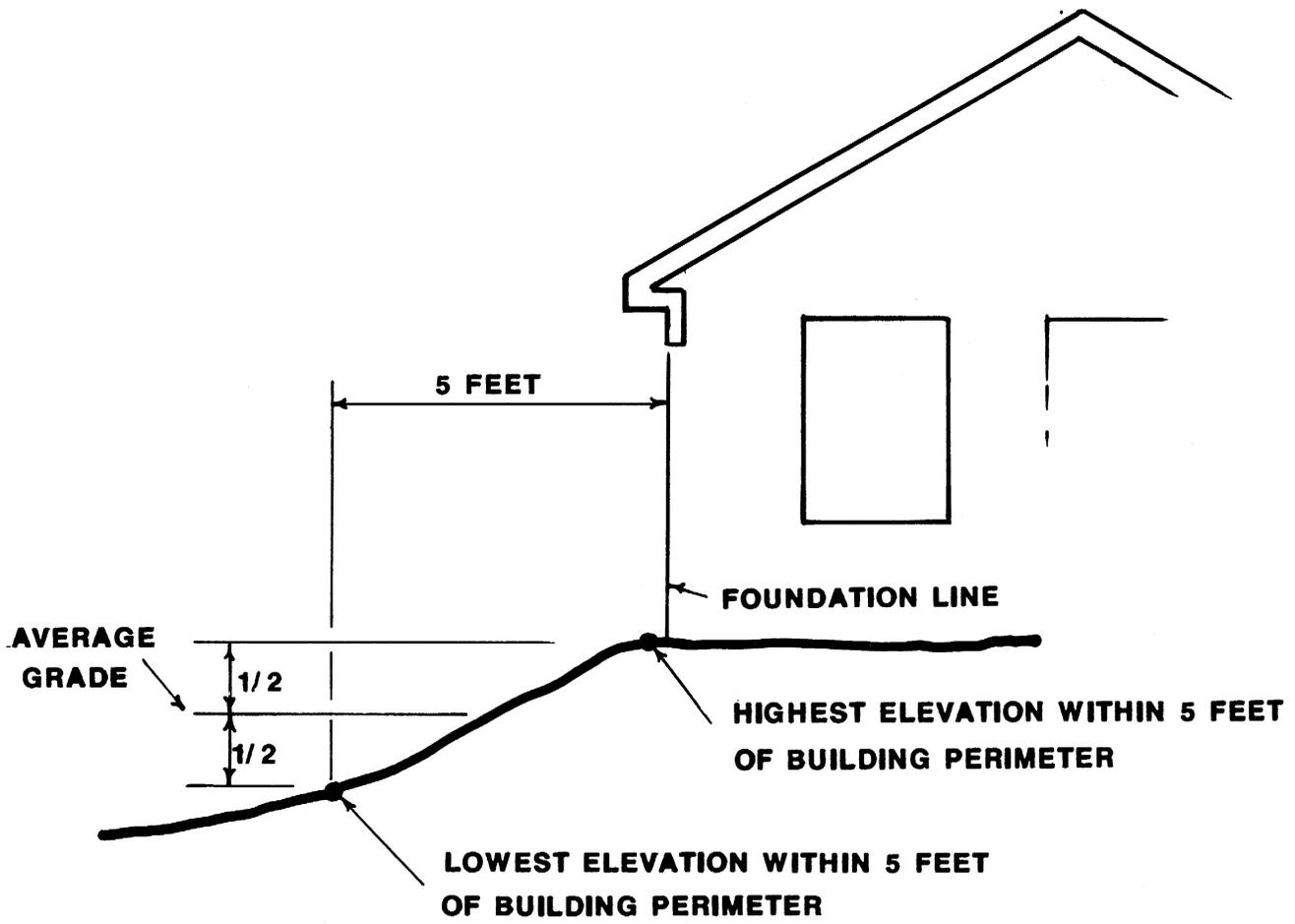
**High-Rise Buildings: (Amended 12/4/2006)**

A building located within an office or commercial zoning district over sixty feet in height, which is permitted only by Special Land Use Permit.

**Home Occupation:**

Any occupation conducted entirely within the dwelling or enclosed accessory building and carried on by the residents thereof, not involving employees other than members of the immediate family residing in the dwelling, which use is clearly secondary to use of the dwelling for residential purposes.

**FIGURE 2-3**  
**AVERAGE GRADE**



**Hospital:**

A facility offering primarily inpatient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a physician(s) and medical support staff. A hospital may or may not also have a clinic offering outpatient services.

**Hotel:**

A series of attached, semi-detached, or detached rental units which provide lodging on a temporary basis, and are offered to the public for compensation. The term "hotel" shall include tourist cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

**Housekeeping Unit:**

A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

**Kennel:**

Any lot or premises on which four (4) or more dogs, six months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

**Intensive Livestock Operation:**

An agricultural activity in which 100 or more livestock are fed, bred and/or raised within a confined area, other than an open pasture, either inside or outside an enclosed building.

**Livestock:**

Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

**Loading Space:**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

**Lot: (See Figure 2-4)**

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage and open space.

**Lot, Corner: (See Figure 2-4)**

Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

**Lot, Coverage:**

The part or percent of a lot occupied by buildings and accessory buildings.

**Lot, Depth: (See Fig. 2-5)**

The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

**Lot, Interior: (See Fig. 2-4)**

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

**Lot, Nonconforming:**

A lot of record which does not meet the dimensional requirements of this ordinance.

**Lot, Through (also called double frontage): (See Fig. 2-4)**

An interior lot having frontage on two (2) more or less parallel streets.

**Lot Area, Gross: (See Fig. 2-6)**

The area contained within the lot lines or property boundary including street right-of-way if so included.

**Lot Area, Net: (See Fig. 2-6)**

The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

**Lot Area, Net Buildable:**

For Planned Unit Developments:

The net lot area less area devoted to water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.

For Non-Planned Unit Developments:

The net lot area less areas devoted to floodplains or water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.

**Lot Frontage:**

The length of the front lot line.

**Lot Lines: (See Fig. 2-7)**

The lines bounding a lot or parcel.

**Lot Line, Front: (See Fig. 2-7)**

The line(s) separating the lot from any street right-of-way, private road or other access easement.

**Lot Line, Rear: (See Fig. 2-7)**

The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side: (See Fig. 2-7)**

Any lot line other than a front or rear lot line.

**Lot of Record:**

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Eaton County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

**Lot Width: (See Fig. 2-7)**

The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

**Master Deed:**

The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by-laws for the project and the condominium subdivision plan for the project.

**Manufactured Housing:**

A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**Mini-Warehouse:**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

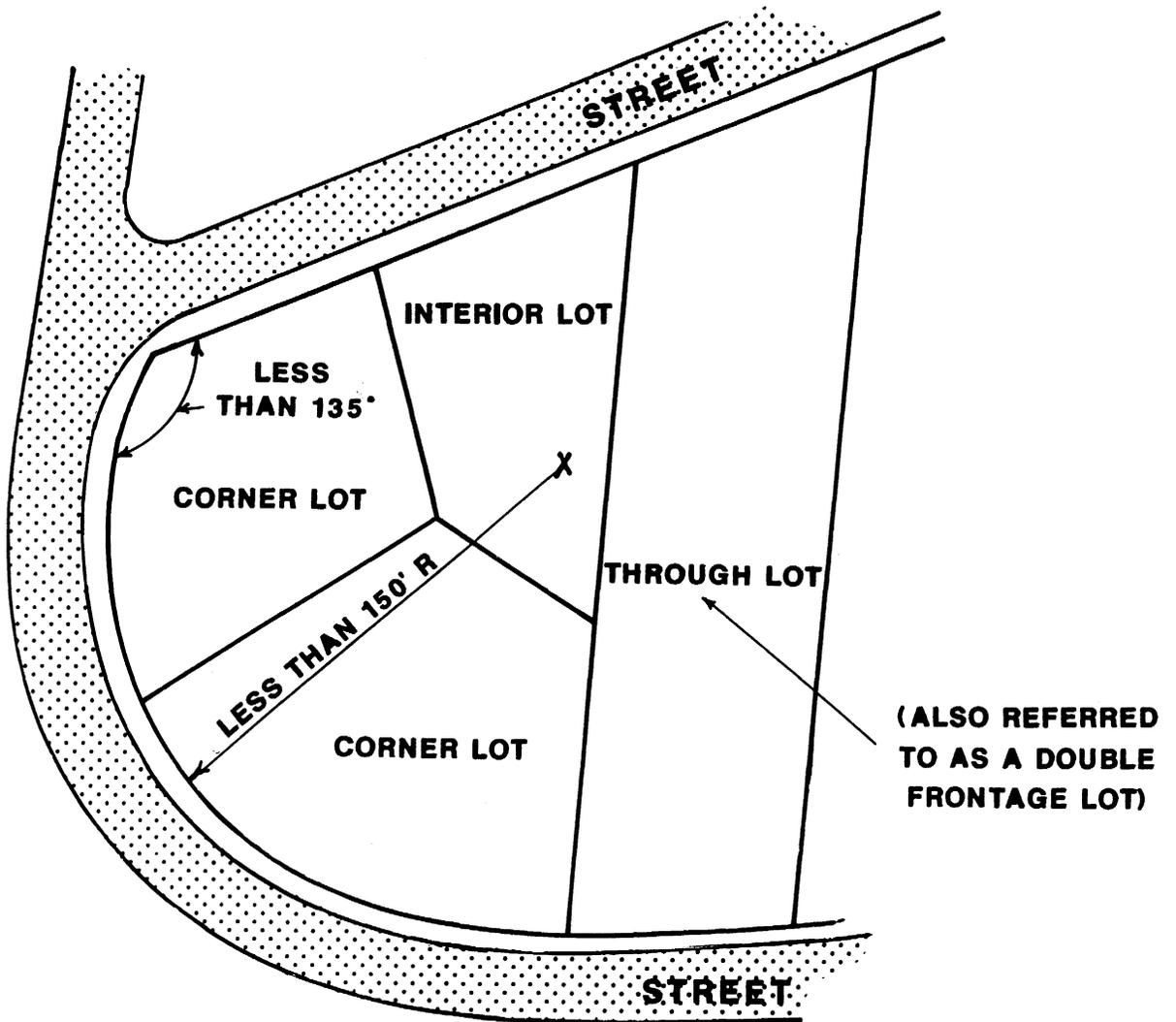
**Mobile Home:**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.

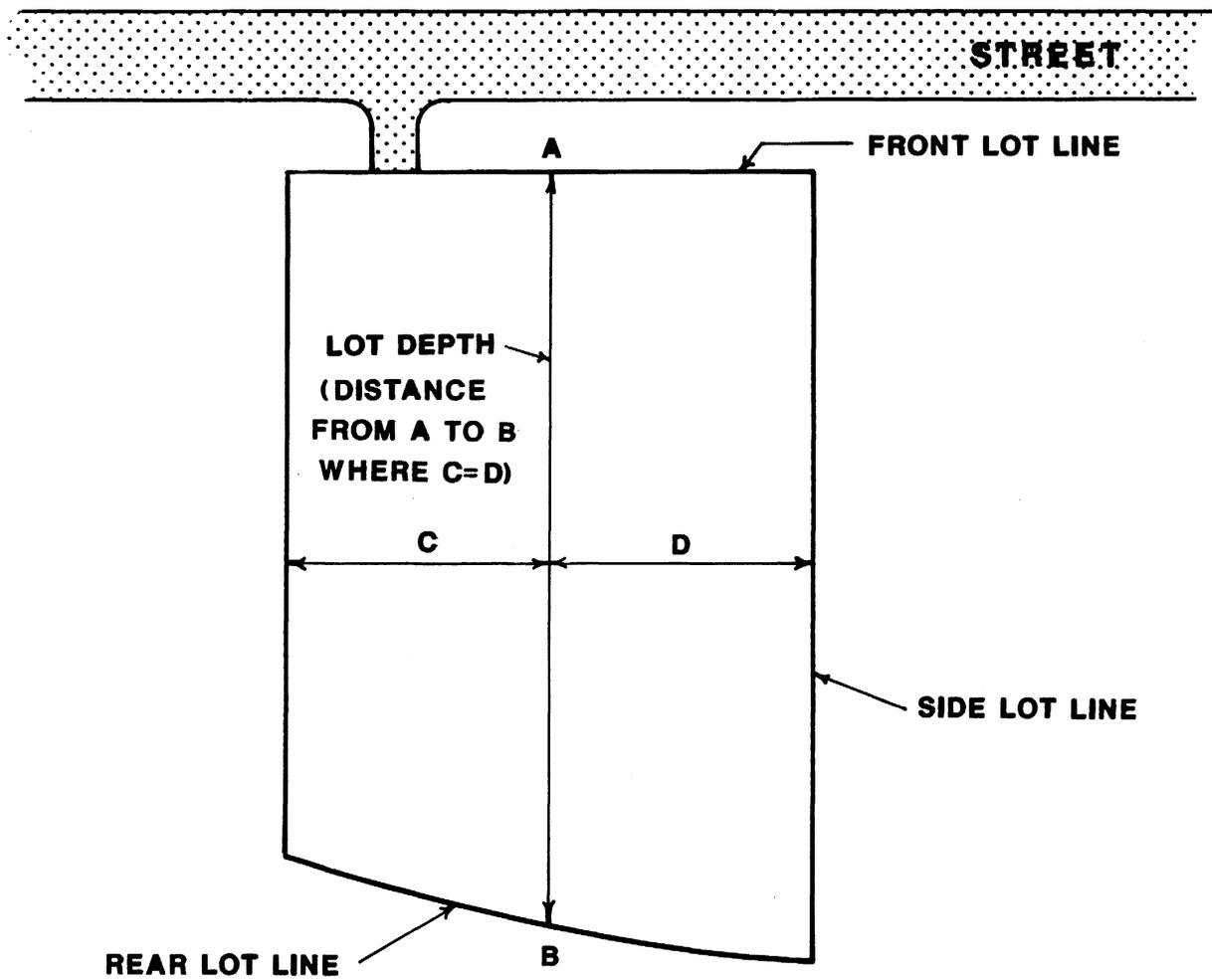
**Mobile Home Park:**

A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

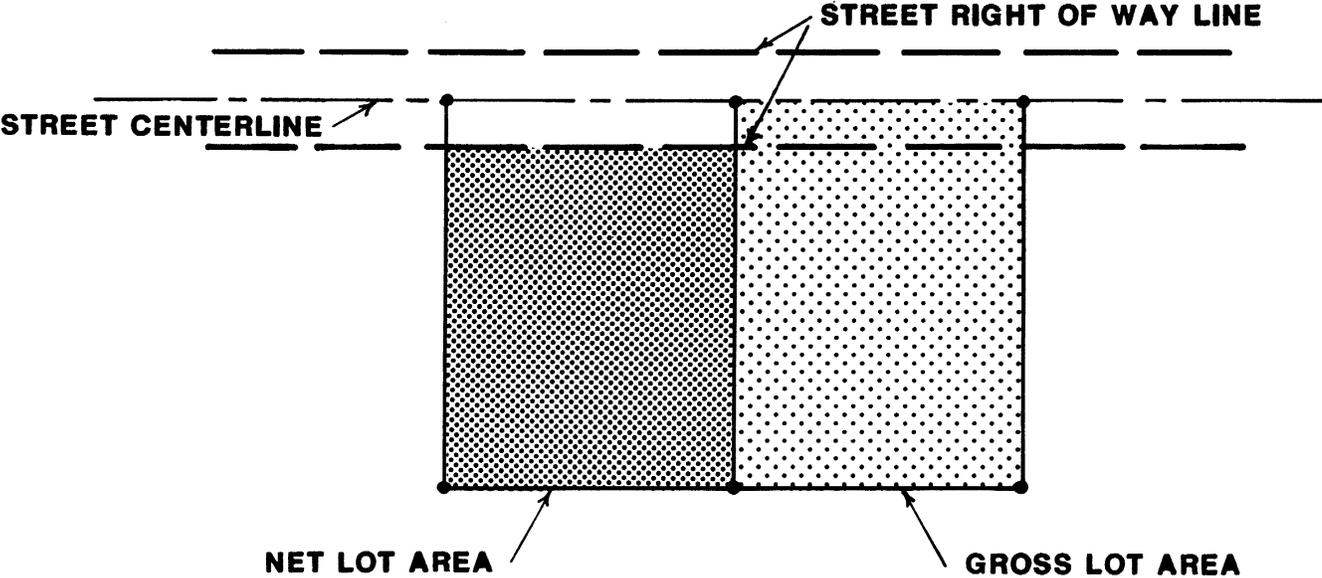
**FIGURE 2-4**  
**LOT TYPES**



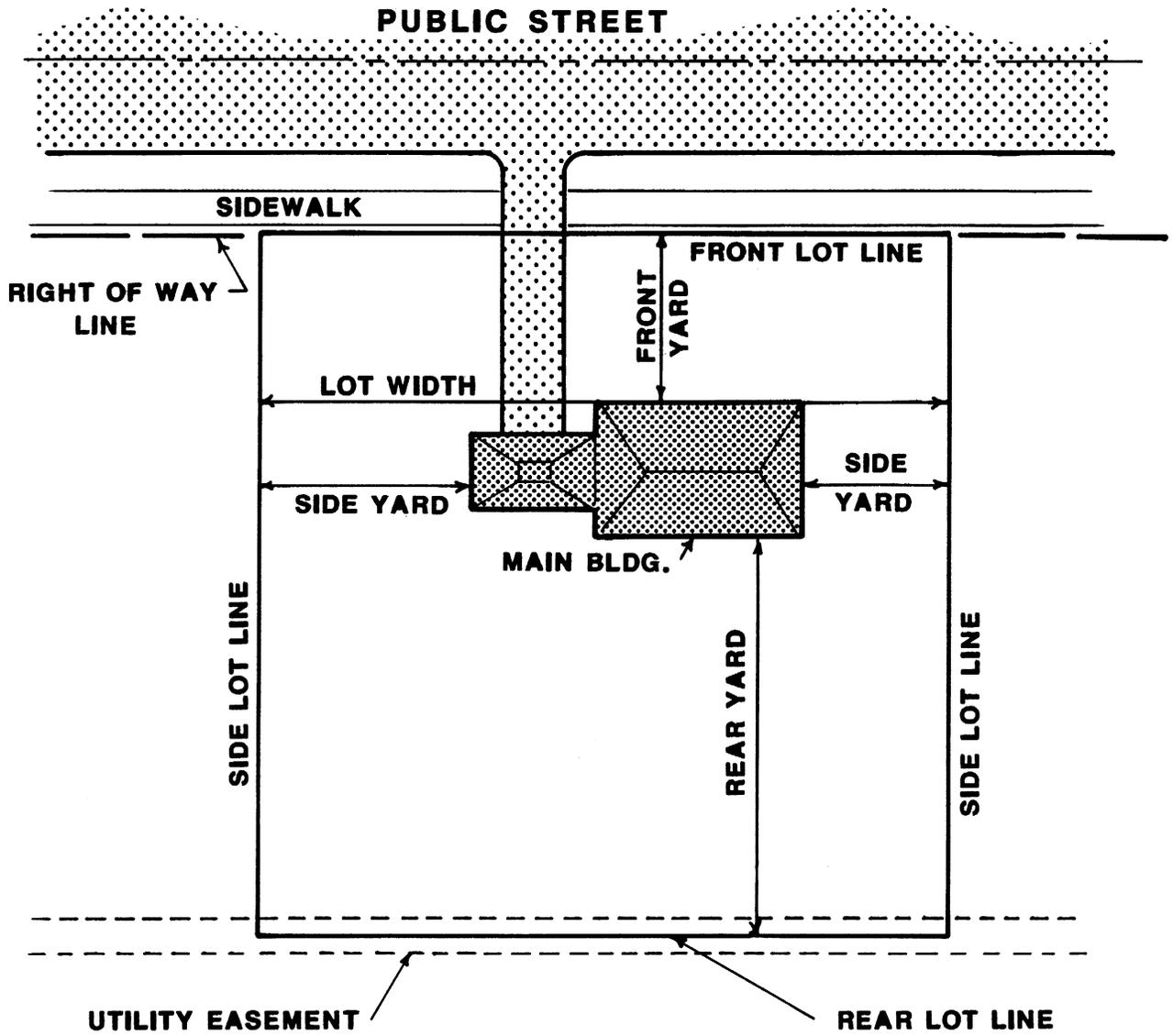
**FIGURE 2-5**  
**LOT DEPTH**



**FIGURE 2-6**  
**NET AND GROSS LOT AREA**



**FIGURE 2-7**  
**LOT LINES AND YARDS**



**Modular Home:**

A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

**Motel:** (See Hotel)

**Motor Home:**

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

**Nonconforming Building or Structure:**

A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

**Nonconforming Use:**

A use which existed prior to the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

**Nursery, Plant Material:**

Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including medical marihuana; and not including any land, space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas trees. (Amended 5/2/2011)

**Nursing or Convalescent Home:**

A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

**Obscuring Screen:**

A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

**Offset: (See Fig. 2-8)**

The distance between the centerlines of driveways or streets across the street from one another.

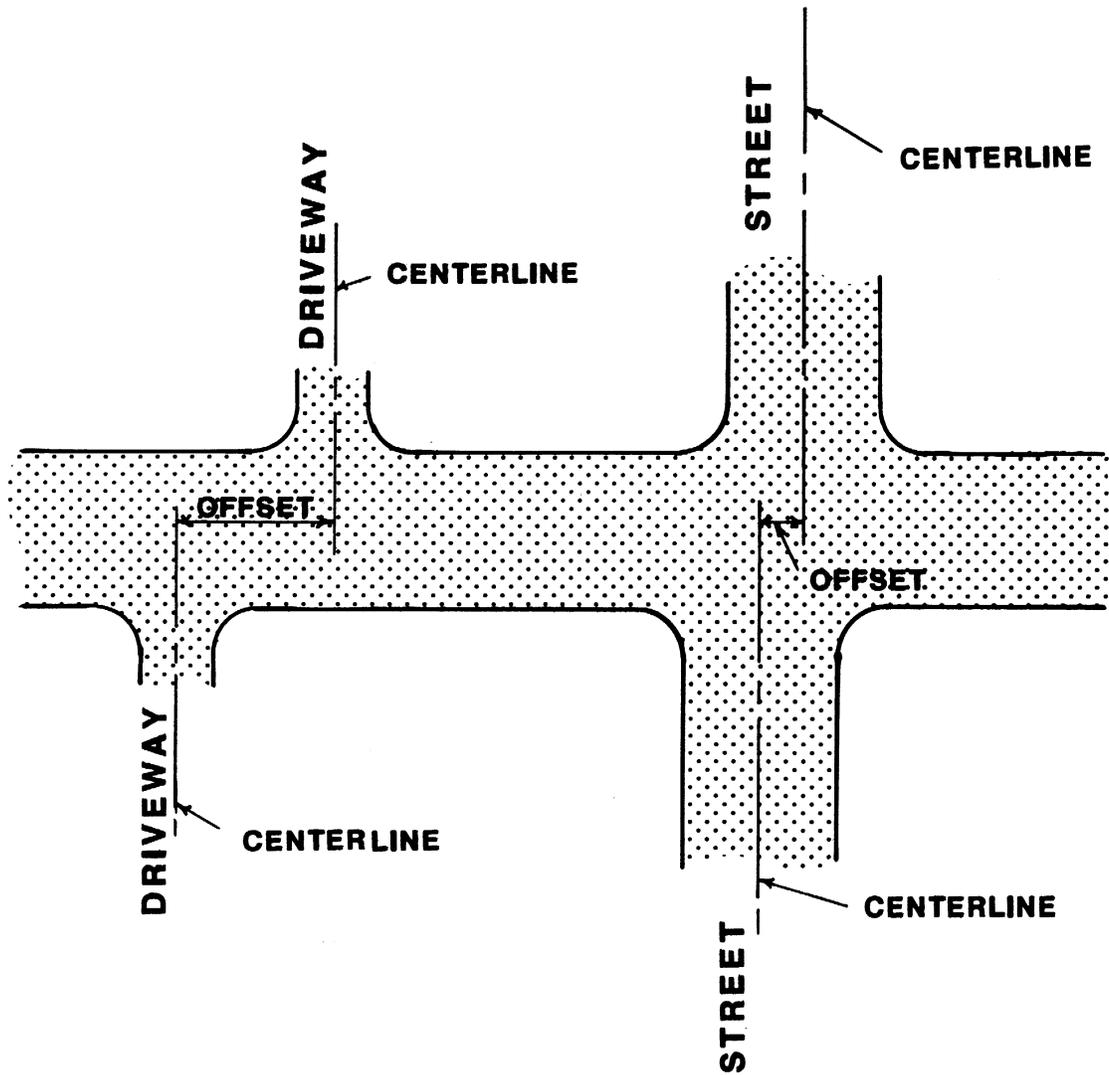
**Off-Street Parking Area:**

A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three or more automobiles or trucks.

**Ordinary High Water Mark:**

The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

**FIGURE 2-8**  
**OFFSET**



**Parcel:**

A lot described by metes and bounds or described in a recorded plat.

**Parking Space:**

Any space used for the off-street parking of motor vehicles.

**Peak Hour:**

The hour during a typical day in which traffic volumes are the highest.

**Planned Neighborhood Shopping Center:** (Amended 3/2/92)

A group of commercial establishments, planned and developed as a unit, with a gross floor area of not more than 75,000 square feet, with off-street parking provided on the property. Such a facility is designated to serve the convenience or day to day shopping needs of those working in the immediate area.

**Planned Unit Development:**

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

**Planning Commission:**

The Charter Township of Delta Planning Commission as duly created under Act 285 of 1931, as amended.

**Plat:**

A map of a subdivision of land.

**Portable Storage Units:** (Amended 3/15/2010)

A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

**Principal Use:**

The main use to which the premises are devoted and the main 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 Park:**

Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

**Public/Semi-public Use:**

A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or Township owned or operated building, structure, or land used for public purpose.

**Public Street:**

A public thoroughfare which affords the principal means of access to abutting property.

**Quarry:**

Any pit, excavation, or mining operation for the purpose of searching for, or removing, for commercial use, any earth, sand, gravel, clay, stone, or other mineral in excess of two hundred (200) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building, structure, or roadway.

**Reasonable Access:**

A property owners legal right, incident to property ownership, to access a public road right-of-way. Reasonable access includes indirect access via frontage roads, service drives, and shared driveways or partial access at a driveway where turning movements are restricted due to site and traffic conditions.

**Recording Studio:** (Amended 10/4/2010)

A facility for audio, video, film recording and production, and similar activities. This may also include radio and television broadcast facilities without towers.

**Recreation Vehicle Park, Private:**

All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Recreational Vehicle or Unit:**

A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers, and similar equipment.

**Recycling:**

Using dismantled materials to make a product.

**Recycling Center:** (Amended 10/4/2010)

A collection, sorting, baling, and bundling center for recycling materials including but not limited to glass, metal, plastic, cardboard, paper products, and other recyclable materials. This use includes the utilization of recycling units and is classified as a small or large collection facility as follows.

1. **Recycling Center - Large Collection Facility:** A recycling center occupying an area of over 2,000 square feet for the the drop-off or deposit of recyclable materials.

2. **Recycling Center - Small Collection Facility:** A recycling center of 2,000 square feet or less for the drop-off or deposit of recyclable materials.

**Recycling Units:** (Amended 10/4/2010)

Bins, boxes, containers, bays, or enclosures used for the collection of recyclable materials (e.g., metals, glass, plastic, cardboard, paper, etc.), which are either stationary or transported by trucks, trailers, or vans, etc.

**Refuse Storage Space:**

Any exterior space which is not a principal use for containers, structures, or other receptacle intended for temporary storage of solid waste materials.

**Regional Shopping Center:**

A group of commercial establishments, planned and developed as a unit, with a minimum gross leasable area of 400,000 square feet, and with off-street parking provided on the property.

**Retail Store:**

Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

**Riding Academy:**

Any establishment where horses are kept for training, riding, or stabling, for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Right-of-Way:**

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Roadside Stand:**

A temporary structure which is used seasonally for the sale of produce which is produced on the premises. The operation of a roadside stand shall not constitute a commercial district or use.

**Salvage:**

Material to be used for further use, recycling, or sale.

**Salvage Yard:**

Any operation in which the principal or accessory use is the storage, separation and/or recycling of salvage for purposes of sale of the salvage or its component parts.

**Sanitary Landfill:**

A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of 1978, as amended.

1. "Type II" means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish but excluding hazardous waste.

2. "Type III" means an on-land disposal facility designed and operated to accommodate large volumes of certain solid waste with minimal potential for ground water contamination.

**Satellite Dish Antenna:**

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extraterrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

**Scrap Tire Collection Site:**

A property, other than a sanitary landfill, which has five hundred (500) or more scrap tires and is not associated with a retail operation. If the property is owned by a person who is in the business of selling tires at retail, and if 1,500 or more scrap tires are accumulated at that site, it is also considered a collection site.

**Scrap Tire Processor:**

A person who stores, buys or otherwise acquires scrap tires and reduces their volume by shredding or otherwise facilitating recycling or resource recovery techniques.

**Separation:**

Collection and/or dismantling of individual recyclable components at the point of generation or discard.

**Service Drive:**

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

**Setback:**

The minimum unoccupied distance between a front, side, or rear lot line and the principal and accessory buildings, as required herein.

**Sight Distance:**

The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

**Site Plan:**

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

**Skateboard ramp:**

A structure consisting of wood, concrete, or other materials, incorporating a sloped or ramped surface, designed and intended for recreational or competitive use of roller-skates and skateboards.

**Sketch Plan:**

A preliminary drawing illustrating the general development of a site.

**Special Land Use:**

A use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained.

**Stadiums/Arenas:** (Amended 12/1/97)

A large open or enclosed place used for sporting events and major events and partly or completely surrounded by tiers of seats for spectators.

**Story:** (See Fig. 2-1)

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 no floor above it, then the space between the floor and the ceiling next above it.

**Structure:**

Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

**Substantial Improvement:**

Any repair, reconstruction or improvement of a structure located within the 100 year floodplain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**Telecommunication, Co-location:** (Amended 4/3/00)

Locating telecommunications equipment from more than one provider at a single facility.

**Tower:** (Amended 4/3/00)

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereof. Not included within this definition are, citizen band radio antennas, short wave antennas, ham and amateur radio antennas, satellite dishes and personal television receiving antennas.

**Tower, Guyed:** (Amended 4/3/00)

A freestanding structure, which can also utilize lattice or monopole designs, that incorporates guy wires for support.

**Tower, Lattice:** (Amended 4/3/00)

A freestanding structure composed generally of three or four steel leg supports used to support communications equipment.

**Tower, Monopole:** (Amended 4/3/00)

A freestanding structure composed of a single spire used to support communications equipment.

**Township Board:**

The Charter Township of Delta Board of Trustees.

**Trip Ends:**

A one-direction movement which begins at an origin and ends at a destination. A development with 100 trip ends per day would include 50 entering (ingress) and 50 exiting (egress) movements over an average period.

**Trip Generation (Rates):**

The number of trip ends associated with a development, based on building area, lot size, number of units/employees or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources such as the "Trip Generation Manual" developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration (FHWA).

**Truck Repair Facilities:** (Amended 3/2/92)

A building and premises in which or upon which maintenance or repair of trucks is performed. Such facilities shall include, but not be limited to, engine repair and rebuilding, brake and suspension repair, body repairs and painting, tire repair, and routine maintenance.

**Variance:** (Amended 12/4/2006)

A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Michigan Zoning Enabling Act, as amended.

**Vehicle Storage Yard:** (Amended 2/2/98)

Any operation of business activity in which the principal use is the storage of inoperative, wrecked, unlicensed, and/or repossessed vehicles, abandoned vehicles, and/or vehicles to be auctioned. Such operation or business shall not include salvage activities.

**Watercourse:**

An open conduit either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) square miles.

**Wild Animal:**

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: Alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten.

**Wind Energy Conversion System:** (Amended 1/5/2009)

"Wind Energy Conversion System" (WECS) is any system or assembly that contains any or all of the following characteristics:

1. A windmill, turbine or any similar machine designed to be operated by the wind;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas turned by the wind into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. A generator, alternator, or other device utilized to convert the mechanical energy generated by the wind into electrical energy;
5. A tower, pylon, or other structure upon which any, all, or some combination of the above are mounted, and;
6. Any wind monitoring station shall be exempt from the requirements of this ordinance.

**Wind Energy Conversion System, Large:** (Amended 1/5/2009)

A wind energy conversion system consisting of a wind turbine(s), tower, and associated control or conversion electronics, which if located in the RA, RB, RC, RD or RE zoning district exceeds 50 feet (as defined herein), or if located in the NR, A1, A2, O, B1 or B2 zoning district exceeds 70 feet (as defined herein), or if located in either the I1 or I2 zoning district has a rated capacity of more than 10 Kilowatts (kW).

**Wind Energy Conversion System, Small:** (Amended 1/5/2009)

A wind energy conversion system consisting of wind turbines, towers, and associated control or conversion electronics, which has a rated capacity of not more than 10 Kilowatts (kW) and which is intended to reduce or replace the on-site consumption of utility power.

**Yard: (See Fig. 2-7)**

The open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

**A. Front Yard:** (Amended 3/2/92)

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation or building wall of the main building, whichever is closest. There shall be maintained a front yard on each street side of a corner lot.

**B. Rear Yard:** (Amended 3/2/92)

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation or building wall of the main building, whichever is closest. In the case of corner lots there shall only be one rear yard which shall be determined by the zoning administrator.

**C. Side Yard:** (Amended 3/2/92)

An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation or building wall of the main building, whichever is closest.

**Zero Lot Line:** (See Fig. 2-9)

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**Zoning Administrator:**

An individual appointed by the Township Board delegated to administer the Delta Charter Township Zoning Ordinance.

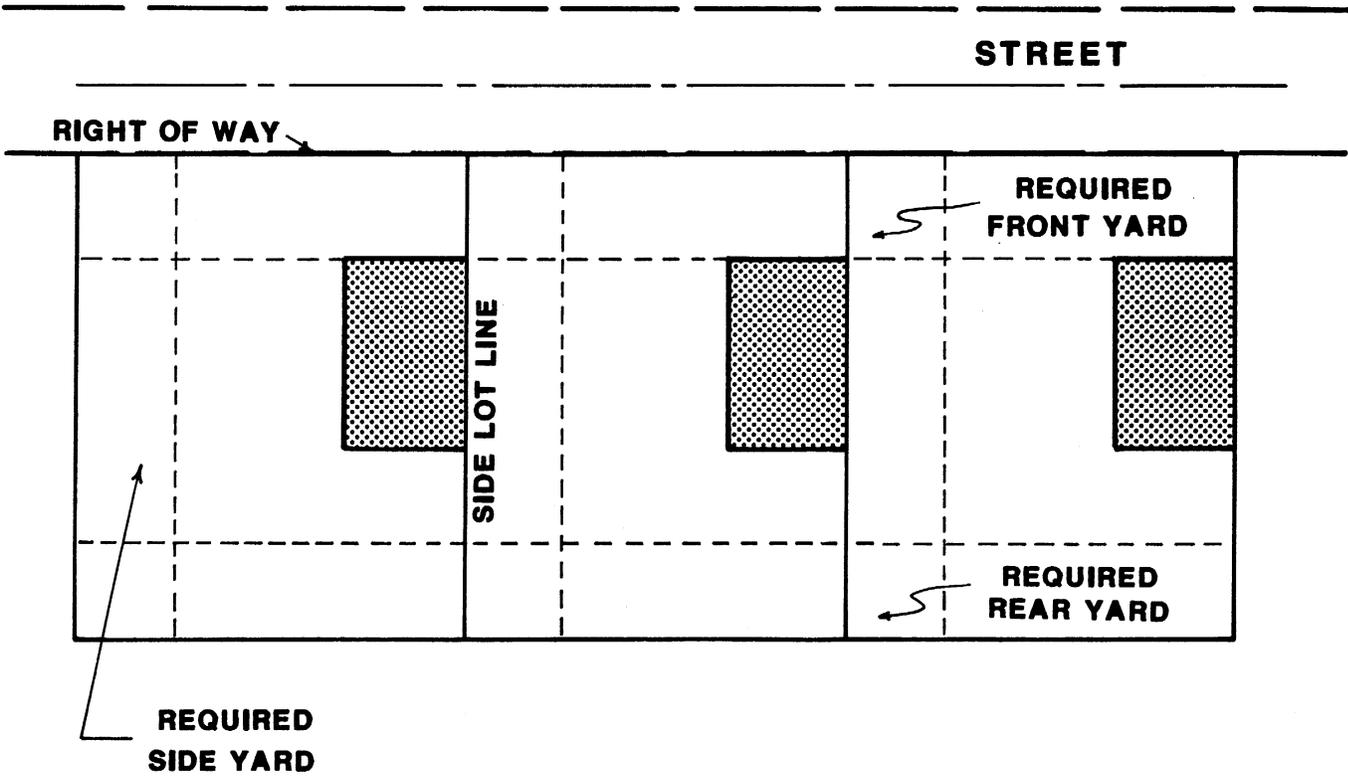
**Zoning Board of Appeals:** (Amended 12/4/2006)

The Charter Township of Delta Zoning Board of Appeals created under the Michigan Zoning Enabling Act, as amended.

**Zoning District:**

A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**FIGURE 2-9**  
**ZERO LOT LINE**



## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION 3.1.0 STREET ACCESS.

Any one lot of record created before the effective date of this Ordinance without frontage on any public street or right-of-way shall not be occupied without access to a public street, right-of-way, easement or other such access complying with Section 3.2.0, private roads.

#### SECTION 3.2.0 PRIVATE ROADS. (Amended 3/19/01)

##### A. Intent:

It is the intent of this section to provide zoning regulations for the establishment of private roads, and thereby insure a permanent means of access to properties. A certificate of zoning compliance shall be issued for the placement of buildings/structures on lots and/or parcels with frontage on and primary access from a private road in compliance with this section.

##### B. Private Roads Serving Single Family Dwellings:

- (1) Private Roads serving single family dwellings shall comply with the provisions of the Delta Township Private Road Ordinance, as amended.
- (2) A certificate of zoning compliance for the placement of buildings/structures on lots and/or parcels on a private road shall only be issued if the following criteria are met:
  - (a) The lot shall have width on the private road which is at least equal to the minimum lot width required herein for the zoning district in which the lot is located.
  - (b) The lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located.

##### C. Private Roads Serving Two Family and Multiple Family Dwellings:

- (1) Private roads providing access to two family and multiple family dwellings shall comply with the following standards and requirements:
  - (a) Design Standards
    - (1) Driving Surface. The private road shall consist of at least two (2) lanes (two directions) with a minimum lane width of ten (10) feet each.
    - (2) Crown. The road surface shall have a minimum crown of two-tenths of one foot (.2) from the centerline of the private road to the outside edge of the pavement.
    - (3) Base Materials. The driving surface shall have a minimum of six (6) inches of bank run gravel and two (2) inches minimum of processed gravel over a compacted base. Where the road is being constructed in impervious soils, a twelve (12) inch sand sub-base with a sub-base drainage system shall be required.

- (4) **Shoulder.** A road shoulder shall be provided on each side of the private road surface with a minimum width of two (2) feet containing a slope of twenty-two hundredths of a foot (.22") from the outside edge of the road surface to the toe of the slope. A shoulder shall not be required where curb and gutter has been installed.
- (5) **Turnaround.** The end of the private road shall have a turnaround and the easement shall allow enough land for a thirty (30') foot inside radius or a forty-eight (48') foot outside radius or a second means of ingress and egress. The cul-de-sac shall be constructed in accordance with the standards set forth herein.
- (6) **Culverts.** Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, materials, and grades shall be determined using the Eaton County Road Commission standards.
- (7) **Drainage.** Drainage provisions for private roads shall be in compliance with the regulations of the Eaton County Drain Commissioner's Office.
- (8) **Slope.** Street grades shall not exceed ten (10) percent.

b. **General Requirements**

- (1) An easement, a minimum of forty (40) feet in width, shall be dedicated for the private road. The road shall be located within the easement such that a five (5) foot wide sidewalk can be constructed along at least one side of the road entirely within the easement with a minimum separation of five (5) feet between the road edge (or back of curb) and the sidewalk edge. The width of the private road easement shall be expanded to meet this minimum road/sidewalk separation requirement as necessary, or to accommodate sidewalks on both sides of the private road, if desired. (Amended 2/18/2008)
- (2) **Road Name.** A road name shall be approved by the Tri-County Regional Planning Commission and the Eaton County 911 Central Dispatch.
- (3) **Signage.** A road name sign of a type approved by the Eaton County Road Commission shall be placed at the intersection(s) of the private road and public or private roads. The bottom of the sign face shall be placed a minimum of six (6') feet above the adjacent road surface.
- (4) **Erosion.** All private roads are subject to regulation under Eaton County's Soil Erosion Program as administered by the Eaton County Drain Commissioner.
- (5) **Maintenance.** All private roads, including those existing prior to adoption of this ordinance, shall be maintained in a safe manner. Maintenance, repair, and liability for private roads shall not be the responsibility of the Township.

(D) **Private Roads Serving Mobile Home Parks.**

- (1) Private roads providing access to mobile home parks shall comply with Section 18.12.0 H (5) herein and the Michigan Mobile Home Commission Act, as amended.

(E) Non-Residential Private Roads:

- (1) Properties within commercial, office or industrial zoning districts shall not utilize anything other than a public road under the jurisdiction of the Eaton County Road Commission or the Michigan Department of Transportation for access except for private service drives as developed in accordance with the following:
  - (a) An easement or right-of-way shall be recorded with the Eaton County Register of Deeds Office.
  - (b) The service drive shall be parallel to a county road.
  - (c) The service drive shall be a minimum of 30 feet in width, prohibit parking on either side and be open to the general public.
  - (d) The service drive shall serve two or more properties.

**SECTION 3.3.0 WATER AND SANITARY SEWER SERVICE.**

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved upon any lot or premises and used in whole or part for dwelling, business, industrial or recreation purposes unless 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 waste. Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the Barry-Eaton District Health Department, the State of Michigan Health Department, and the Subdivision Regulations, Building Code and water and sewer ordinances of Delta Charter Township, Eaton County, Michigan.

**SECTION 3.4.0 FLOOD PLAIN REGULATIONS.**

A. Purpose:

It is the purpose of these regulations to apply specific controls on the use of land in those areas of the Township which are subject to predictable and periodic inundation. Such regulations, while permitting reasonable economic use of said lands, will help protect the public safety and health, and prevent or minimize public and private economic losses caused by periodic flooding, and preserve the ability of flood plains to carry and discharge a base flood.

B. Applicability:

All land and land uses within the designated flood hazard area shall be subject to the terms specified herein and the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, as amended, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vd. 41,207, October 26, 1976, as amended.

C. Flood Plain Delineation:

- (1) The boundaries of the flood hazard area within Delta Township shall be as determined by the report entitled The Flood Insurance Study, Delta Charter Township (6/2/99), as amended, Federal Emergency Management Agency, with accompanying Flood Insurance Rate Maps, Flood Boundary Maps and Floodway Maps. Within the flood hazard area, a regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map. (Amended 5/17/99)
- (2) Where disputes arise as to the exact boundary of the 100-year flood plain, the Township Engineer shall resolve the dispute and establish the boundary location. In all cases, the decision of the Township Engineer shall modify the boundary of the 100-year flood plain studies issued by the Federal Insurance Administration.
- (3) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration flood plain studies are being questioned, the Township Engineer shall modify the boundary of the 100-year flood plain only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.

D. Site Development Requirements for Flood Plain Areas:

All lands, buildings, structures, and uses within the flood hazard area shall be subject to the following site development requirements:

- (1) No building or structure shall be constructed, placed, or substantially improved so as to extend its use within the flood hazard area.
- (2) Filling within the flood hazard area with any material in any manner is prohibited unless:
  - (a) through a measure such as compensating excavation and shaping of the flood plain the flow and impoundment capacity of the flood plain will be maintained or improved, and unless,
  - (b) such action is approved by the Department of Natural Resources. In areas where the Department of Natural Resources has no authority to grant such approval, applicants shall submit a registered engineer's determination that Section 3.4.0, D(2)(a) will be met.
- (3) Uses which, by their construction, operation, or use of physical structures impede the ability of the flood plain to carry and discharge a base flood shall be prohibited. Applicants shall submit to the Zoning Administrator a registered engineer's determination that flood carrying capacity shall be maintained or a permit for approval from the Department of Natural Resources.
- (4) In any zoning district, the 100-year flood plain area shall not be included in determination of net buildable lot area for the purposes for computing densities, except within Planned Unit Developments, as per the provisions herein.

E. 100-Year Flood Plain Application Information:

- (1) In addition to the information required with an application for a certificate of zoning compliance, variance, or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within the 100-year flood plain:

- (a) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and where such watercourse is not subject to state and federal regulations designed to insure flood carrying capacity, the applicant shall provide a registered engineer's determination that the flood carrying capacity will be maintained.
  - (b) Proof of development permission from appropriate local, state, and federal agencies, including a flood plain permit, approval, or letter certifying a lack of authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968, the Flood Plain Regulatory Authority.
  - (c) Base flood elevation data where the proposed development is subject to the Land Division Act, as amended, or greater than five acres in size. (Amended 12/4/2006)
  - (d) Additional information which the Zoning Administrator or Township Engineer deems reasonably necessary to determine compliance with the provisions of this Ordinance.
- (2) Upon request of the Zoning Administrator, applicants for certificates of zoning compliance and variances shall furnish to the Zoning Administrator a certified land survey indicating the elevation and location of the flood hazard area, and appropriate additional site information as deemed necessary.

F. Variance from Flood Plain Regulations:

- (1) Variances from the provisions of Section 3.4.0, Flood Plain Regulations, shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the standards for variances contained in this Ordinance.
- (2) A variance shall not be granted within the 100-year flood plain where the result would be an increase in flood levels during a base flood discharge.
- (3) The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- (4) In granting a variance within the 100-year flood plain the Board of Appeals shall require that the following flood hazard reduction standards be complied with.
  - (a) All new construction of, or substantial improvements to, any structure or building shall be:
    - (1) Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
    - (2) Constructed with materials and utility equipment (electrical, heating, ventilation, plumbing, air conditioning, etc.) resistant to, or located to avoid, flood damage.
    - (3) Constructed by methods and practices that minimize flood damage.
    - (4) Have the lowest floor of buildings (including basement) elevated at or above the 100-year flood plain elevation.
    - (5) Have any enclosed areas below a lowest floor or basement ventilated with at least two openings (within one foot above grade) having a total net area of at least one square foot per 144 square feet of enclosed floor area.

- (b) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the system.
- (c) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- (d) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- (e) Adequate drainage shall be provided to reduce exposure to flood hazards.
- (f) The applicant shall provide appropriate site and building plans and engineering data to demonstrate compliance with the above standards. This data shall be prepared by a qualified professional and submitted to the Zoning Administrator for review by the appropriate Township officials.
- (g) A permit of approval shall be obtained from the Michigan Department of Natural Resources pursuant to the Natural Resources and Environmental Protection Act, as amended, prior to the granting of such variance. (Amended 12/4/2006)

G. Disclaimer of Liability:

- (1) The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris.
- (2) Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the 100-year flood plain will be free from flood damage. This Ordinance does not create liability on the part of Delta Charter Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

H. Duties of the Zoning Administrator:

With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as described in this Section, the duties of the Zoning Administrator shall include but are not limited to:

- (1) Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration.
- (2) Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of substantially improved structures constructed within the flood hazard area, and in the case of floodproofed structures, the elevation to which the structure was floodproofed.
- (3) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

- (4) It shall be the responsibility of the Zoning Administrator to obtain from the applicant the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

### **SECTION 3.5.0 DWELLINGS PER LOT OR PARCEL.**

A lot or parcel shall contain no more than one single-family dwelling, nor more than one two-family dwelling. This Section shall not apply to authorized Planned Unit Developments, condominium subdivisions or multi-family developments.

### **SECTION 3.6.0 PERMITTED FRONT SETBACK REDUCTIONS.**

Where the front setback for existing buildings is less than the required minimum front setback contained in Schedule B herein, the minimum front setback for a proposed building shall be the average front setback of existing buildings on the same side of the street within 200 feet of the side yard property line of the proposed building site. There shall be two (2) existing buildings on the same side of the street within 200 feet of the side yard property line of the proposed building site in order to establish an average front setback, otherwise the minimum front setback specified in Schedule B shall apply. In no case shall the minimum required front setback be less than twenty (20) feet.

### **SECTION 3.7.0 PERMITTED YARD ENCROACHMENTS.**

- A. Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear setback areas and two (2) feet into the required side yard setback areas.
- B. An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear setback for a distance not to exceed fifteen (15) feet; into a required front setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a balcony, porch, or awning be placed closer than five (5) feet to any lot line. When projecting from a detached accessory building, an unenclosed porch, balcony or awning must comply with the minimum setback requirements for detached accessory buildings contained herein by Schedule E. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements. (Amended 3/2/92)
- C. Fire escapes and outside stairways, if of open construction, may project into a required yard to a maximum of five (5) feet.

### **SECTION 3.8.0 PERMITTED HEIGHT EXCEPTIONS.**

The following types of structural appurtenances shall be permitted to exceed the maximum building height limitations of this Ordinance:

- (1) Purely ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.
- (2) Appurtenances necessary to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, solar collectors, ventilators, bulkheads, personal radio towers including masts and aerials, personal television antennas, fire and hose towers, water transmission structures, cooling towers, barns as an accessory use to an agricultural enterprise, grain elevators and silos. Satellite dish antennas shall conform to the provisions of Section 3.12.0. (Amended 1/2009)

- (3) Structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, may extend a maximum of five feet above the maximum building height limitations, and shall have no window openings.

### **SECTION 3.9.0 CUL-DE-SAC LOTS.**

- A. A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The one-half required frontage shall be determined prior to reducing the required frontage permitted by subsection C, below.
- B. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- C. A lot on a cul-de-sac shall have frontage on a cul-de-sac which is not less than 80 percent (80%) of the minimum lot width required for the zoning district in which it is located.

### **SECTION 3.10.0 CORNER LOTS.**

- A. General provisions for corner lots:
  - (1) The required front setback shall be measured from both front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
  - (2) The remaining setbacks shall be a rear and a side setback.
  - (3) The minimum lot width for corner lots as contained in Schedule B herein shall apply to the two lot lines adjacent to both streets.
  - (4) The width of a corner lot shall be determined by the entire length of that front line which is opposite the rear lot line.
- B. Provisions regarding corner lots in office and commercial zoning districts:

For a corner lot which is completely within an office or commercial zoning district the setback along the secondary street(s), as determined by the Zoning Administrator, shall not be less than thirty (30) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

### **SECTION 3.11.0 ACCESSORY BUILDINGS AND STRUCTURES.**

- A. When an accessory building is structurally attached to a principal building, it shall be subject to, and must conform with, all regulations of this ordinance applicable to principal buildings. (Amended 6/7/93)
- B. Maximum size, maximum height and minimum setback standards for accessory buildings and structures are as listed in Schedule E herein.
- C. For uses in the residential, office and commercial zoning districts, accessory buildings and structures shall not be erected on a lot or parcel prior to the establishment of a principal building upon the premises except as provided in Section 3.15.0 herein. Where two or more abutting lots are held under one ownership, the owner may erect an accessory building on a lot separate from that on which the principal building is located.
- D. Carports with one wall or no walls shall be exempt from the size restrictions specified in Schedule E, as shall carports whose walls are 36 inches or less in height.

- E. For the purpose of this section, the height of an accessory building or structure shall be determined as the distance between the peak and the ground floor of the accessory building.
- F. Accessory buildings and structures shall not occupy any portion of the required buffer strip area.
- G. Accessory buildings and structures which are portable in nature shall comply with the regulations herein, including the minimum setback requirements for principal buildings specified in Schedules A, B, and C herein for the zoning district in which they are located. This shall include, but not be limited to, buildings and structures constructed on skids and/or frames and those without attachment to a foundation.
- H. Accessory buildings and structures which do not fall into any of the categories specified in Schedule E herein shall meet the minimum setback requirements for principal buildings specified in Schedules A, B, and C herein for the zoning district in which they are located.

**SECTION 3.12.0 SATELLITE DISH ANTENNAS.**

A. Intent:

It is the intent of this section to regulate the placement, size, height, and installation of satellite dish antennas in agricultural and residential zoning districts in order to preserve the character, scale, and aesthetics of residential areas, and to protect the public health, safety, and welfare.

B. Location Standards:

(1) Minimum Required Setbacks:

- (a) Front: No portion of a satellite dish antenna, including its concrete base, slab, or other substructure, shall be located in the area extending the full lot width between the principal building and a street right of way.
- (b) Side: No portion of an antenna, including its concrete base, slab, or other substructure, shall be located within the required setback area. In addition, no portion of an antenna shall be located between the principal building and a side lot line. In no case shall the antenna be located less than five (5) feet from a side lot line.
- (c) 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.

(2) 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 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.

(3) Maximum Size:

The diameter of a satellite dish antenna shall not exceed twelve (12) feet.

(4) Roof Mounted:

- (a) 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.
- (b) A satellite dish antenna shall not exceed a diameter of three (3) feet.
- (c) No portion of a satellite dish antenna shall exceed a height of more than five (5) feet above the peak of the roof upon which it is mounted.

C. General Standards:

- (1) Only one (1) satellite dish antenna shall be located on the same lot or parcel as the principal building except for developments serving multiple family dwellings in the RD and RE districts.
- (2) No advertising or identification display shall be placed on any portion of a satellite dish antenna.
- (3) No satellite dish antenna shall be linked, physically or electronically, to a receiver which is not located on the same lot or parcel of land as is the antenna.
- (4) A certificate of zoning compliance, issued by the Zoning Administrator, shall be required prior to the installation of a satellite dish antenna.

**SECTION 3.13.0 SKATEBOARD RAMPS.**

A. Intent:

It is the intent of this section to regulate the placement, size, height, and installation of skateboard ramps in agricultural and residential zoning districts, in order to preserve the character, scale and aesthetics of residential areas, and to protect the public health, safety and welfare.

B. Location Standards:

(1) Minimum Lot Size:

No skateboard ramp shall be erected or placed on any lot having an area less than one (1) acre.

(2) Minimum Required Setbacks:

- (a) Front: No portion of a skateboard ramp shall be located in the area extending the full lot width between the principal building and a street right of way.
- (b) Side: No portion of a skateboard ramp shall be located between the principal building and a side lot line. No skateboard ramp shall be located less than fifty (50) feet from a side lot line.
- (c) Rear: No portion of a skateboard ramp shall be located less than fifty (50) feet from a rear lot line.

C. Maximum Height:

No portion of a skateboard ramp shall exceed a height of twelve (12) feet above ground level. Ground level shall be the average natural grade measured within twenty five (25) feet of any portion of the skateboard ramp.

D. Maximum Size:

No skateboard ramp shall occupy a ground surface area in excess of three hundred (300) square feet in area. Ground surface area shall be the area within the smallest plane geometric figure which encloses the outer perimeter of the structure.

E. General Standards:

- (1) Only one (1) skateboard ramp shall be located on the same lot or parcel as the principal building.
- (2) A certificate of zoning compliance, issued by the Zoning Administrator, shall be required prior to installation of a skateboard ramp.

**SECTION 3.14.0 FENCES, WALLS AND SCREENS.**

A. No fence, wall or screen of any material other than plant material shall be erected to a height greater than eight (8) feet in agriculture, recreation, residential, office or commercial zones.

B. Clear vision area (See Figure 3-1):

- (1) No fence, wall, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines thirty (30) feet from the point of the intersection of the right of way lines.
- (2) No fence, wall, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway twenty (20) feet from the point of intersection of the right-of-way line and driveway. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and driveway's centerlines which lies between the point of intersection of the centerlines and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way line and driveway.

**SECTION 3.15.0 TEMPORARY BUILDINGS AND STRUCTURES.**

A. Temporary buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions:

- (1) During renovation of a permanent building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days. Written authorization for the temporary building or structure shall be obtained from the Township Building Official.
- (2) Temporary buildings and structures, including trailers, incidental to construction work, except single-family residences. Said temporary buildings and structures shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than twelve (12) months, unless expressly authorized after annual petition to the Zoning Board of Appeals.
- (3) Temporary buildings and structures serving a public or semi-public institutional use. These temporary buildings shall be approved by the Township Board following submission of a written

request and review by affected Township departments. Temporary buildings shall be removed within one (1) year unless an extension has been granted by the Township Board.

- (4) Temporary buildings used as a sales office or model for a residential development. Said building shall be located on the property which is under development. These temporary buildings shall be approved by the Township Board following submission of a written request and review by affected Township departments. Temporary buildings shall be removed within one (1) year unless an extension has been granted by the Township Board.

B. The following regulations shall apply to the installation of temporary buildings and structures:

- (1) All buildings shall have smoke detectors and fire extinguishers.
- (2) The buildings shall not be located such that they block or infringe on existing parking spaces which result in non-compliance with the minimum parking requirements.
- (3) Temporary buildings shall meet all permanent building setbacks.
- (4) Temporary buildings shall be anchored against the wind. (Amended 3/2/92)
- (5) Toilet facilities shall be provided at some location if not provided in the temporary building. Wastewater holding tanks and portable toilets shall not be permitted.
- (6) Skirting shall be required around the entire perimeter of trailer units within thirty (30) days of the placement of the trailer units on the site. The skirting shall be ventilated, constructed of non-combustible materials and provide at least one access panel. Skirting shall not be required for those trailer units erected during the renovation of a permanent building damaged by fire as permitted herein by Section 3.15.0 A. (1). (Amended 3/2/92)

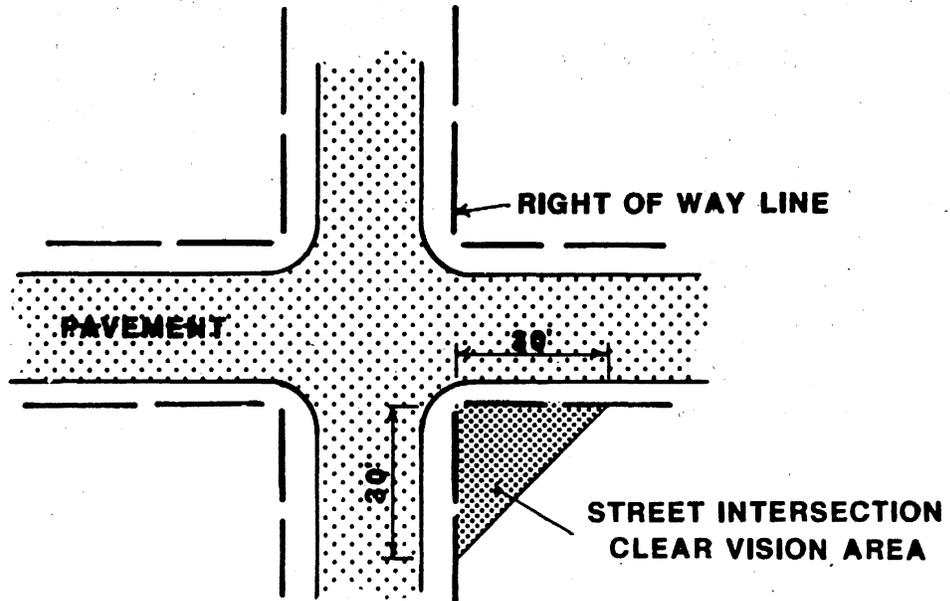
**SECTION 3.16.0 ESSENTIAL SERVICE.** (Amended 2/18/2008)

Minor Essential Service Installations shall be exempt from compliance with the minimum setback, height, lot area, and lot coverage standards for the zoning district in which they are located.

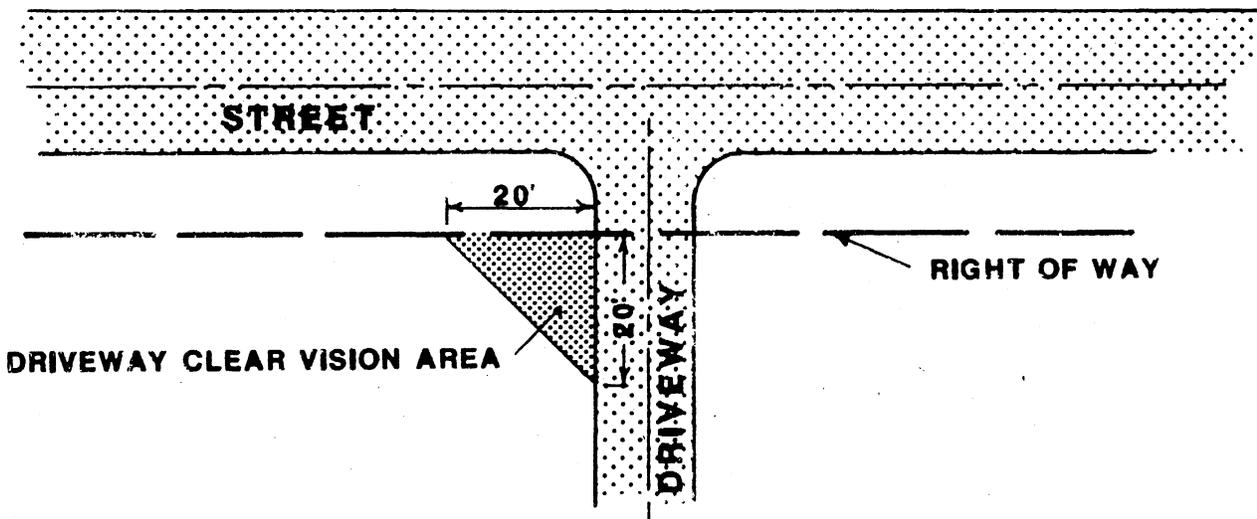
**FIGURE 3-1**

**CLEAR VISION AREAS**

**a. CLEAR VISION AREA--STREET INTERSECTION**



**b. CLEAR VISION AREA--STREET-DRIVEWAY INTERSECTION**



**SECTION 3.17.0 KEEPING OF ANIMALS.**

A. Household Pets:

- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district.
- (2) Except for single family dwellings in the NR and A1 Districts, no more than three (3) dogs, six (6) months of age and older, shall be kept or housed in or at one (1) dwelling unit.

B. Horses:

- (1) Horses may be kept or housed on a non-commercial basis only in the NR, A1 and A2 Districts. A minimum lot size of three (3) acres is required.
- (2) The number of horses permitted shall be determined as follows: One (1) horse per three (3) acres for the first horse and one (1) additional horse for each additional one (1) acre of land thereafter.
- (3) All horses shall have stables available. Such stables shall comply with the applicable regulations contained in Section 3.11.0, including Schedule E.
- (4) Areas in which the horses are kept shall be completely enclosed by a fence meeting the requirements of Section 3.14.0, Fences, Walls and Screens. Said fence shall be kept in reasonable repair so as to prevent the horses from exiting the fenced-in area.

C. Keeping of Wild Animals:

The keeping of wild animals, as defined in this Ordinance, shall be prohibited in any agricultural or residential zoning district.

**SECTION 3.18.0 EXCAVATIONS OR HOLES.**

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute a danger or menace to the public health, safety or welfare are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued by the Building Official or where such excavations are properly protected and posted with warning signs in such manner as approved by the Building Official; and provided further, that this section shall not apply to excavations, ponds and other such bodies of water created or existing by authority of governmental units or agencies.

**SECTION 3.19.0 ADULT-RELATED BUSINESSES.**

A. Intent:

The purpose of this section is to regulate the location but not to exclude adult related businesses by preventing the concentration of these uses. However, under no circumstances is public nudity, as defined herein, permissible in Delta Charter Township. These regulations were created with the understanding that the Township acknowledges that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effects upon adjacent residential and commercial areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood. (Amended 4/6/92)

B. Definitions:

As used in this Ordinance, the words and phrases following each have the meanings assigned to them herein.

- (1) Adult related business: Any activity described in any of the remaining paragraphs of this subsection and any other business having any employee or entertainer (in person or by motion picture, television, hologram or other type of image) displaying any specified anatomical area or engaging in any "specified sexual activity" as defined herein.
- (2) Adult book store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or establishment with a segment or section devoted to the sale or display of such material.
- (3) Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas," (as defined below) for observation by patrons therein.
- (4) Adult mini-motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein.
- (5) Adult Outdoor Theater: An outdoor commercial facility used for motion pictures or other shows which present material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- (6) Public Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including by not limited to, payment or promise payment of an admission fee, any individuals genitals or anus with less than a fully opaque covering. (Amended 4/6/92)
- (7) Specified sexual activities:
  - (a) Human genitals in a state of sexual stimulation or arousal.
  - (b) Act of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy.
  - (c) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast.
  - (d) Bestiality.
  - (e) Fellatio and cunnilingus.
  - (f) Human excretory functions.
  - (g) Sadomasochistic abuse.
- (8) Specified Anatomical Areas:

- (a) Less than completely and opaquely covered human genital, pubic region, buttock, female breast below a point immediately above the top of the areola.
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Site Location Standards:

- (1) No adult related business shall be established on any premises where there exists more than one (1) other adult related business within one thousand feet, measured between the closest property lines.
- (2) The property on which an adult related business is located shall be situated at least five hundred (500) feet from a residential zoning district, church or school, as measured between the closest property lines.
- (3) No adult related business shall be established which permits public nudity, as defined herein. (Amended 4/6/92)

D. Site Development Standards:

Adult related businesses, as defined and listed in Section 3.19.0, B, (1), shall comply with the following regulations:

- (1) Adult related businesses shall not be located in buildings in which dwelling units are located.
- (2) Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or panic hardware for egress from the exit, nor constructed in such a way as to block the exit, and shall be approved by the Fire Chief.
- (3) All applicable regulations of this Ordinance shall be complied with.

**SECTION 3.20.0 ILLEGAL DWELLINGS.**

The use of any portion of the basement of a partially completed building, garages or accessory buildings for dwelling or sleeping purposes is prohibited in any zoning district.

**SECTION 3.21.0 SITE DEVELOPMENT STANDARDS.**

The following Schedules A through F contain site development standards for principal and accessory buildings in all zoning districts. Schedules A through F are hereby adopted as a part of this Ordinance and shall have the same force and effect as the written text of this Ordinance. In the event of any conflict between the provisions of the written text and the content of Schedules A through F, the provisions of the text shall apply.

**SECTION 3.22.0 SCREENING OF EXTERNAL STORAGE, SOLID WASTE, AND LOADING & UNLOADING AREAS.** (Amended 6/21/04)

- A. All outside storage areas, solid waste dumpsters and disposal facilities, recycling bins, and similar areas and structures located in multiple family residential, office, or commercial zoning districts shall comply with the following requirements:

- (1) Solid waste dumpsters, disposal facilities, and recycling bins shall be completely screened by an opaque fence, wall, or landscaped screen which is not less than six (6) feet in height. Solid waste facilities serving institutional uses such as churches and schools shall be screened regardless of the zoning district in which they are located.
  - (2) Storage containers shall be permitted on site during new construction, repair of fire damage, and building remodeling.
  - (3) Storage containers, dumpsters, and recycling bins shall not be located in the required front setback area.
  - (4) Storage containers, not related to new construction, fire damage, or building remodeling shall be permitted on a temporary basis as follows: Up to three (3) storage containers shall be permitted per business for a single ninety (90) day period per calendar year. A temporary storage container permit shall be obtained from the Planning Department.
  - (5) Storage containers, including trailers, shall be permitted on a permanent basis subject to compliance with all of the following requirements: (Amended 3/19/2012)
    - (a) The storage container must be located in an area screened by an opaque fence, wall, or landscaped screen not less than six (6) feet in height.
    - (b) The storage container shall not block: ingress or egress doors, fire department hose connections, utility pedestals/wall mounts, access aisles, parking spaces, etc.
    - (c) At no time shall more than three storage containers be parked on the premises.
    - (d) Storage containers no longer in use shall be removed from the premises.
- B. All loading and unloading areas located in office or commercial zoning districts which face or are visible from residential zoning districts or public thoroughfares shall be screened by an opaque fence, wall, or landscaped screen, which is not less than six (6) feet in height.

**SECTION 3.23.0 SIDEWALKS.** (Amended 2/18/2008)

- A. Sidewalks shall be installed along all public and private roads as required by Chapter 15.5, Article II, Sidewalks, of the Delta Charter Township Code of Ordinances, as amended.
- B. The Zoning Administrator shall mandate a financial guarantee of a sufficient amount to insure the installation of sidewalks along all public and private roads and streets required in conjunction with the construction of two-family and multiple family residential developments; condominium and condominium subdivision developments; planned unit developments; institutional facilities; and all developments located within O, Office, B1, Local Service Commercial, and B2, Community Commercial, zoning districts.

**SECTION 3.24.0 SMALL WIND ENERGY CONVERSION SYSTEMS (WECS).** (Amended 1/5/2009)

- A. Intent:

It is the intent of this section to regulate the safe, effective, and efficient use of small wind energy conversion systems (WECS) installed to reduce or replace the on-site consumption of electricity supplied by utility companies.

- B. Permitted Locations:

Small WECS shall be permitted as an accessory structure in every zoning district provided that they comply with the standards and requirements of this section. In the RA, RB, RC, RD & RE zoning districts, a principal structure must first be established on the parcel before a small WECS may be constructed/installed. Where two or more abutting lots are held under single ownership, the owner may construct a small WECS on the abutting but separate lot from that on which the principal building is located.

C. Additional Turbines:

Small WECS may include more than one turbine and/or tower on any non-residentially zoned property provided that all other requirements of this ordinance are met, and provided that the total of all turbines on any one parcel or site does not exceed 10 kilowatts (kW) rating. On parcels zoned RA, RB, RC, RD or RE only one free standing turbine and/or tower may be permitted. Multiple rooftop mounted turbines are permitted provided that all other requirements are met. (Amended 6/20/2011)

D. Height/ Towers:

- (1) For any parcel located in the RA, RB, RC, RD or RE zoning district, the maximum height for a free standing small WECS shall not exceed 50 feet. Rooftop mounted turbines located in the RA, RB, RC, RD or RE zoning district shall have a maximum height of 10 feet above the existing roof peak, as measured from the peak of the roof to the rotor. (Amended 6/20/2011)
- (2) For any parcel located in the NR, A1, A2, O, B1 or B2 zoning district, the maximum height for a small WECS shall not exceed 70 feet.
- (3) For any parcel located in the I1 or I2 zoning district there shall be no height limit for a WECS.
- (4) The height of a free standing WECS shall be measured from the ground level to the rotor (the center point of the blades), or the top of the tower, whichever is higher. Ground level shall be the average grade measured within 25 feet of the base of the tower or supporting structure. (Amended 6/20/2011)
- (5) The minimum required ground clearance between the lowest point of the blades and the average grade shall be a minimum of 20 feet.
- (6) Towers and supporting structures shall either maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted and maintain a neutral color intended to reduce visual obtrusiveness to the greatest extent feasible.

E. Setbacks:

- (1) The base of the tower shall be setback from all property lines at least the combined height of the entire structure (tower + blades).
- (2) No component of the small WECS, including tower, guy wires and/or anchors etc., may be located in the required front setback area for the zoning district in which the WECS is located.
- (3) No component of the small WECS, including guy wires and anchors, may extend over or beyond the property lines on which the WECS is located.

F. Noise:

A small WECS shall comply with the requirements of the Delta Township Noise Control Ordinance. The small WECS shall be exempt from this requirement during rare short term events such as utility outages and/or severe wind storms or other unique weather events.

G. Certification Required:

In order to be constructed, erected or installed in Delta Township, small WECS must be approved by a certification program recognized by the U.S. Department of Energy or the American Wind Energy Association (AWEA).

H. Compliance with Michigan Building Code & Michigan Electric Code:

Building & electrical permits are required for small WECS.

I. FAA Compliance:

Small WECS shall comply with all applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.

J. Lighting:

The towers and other structures associated with a small WECS shall not be artificially lighted by any means or in any fashion unless required by the Federal Aviation Administration (FAA).

K. Utility Interconnection:

No small WECS shall be installed until evidence is provided that the utility company has approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

L. Abandonment:

Any small WECS that remains non-functional or inoperative for a period of at least 365 continuous days shall be deemed abandoned, and the Zoning Administrator may order the removal of the turbine, tower and any associated equipment.

**SECTION 3.25.0 PORTABLE STORAGE UNITS (Amended 3/15/2010)**

A. Portable Storage Units shall be permitted in the RA, RB, and RC residential zoning districts subject to the following regulations:

- (1) The maximum allowable size for a Portable Storage Unit is 200 sq. ft.
- (2) No more than two (2) Portable Storage Units shall be permitted on a property at any time.
- (3) Portable Storage Units shall not be on a property for more than ninety (90) days within any 365 day period regardless of the number of Portable Storage Units. The Zoning Administrator may grant an extension, not to exceed thirty (30) days, for extenuating circumstances which would include, but not be limited to natural disasters, fire or Acts of God.
- (4) Portable Storage Units shall not be placed such that they obstruct pedestrian or vehicular movements nor shall they be located in a clear vision area as defined herein.

- B. The above regulations shall apply to Portable Storage Units in all other zoning districts, other than the RA, RB, and RC districts, except that the units shall not be on a property for more than one hundred eighty days within any 365 day period regardless of the number of Portable Storage Units. The Zoning Administrator may grant an extension, not to exceed thirty (30) days, for extenuating circumstances which would include, but not be limited to natural disasters, fire or Acts of God.

**SECTION 3.26.0 DUMPSTERS ACCESSORY TO SINGLE & TWO FAMILY DWELLINGS**  
(Amended 3/15/2010)

- A. Dumpsters shall be permitted in the RA, RB, and RC zoning districts subject to the following regulations:
- (1) No more than one (1) dumpster shall be permitted on a property at any time.
  - (2) Dumpsters shall not be on a property for more than thirty (30) days within any 365 day period. The Zoning Administrator may grant an extension, not to exceed thirty (30) days, for extenuating circumstances which would include, but not be limited to natural disasters, fire or Acts of God.
  - (3) Dumpsters shall not be placed such that they obstruct pedestrian or vehicular movements nor shall they be located in a clear vision area as defined herein.

**SECTION 3.27.0 RECYCLING CENTER - SMALL COLLECTION FACILITIES** (Amended 10/4/2010)

- A. Permitted Locations:

Small collection facilities may be located within any zoning district, but shall only be established in conjunction with, and accessory to, office, commercial, industrial, essential services, township government, or public and semi-public institutional uses within their respective districts.

- B. Facility Development & Operational Standards:

- (1) The facility shall be located on a site that is a minimum of two (2) acres in size.
- (2) The facility shall be located within a contiguous area on a site, and there shall be no more than one (1) facility on any particular site.
- (3) The facility and its access drives shall be hard surfaced with asphalt, concrete, or porous pavement materials designed to support the weight of recycling units and any associated transport vehicles.
- (4) Recycling units shall not be located within the required front setback area, or within any required buffer zones or greenbelts on a site. In no case shall a recycling unit be located closer than forty (40) feet to a property line.
- (5) Recycling units shall not exceed a height of six (6) feet.
- (6) Those portions of the facility that are visible from public thoroughfares or residences shall be screened by an opaque fence, wall, or landscaped screen, which is not less than six (6) feet in height.
- (7) The recycling units shall be clearly marked to identify the type of materials allowed to be deposited.

- (8) Yard waste, motor oil, gasoline, and hazardous waste shall be prohibited from being deposited at small collection facilities.
- (9) The facility shall be maintained free of litter and any other unsanitary materials and shall be cleaned of debris.
- (10) Recycling units shall be covered and contained in such a manner that they do not present a danger to the public health, safety or welfare.

**SCHEDULE A  
SITE DEVELOPMENT STANDARDS  
FOR THE  
NR, A-1 AND A-2 ZONING DISTRICTS**

SITE DEVELOPMENT STANDARD	ZONING DISTRICT	
	NR	A-1
MINIMUM NET LOT AREA	10 ACRES	20 ACRES
MINIMUM LOT WIDTH & FRONTAGE	380 FEET	165 FEET
MINIMUM REQUIRED SETBACKS FOR PRINCIPAL BUILDINGS	FRONT	75 FEET
	SIDE	50 FEET
	REAR	50 FEET
MAXIMUM LOT COVERAGE	5 PERCENT	10 PERCENT
MAXIMUM BUILDING HEIGHT	40 FEET	
MINIMUM FLOOR AREA PER DWELLING UNIT	1 STORY	1200 SQUARE FEET AT GRADE
	1 1/2 STORY	750 SQUARE FEET AT GRADE
	2 STORY	700 SQUARE FEET AT GRADE
	SPLIT AND BI-LEVEL	
	900 SQUARE FEET ABOVE GRADE	

SCHEDULE B  
 SITE DEVELOPMENT STANDARDS FOR THE  
 RA, RB, RC, RD AND RE ZONING DISTRICTS

SITE DEVELOPMENT STANDARD	USE	ZONING DISTRICT					
		RA	RB	RC	RD	RE	
MINIMUM NET LOT AREA	SINGLE FAMILY DWELLING TWO-FAMILY DWELLING MULTIPLE FAMILY DWELLING	1 ACRE	12,000 SF	10,000 SF 9,000 SF 9,000 SF	18,000 SF 2 AC.		
		100 FT. 120 FT.	80 FT. 95 FT.	65 FT. 80 FT.			
MINIMUM LOT WIDTH & FRONTAGE	INTERIOR LOT CORNER LOT			80 FT. 80 FT.	70 FT. 80 FT.	70 FT. 80 FT.	
	TWO-FAMILY DWELLING						
	MULTIPLE FAMILY DWELLING			100 FT. 100 FT.	200 FT.		
MINIMUM REQUIRED SETBACKS FOR PRINCIPAL BUILDINGS	SINGLE FAMILY DWELLING	FRONT	30 FT.	30 FT.			
		EACH SIDE REAR	8 FT. 30 FT.	6.5 FT. 30 FT.			
	TWO-FAMILY DWELLING	FRONT EACH SIDE REAR			30 FT. 8 FT. 30 FT.	30 FT. 7 FT. 25 FT.	
		FRONT EACH SIDE REAR			30 FT. 18 FT. 40 FT.	40 FT. 40 FT. 40 FT.	40 FT. 40 FT. 40 FT.
	MULTIPLE FAMILY DWELLING						
		ALL USES	20%	30%	30%	40%	
MAXIMUM LOT COVERAGE	SINGLE FAMILY DWELLING	1 STORY: 1 1/2 STORY: 2 STORY: SPLIT AND BI-LEVEL:	1200 SF AT GRADE 750 SF AT GRADE 700 SF AT GRADE 900 SF ABOVE GRADE	1000 SF AT GRADE 750 SF AT GRADE 700 SF AT GRADE 900 SF ABOVE GRADE			
		TWO-FAMILY DWELLING			700 SF PER DWELLING UNIT		
		MULTIPLE FAMILY DWELLING				550 SF PER DWELLING UNIT	
MAXIMUM BUILDING HEIGHT	ALL USES			40 FT. (1)			
		SINGLE FAMILY DWELLING	1 DU/AC.	3.63 DU/AC.	4.36 DU/AC.		
		TWO-FAMILY DWELLING			4.84 DU/AC.		
MAXIMUM RESIDENTIAL DENSITY	MULTIPLE FAMILY DWELLING			4.84	8 DU/AC.	11 DU/AC.	

NOTES: "SF" = SQUARE FEET, "AC." = ACRES, "FT." = FEET, "DU/AC." = DWELLING UNITS PER ACRE, "DIU" = DWELLING UNIT  
 (1) IN THE RD AND RE ZONING DISTRICTS, MAXIMUM BUILDING HEIGHT MAY BE INCREASED BY ONE (1) FOOT FOR EACH TWO (2) FEET OF ADDITIONAL FRONT, SIDE AND REAR SETBACK PROVIDED, OVER AND ABOVE THE MINIMUM REQUIRED, TO A MAXIMUM HEIGHT OF SIXTY (60) FEET.

SCHEDULE C

SITE DEVELOPMENT STANDARDS  
FOR THE  
O, B1, B2, I1 AND I2 ZONING DISTRICTS

		ZONING DISTRICT	
		I1	I2
SITE DEVELOPMENT STANDARD	O, B1 AND B2	1 ACRE	2 ACRES
MINIMUM NET LOT AREA	15,000 SQUARE FEET		
MINIMUM LOT WIDTH & FRONTAGE	100 FEET	150 FEET	
MINIMUM REQUIRED SETBACKS FOR PRINCIPAL BUILDINGS	FRONT	75 FEET (1)(2)	
	SIDE	25 FT. EACH SIDE (4)	
	REAR	30 FEET (2)(4)	
MAXIMUM LOT COVERAGE	40 %	50 %	
MAXIMUM BUILDING HEIGHT	45 FEET (3)	45 FEET	NO LIMIT

NOTES:

- (1) IN THE O ZONING DISTRICT THE MINIMUM REQUIRED FRONT SETBACK SHALL BE 50 FT.
- (2) INDUSTRIALLY ZONED SUBDIVISION LOTS EXISTING AS OF THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE PERMITTED A MINIMUM FRONT SETBACK OF 50 FT. AND A MINIMUM REAR SETBACK OF 25 FT.
- (3) IN THE O ZONING DISTRICT, MAXIMUM HEIGHT MAY BE INCREASED BY ONE (1) FOOT FOR EACH TWO (2) FEET OF ADDITIONAL FRONT, SIDE AND REAR SETBACK PROVIDED, OVER AND ABOVE THE MINIMUM REQUIRED, TO A MAXIMUM HEIGHT OF SIXTY (60) FEET.
- (4) REQUIRED SIDE AND REAR SETBACKS MAY BE GREATER WHEN CONDITIONS SPECIFIED IN SCHEDULE D ARE PRESENT.

SCHEDULE D  
 MINIMUM SETBACK REQUIREMENTS  
 FOR PRINCIPAL BUILDINGS  
 UNDER CERTAIN CONDITIONS

CONDITION: WHEN ZONING DISTRICT IN COLUMN "A" ABUTS ZONING DISTRICT IN COLUMN "B"		REQUIRED SETBACK FROM ABUTTING LOT LINE FOR PRINCIPAL BUILDINGS IN ZONING DISTRICT IN COLUMN "A":
A	B	
O, B1 or B2 zoning district	abuts RA, RB, RC, RD, or RE zoning district	40 feet
I1 or I2 zoning district	abuts RA, RB, RC, RD or RE zoning district	100 feet
Multiple family dwelling in RD or RE zoning district	abuts RA or RB zoning district	60 feet

SCHEDULE E

SITE DEVELOPMENT STANDARDS FOR  
ACCESSORY BUILDINGS IN  
ALL ZONING DISTRICTS

SITE DEVELOPMENT STANDARD		ZONING DISTRICT OR USE																
		NR <sup>1</sup>	A1	A2	RA	RB.	RC	RD	RE	O	B1 & B2	I1	I2	INSTITUTIONAL	DAY CARE			
MAXIMUM BUILDING SIZE OF ANY DETACHED BUILDING ACCESSORY TO:	SINGLE FAMILY DWELLING	NONE			1200 SQ. FT.	770 SQ. FT.		NOT APPLICABLE										
	TWO-FAMILY DWELLING	NOT APPLICABLE				770 SQ. FT.									NONE			
	MULTIPLE FAMILY DWELLING	NOT APPLICABLE						1200 SQ. FT.										
MAXIMUM COMBINED SQUARE FOOTAGE OF ALL DETACHED ACCESSORY BUILDINGS PERMITTED ON A PROPERTY		NONE			1600 SQ. FT.	1000 SQ. FT.									NONE			
MAXIMUM SQUARE FOOTAGE OF ATTACHED ACCESSORY BUILDINGS		NONE					1200 SQ. FT.								NONE			
MINIMUM REQUIRED SETBACKS FOR DETACHED ACCESSORY BUILDINGS <sup>4</sup>	FRONT	100 FT.			60 FT.	30 FT.		40 FT.		50 FT.		75 FT. <sup>1</sup>		100 FT. <sup>1</sup>	75 FT.	50 FT.		
	EACH SIDE	25 FT.	15 FT.	12 FT.											10 FT. TOTAL BOTH SIDES <sup>2</sup>	20 FT.	10 FT.	
	REAR		25 FT.				6 FT.										20 FT.	
MAX. DETACHED ACC. BLDG. HEIGHT															45 FT.		25 FT.	18 FT.
MAX. ATTACHED ACC. BLDG. HEIGHT							40 FT.											40 FT.

1 75 FT. FRONT SETBACK FOR LOTS IN INDUSTRIAL ZONED SUBDIVISIONS WHICH WERE PLATTED SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE. 50 FT. FRONT SETBACK AND 25 FT. REAR SETBACK FOR LOTS IN INDUSTRIAL ZONED SUBDIVISIONS WHICH WERE PLATTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

2 5 FT. SETBACK REQUIRED FROM A LOT LINE ABUTTING LAND IN THE NR OR A1 ZONING DISTRICTS.

3 ACCESSORY BUILDINGS SHALL NOT BE LOCATED IN ANY BUFFER ZONE REQUIRED BY CHAPTER 20 HEREIN.

4 THE MINIMUM REQUIRED BUILDING SETBACKS FOR ATTACHED ACCESSORY BUILDINGS SHALL BE THE SAME AS FOR PRINCIPAL BUILDINGS IN THEIR RESPECTIVE ZONING DISTRICTS.

SCHEDULE F  
SITE DEVELOPMENT STANDARDS FOR  
PLANNED UNIT DEVELOPMENT IN THE RB, RC, RD AND RE ZONING DISTRICTS

SITE DEVELOPMENT STANDARD	USE	ZONING DISTRICT			
		RB	RC	RD	RE
MINIMUM LOT AREA	SINGLE FAMILY DWELLING	NONE	NONE		
	TWO-FAMILY DWELLING	N.A.	NONE		NONE
	MULTIPLE FAMILY DWELLING COMMERCIAL USES	N.A.	N.A.		
MINIMUM LOT WIDTH & FRONTAGE	SINGLE FAMILY DWELLING	60 FT. 70 FT.	50 FT. 60 FT.		50 FT. 60 FT.
	TWO-FAMILY DWELLING		80 FT.		50 FT.
	MULTIPLE FAMILY DWELLING	N.A.	200 FT.		200 FT.
MINIMUM SET-BACKS FOR PRINCIPAL BUILDINGS	COMMERCIAL USE		N.A.		100 FT.
	ALL USES			24 FT. (2) NONE NONE	
MAXIMUM LOT COVERAGE	ALL USES				NONE
	SINGLE FAMILY DWELLING	1200 SF AT GRADE 750 SF AT GRADE 700 SF AT GRADE 900 SF ABOVE GRADE	1000 SF AT GRADE 750 SF AT GRADE 700 SF AT GRADE 900 SF ABOVE GRADE		1000 SF AT GRADE 750 SF AT GRADE 700 SF AT GRADE 900 SF ABOVE GRADE
MINIMUM FLOOR AREA PER DWELLING UNIT	TWO-FAMILY DWELLING			700 SF PER D.U.	700 SF PER D.U.
	MULTIPLE FAMILY DWELLING	N.A.	550 SF PER DWELLING UNIT		550 SF PER DWELLING UNIT
MAXIMUM BUILDING HEIGHT	ALL USES		40 FT.		40 FT. (1)
	SINGLE FAMILY DWELLING	3.63 D.U./AC		4.36 D.U./AC	4.36 D.U./AC
BASE RESIDENTIAL DENSITY	TWO-FAMILY DWELLING	3.63 D.U./AC		4.84 D.U./AC	4.84 D.U./AC
	MULTIPLE FAMILY DWELLING	N.A.	4.84 D.U./AC	8 D.U./AC	11 D.U./AC
MAXIMUM RESIDENTIAL DENSITY	SINGLE FAMILY DWELLING	4.17 D.U./AC			5.00 D.U./AC
	TWO-FAMILY DWELLING	4.17 D.U./AC			6.5 D.U./AC
MAXIMUM RESIDENTIAL DENSITY	MULTIPLE FAMILY DWELLING	N.A.	5.00 D.U./AC	11 D.U./AC	15 D.U./AC
	MULTIPLE FAMILY DWELLING	N.A.	5.00 D.U./AC	11 D.U./AC	15 D.U./AC

NOTES:  
 "SF" = SQUARE FEET, "AC" = ACRES, "FT." = FEET, "D.U./AC." = DWELLING UNITS PER ACRE, "D.U." = DWELLING UNIT, "N.A." = NOT APPLICABLE  
 (1) IN THE RD AND RE ZONING DISTRICTS, MAXIMUM BUILDING HEIGHT MAY BE INCREASED BY ONE (1) FOOT FOR EACH TWO (2) FEET OF ADDITIONAL FRONT, SIDE AND REAR SETBACKS PROVIDED, OVER AND ABOVE THE MINIMUM REQUIRED, TO A MAXIMUM HEIGHT OF SIXTY (60) FEET.  
 (2) THE MINIMUM SETBACK BETWEEN BUILDINGS SHALL BE 10 FEET.

## CHAPTER 4

### ZONING DISTRICTS - GENERAL

#### SECTION 4.1.0 ESTABLISHMENT OF DISTRICTS.

Delta Charter Township is hereby divided into the following zoning districts to be known as and having the following names and symbols:

Natural Resources District (NR)  
Agricultural District (A-1)  
Agricultural/Residential District (A-2)  
Very Low Density Residential District (RA)  
Low Density Residential District (RB)  
Moderate Density Residential District (RC)  
Medium Density Residential District (RD)  
High Density Residential District (RE)  
Office District (O)  
Local Service Commercial District (B1)  
Community Commercial District (B2)  
Limited Industrial District (I1)  
General Industrial District (I2)

#### SECTION 4.2.0 OFFICIAL ZONING MAP.

- A. The zoning districts are bounded and defined as shown on a map entitled "Official Zoning Map of Delta Charter Township of 1990" and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Delta Charter Township Zoning Ordinance of 1990" together with the effective date of this Ordinance.
- C. If, in accordance with the procedures of this Ordinance and of the Michigan Zoning Enabling Act, as amended, a change is made in a zoning district boundary, such change shall be entered on the Official Zoning Map by the Township Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published. A date shall be affixed to the Official Zoning Map noting revisions to the Map. No change in the Official Zoning Map of any other nature shall be made unless authorized by the Zoning Board of Appeals, and then only by the Township's Zoning Administrator. Any change in corporate boundaries within the Township shall be recorded on the Official Zoning Map in conformity with procedures set forth herein. (Amended 12/4/2006)
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Delta Charter

Township, adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date). "Unless the prior Official Zoning Map has been lost, or totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

- E. Regardless of the existence of reported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township's Zoning Administrator and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

**SECTION 4.3.0 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP.**

- A. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:
  - (1) A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
  - (2) A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
  - (3) A boundary indicated as approximately following the municipal boundary line of a city, village, township shall be construed as following such line.
  - (4) A boundary indicated as following a railroad line shall be construed as following the right-of-way line.
  - (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline, shall be construed as following the actual shoreline.
  - (6) A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
  - (7) A boundary indicated as parallel to, or an extension of, a feature indicated in this Section shall be so construed.
- B. Where a natural or manmade feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstances not covered by this Section the Board of Appeals shall interpret the location of the zoning district boundary.
- C. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- D. Where a district boundary line divides a lot which is in single ownership at the time of adoption of the Zoning Ordinance the regulations for the more restrictive district shall apply for the entire lot or parcel.

## **CHAPTER 5**

### **NATURAL RESOURCES DISTRICT (NR)**

#### **SECTION 5.1.0 INTENT.**

It is the intent of this chapter to provide for the management of the natural resources in open space areas located in the Township. The regulations and conditions contained within this chapter are designed to allow development of natural resources while prohibiting development which might detract from the natural character of these areas. Density and intensity of development is regulated in order to promote the wise use of natural resources.

#### **SECTION 5.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the Natural Resources District.

- A. One single-family dwelling, as per Section 5.4.0, F., when ancillary to another permitted use in this zoning district.
- B. Public or private forest preserve areas, game refuge areas, park or similar recreation areas.
- C. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- D. Farm operations, including a single-family dwelling meeting the requirements of Section 5.4.0, F, used as a farmstead.
- E. Raising or keeping of livestock.
- F. Raising or growing of plants, trees, shrubs, and nursery stock, but not including retail sale on premises.
- G. Riding academies or stables subject to the requirements of Section 3.17.0, B.
- H. Family child care homes. (Amended 7/6/2010)
- I. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 5.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Public and semi-public institutional structures and uses.
- B. Outdoor commercial recreation establishments.
- C. Marinas, boat launching facilities and similar water related uses and structures operated on a commercial basis.
- D. Home occupations.

- E. Essential Service, Major Installation. (Amendend 2/18/2008)
- F. Kennels.
- G. Functional family dwellings.
- H. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)
- I. Towers. (Amended 4/3/00)
- J. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 5.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule A shall be met.
- D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.
- F. Single family dwellings, either constructed on the site or manufactured off the site, shall comply with the following regulations.
  - (1) Any one floor of a single family detached dwelling shall contain a minimum width of twenty (20) feet across any horizontal elevation, exclusive of garage, basement or porch.
  - (2) All single family dwellings shall comply with all pertinent, current building codes adopted by Delta Township.
  - (3) The dwelling shall be placed on a permanent foundation.
  - (4) The foregoing regulations shall not apply to a manufactured dwelling or mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required herein.

## CHAPTER 6

### AGRICULTURAL DISTRICT (A-1)

#### SECTION 6.1.0 INTENT.

It is the intent of this district to provide for agriculture as a land use by maintaining land values and property taxes at levels which farming operations can support. This district is designed to regulate the establishment of disruptive non-agricultural uses in areas suitable for agriculture and to maintain land area of sufficient size for agricultural uses.

#### SECTION 6.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Agricultural (A-1) district:

- A. Public or private forest preserve areas, game refuge areas, park or similar recreation areas.
- B. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- C. Farm operations, including a single-family dwelling meeting the requirements of Section 5.4.0.F, used as a farmstead.
- D. Raising or keeping of livestock.
- E. Raising or growing of plants, trees, shrubs, and nursery stock, but not including retail sale on premises.
- F. Riding academies or stables, subject to the requirements of Section 3.17.0, B.
- G. Single family dwellings as per Section 5.4.0, F, herein.
- H. Family child care homes. (Amended 7/6/2010)
- I. State licensed foster care family homes. (Amended 6/19/95)
- J. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### SECTION 6.3.0 SPECIAL LAND USES.

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Public and semi-public institutional structures and uses.
- B. Outdoor commercial recreation establishments.
- C. Extractive uses.
- D. Public or private sanitary landfills.
- E. Veterinarian establishments including animal clinics.
- F. Bulk feed, seed and fertilizer outlets and distribution centers.

- G. Essential Service, Major Installation. (Amendend 2/18/2008)
- H. Home occupations.
- I. Kennels.
- J. Functional family dwellings.
- K. Intensive livestock operations.
- L. Roadside stands.
- M. Agricultural processing operations.
- N. Group child care homes. (Amended 7/6/2010)
- O. Bed and breakfast establishments.
- P. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)
- Q. Foster care group homes. (Amended 6/19/95)
- R. Towers. (Amended 4/3/00)
- S. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 6.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule A shall be met.
- D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## CHAPTER 7

### AGRICULTURAL/RESIDENTIAL DISTRICT (A-2)

#### SECTION 7.1.0 INTENT.

It is the intent of this district to provide for limited agricultural uses while permitting semi-rural residential uses. Properties in this district are typically not served by public sanitary sewer and water services.

#### SECTION 7.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Agricultural (A-2) district:

- A. Public or private forest preserve areas, game refuge areas, park or similar recreation areas.
- B. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- C. Farm operations, including a single-family dwelling meeting the requirements of Section 5.4.0.F, used as a farmstead.
- D. Raising or keeping of livestock.
- E. Raising or growing of plants, trees, shrubs, and nursery stock, but not including retail sale on premises.
- F. Riding academies or stables, subject to the requirements of Section 3.17.0, B.
- G. Single family dwellings as per Section 5.4.0, F, herein.
- H. Family child care homes. (Amended 7/6/2010)
- I. State licensed foster care family homes. (Amended 6/19/95)
- J. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### SECTION 7.3.0 SPECIAL LAND USES.

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Public and semi-public institutional structures and uses.
- B. Outdoor commercial recreation establishments.
- C. Extractive uses.
- D. Public or private sanitary landfills.
- E. Veterinarian establishments including animal clinics.
- F. Bulk feed, seed and fertilizer outlets and distribution centers.
- G. Essential Service, Major Installation. (Amendend 2/18/2008)

- H. Home occupations.
- I. Kennels.
- J. Functional family dwellings.
- K. Roadside stands.
- L. Agricultural processing operations.
- M. Group child care homes. (Amended 7/6/2010)
- N. Bed and breakfast establishments.
- O. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)
- P. Foster care group homes. (Amended 6/19/95)
- Q. Towers. (Amended 4/3/00)
- R. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 7.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule A shall be met.
- D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## **CHAPTER 8**

### **VERY LOW DENSITY RESIDENTIAL DISTRICT (RA)**

#### **SECTION 8.1.0 INTENT.**

It is the intent of this chapter to provide for very low density residential development in those portions of the Township which are not served by public utilities and services. This district should remain essentially non-urban in character until public utilities and services become available which would allow more intensive residential development in accordance with the Comprehensive Plan.

This chapter also provides for the development of certain non-residential facilities which can provide convenient services while at the same time preserving the overall residential character of the district.

#### **SECTION 8.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the Very Low Density Residential district:

- A. Single-family dwellings as per Section 5.4.0, F.
- B. Non-commercial parks, playgrounds and playfields.
- C. Family child care homes. (Amended 7/6/2010)
- D. State licensed foster care family homes. (Amended 6/19/95)
- E. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 8.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Public and semi-public institutional structures and uses.
- B. Golf courses, public and private, not including miniature golf courses.
- C. Home occupations.
- D. Essential Service, Major Installation. (Amendend 2/18/2008)
- E. Kennels.
- F. Functional family dwellings.
- G. Bed and breakfast establishments.
- H. Group child care homes. (Amended 7/6/2010)
- I. Condominium subdivisions.
- J. Foster care group homes. (Amended 6/19/95)

K. Towers. (Amended 4/3/00)

L. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 8.4.0 SITE DEVELOPMENT STANDARDS.**

A. Parking shall be provided in accordance with the requirements of Chapter 22.

B. Signs shall be regulated in accordance with the requirements of Ordinance 267.

C. All applicable requirements of Schedules B and D shall be met.

D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.

E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## **CHAPTER 9**

### **LOW DENSITY RESIDENTIAL DISTRICT (RB)**

#### **SECTION 9.1.0 INTENT.**

It is the intent of this chapter to provide for low density residential development in portions of the Township which are served by public utilities and services.

Regulations contained in this Chapter also provide for the development of certain non-residential facilities which provide convenient services while at the same time preserving the overall residential character of the district.

#### **SECTION 9.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the Low Density Residential district:

- A. Single-family dwellings, as per Section 5.4.0, F.
- B. Non-commercial parks, playgrounds and playfields.
- C. Family child care homes. (Amended 7/6/2010)
- D. State licensed foster care family homes. (Amended 6/19/95)
- E. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 9.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Planned unit developments.
- B. Condominium subdivisions.
- C. Public and semi-public institutional structures and uses.
- D. Home occupations.
- E. Essential Service, Major Installation. (Amendend 2/18/2008)
- F. Functional family dwellings.
- G. Bed and breakfast establishments.
- H. Group child care homes. (Amended 7/6/2010)
- I. Golf courses, public and private, not including miniature golf courses.
- J. Child care centers. (Amended 3/2/92)
- K. Foster care group home. (Amended 6/19/95)

L. Towers. (Amended 4/3/00)

M. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 9.4.0 SITE DEVELOPMENT STANDARDS.**

A. Parking shall be provided in accordance with the requirements of Chapter 22.

B. Signs shall be regulated in accordance with the requirements of Ordinance 267.

C. All applicable requirements of Schedules B and D shall be met.

D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.

E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## **CHAPTER 10**

### **MODERATE DENSITY RESIDENTIAL DISTRICT (RC)**

#### **SECTION 10.1.0 INTENT.**

It is the intent of this chapter to provide for moderate density residential development in portions of the Township which are served by public utilities and services. This district is intended to provide a means of developing vacant parcels within established residential areas in a manner compatible with the surrounding established neighborhood.

Regulations contained in this Chapter also provide for the development of certain non-residential facilities which provide convenient services while at the same time preserving the overall residential character of the district.

#### **SECTION 10.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the Low Density Residential district:

- A. Single-family dwellings, as per Section 5.4.0, F.
- B. Non-commercial parks, playgrounds and playfields.
- C. Family child care homes. (Amended 7/6/2010)
- D. State licensed foster care family homes. (Amended 6/19/95)
- E. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 10.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Planned unit developments.
- B. Condominium subdivisions.
- C. Public and semi-public institutional structures and uses.
- D. Home occupations.
- E. Essential Service, Major Installation. (Amendend 2/18/2008)
- F. Functional family dwellings.
- G. Group child care homes. (Amended 7/6/2010)
- H. Child care centers.
- I. Two-family dwellings.
- J. Multiple family dwellings.

- K. Golf courses, public and private, not including miniature golf courses.
- L. Foster care group homes. (Amended 6/19/95)
- M. Towers. (Amended 4/3/00)
- N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 10.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedules B and D shall be met.
- D. Site Plan Review is not required for Uses Permitted by Right but is required for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## **CHAPTER 11**

### **MEDIUM DENSITY RESIDENTIAL DISTRICT (RD)**

#### **SECTION 11.1.0 INTENT.**

It is the intent of this chapter to provide for medium density residential development in portions of the Township which are served by public utilities and services. It is further intended to provide a means of developing vacant lands within established residential neighborhoods while preserving the residential character of those areas.

This chapter also provides for the development of certain non-residential facilities which can provide convenient services while at the same time preserving the overall residential character of the same district.

#### **SECTION 11.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the Medium Density Residential district:

- A. Two-family dwellings.
- B. Multiple family dwellings.
- C. Non-commercial parks, playgrounds and playfields.
- D. Family child care homes. (Amended 7/6/2010)
- E. State licensed foster care family homes. (Amended 6/19/95)
- F. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 11.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Planned unit developments.
- B. Public and semi-public institutional structures and uses.
- C. Essential Service, Major Installation. (Amendend 2/18/2008)
- D. Functional family dwellings.
- E. Group child care homes. (Amended 7/6/2010)
- F. Child care centers.
- G. Golf courses, public and private, not including miniature golf courses.
- H. Mobile Home Parks
- I. Condominium Subdivisions

- J. Fraternities and Sororities
- K. Foster care group homes. (Amended 6/19/95)
- L. Athletic facilities. (Amended 12/1/97)
- M. Towers. (Amended 4/3/00)
- N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 11.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedules B and D shall be met.
- D. Site Plan Review is required for all Special Land Uses, and for multiple family dwellings permitted by right.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.
- F. There shall be a minimum distance between buildings equal to the height of the taller building but in no case less than 25 feet.

## **CHAPTER 12**

### **HIGH DENSITY RESIDENTIAL DISTRICT (RE)**

#### **SECTION 12.1.0 INTENT.**

It is the intent of this chapter to provide for high density residential developments in portions of the Township served by public utilities and services, and collector or arterial streets. It is expected that high density residential developments will be provided with or have close access to recreational facilities and open space.

This chapter also provides for the development of certain non-residential facilities which can provide convenient services, while at the same time preserving the overall residential character of the district.

#### **SECTION 12.2.0 USES PERMITTED BY RIGHT.**

Land and/or buildings may be utilized for the following uses by right in the High Density Residential district:

- A. Two-family dwellings.
- B. Multiple family dwellings.
- C. Non-commercial parks, playgrounds, and playfields.
- D. Family child care homes. (Amended 7/6/2010)
- E. State licensed foster care family homes. (Amended 6/19/95)
- F. Essential Service, Minor Installation. (Amendend 2/18/2008)

#### **SECTION 12.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 18:

- A. Planned unit developments.
- B. Public and semi-public institutional structures and uses.
- C. Essential Service, Major Installation. (Amendend 2/18/2008)
- D. Mobile home parks.
- E. Functional family dwellings.
- F. Group child care homes. (Amended 7/6/2010)
- G. Child Care Centers.
- H. Foster care group home.
- I. Golf courses, public and private, not including miniature golf courses.

- J. Condominium Subdivisions
- K. Fraternities and Sororities
- L. Athletic facilities. (Amended 12/1/97)
- M. Towers. (Amended 4/3/00)
- N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 12.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedules B and D shall be met.
- D. Site Plan Review is required for all Special Land Uses, and for multiple family dwellings permitted by right.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.
- F. There shall be a minimum distance between buildings equal to the height of the taller building but in no case less than 25 feet.

## CHAPTER 13

### OFFICE DISTRICT (O)

#### SECTION 13.1.0 INTENT.

It is the intent of this chapter to provide for a variety of office uses of a business and professional nature as well as activities compatible with these uses. It is also the intent of this chapter to direct office uses to areas having access to arterial streets. The regulations contained in this chapter are designed to encourage a harmonious relationship between the Office district and abutting land uses.

#### SECTION 13.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Office district:

- A. Office establishments which perform business and professional services, such as government, insurance, real estate, legal, financial and other similar services.
- B. Medical clinics.
- C. Offices of professional and non-profit service organizations and clubs.
- D. Mortuaries and funeral homes, not including crematories.
- E. Banks, credit unions and savings and loans without drive-through facilities.
- F. Personal service establishments when located within an office building. The total floor area occupied by personal service establishments shall not exceed thirty (30) percent (%) of the gross floor area of the office building in which they are located. (Amended 7/6/2010)

Such uses may include:

- (1) Barber and beauty shops.
  - (2) Tailor and dressmaker shops.
  - (3) Shoe shine and shoe repair shops.
  - (4) Dry cleaning and laundry pick-up stations.
  - (5) Other personal service establishments similar to the above uses and compatible with office uses.
- G. Radio and Television Broadcast Facilities, without towers. (Amended 4/3/00)
  - H. Essential Service, Minor Installation. (Amendend 2/18/2008)
  - I. Banquet halls and conference centers. (Amended 2/7/2011)

#### SECTION 13.3.0 SPECIAL LAND USES.

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 18.

- A. Hotels and motels.
- B. Essential Service, Major Installation. (Amendend 2/18/2008)

- C. Public and semi-public institutional structures and uses.
- D. Restaurants, not including drive-through facilities.
- E. Banks, credit unions and savings and loans with drive-through facilities.
- F. Private clubs, meeting halls and other similar uses for non-profit service organizations.
- G. Child care centers.
- H. Condominium Subdivisions.
- I. Athletic facilities. (Amended 12/1/97)
- J. Towers. (Amended 4/3/00)
- K. High-Rise Buildings. (Amended 12/4/2006)
- L. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 13.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule C shall be met.
- D. Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## CHAPTER 14

### LOCAL SERVICE COMMERCIAL (B-1)

#### SECTION 14.1.0 INTENT.

It is the intent of this chapter to provide for certain commercial enterprises designed to provide convenient shopping and service opportunities in neighborhood and other outlying areas as may be designated in the Comprehensive Plan. In general these areas will be limited in size and number of locations. As such, the regulations for these commercial areas are designed to ensure compatibility with surrounding land uses by limiting their intensity and impact on adjoining streets and properties.

#### SECTION 14.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Local Service Commercial district.

- A. General retail businesses conducted entirely within an enclosed building.
- B. Personal service establishments such as barber and beauty shops, dry cleaning and laundry establishments and other personal service establishments similar to the above uses which perform services on the premises.
- C. Office establishments which perform business and professional services such as government, insurance, real estate, legal, financial and other similar professional services.
- D. Medical clinics.
- E. Restaurants, not including drive-through facilities.
- F. Mortuaries and funeral homes, not including crematories.
- G. Banks and credit unions not including drive-through facilities.
- H. Bars and taverns.
- I. Indoor recreational establishments, such as bowling alleys, theaters and other similar uses.
- J. Radio and Television Broadcast Facilities, without towers. (Amended 4/3/00)
- K. Essential Service, Minor Installation. (Amended 2/18/2008)
- L. Banquet halls and conference centers. (Amended 2/7/2011)

#### SECTION 14.3.0 SPECIAL LAND USES.

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 18.

- A. Essential Service, Major Installation. (Amended 2/18/2008)
- B. Automobile service stations and repair establishments. (Amended 4/15/91)
- C. Restaurants with drive through-facilities.

- D. Outdoor commercial recreation establishments.
- E. Automobile wash establishments.
- F. Banks and credit unions with drive-through facilities.
- G. Child care centers.
- H. Automobile Body Repair Establishments. (Amended 4/15/91)
- I. Condominium Subdivisions. (Amended 6/20/94)
- J. Commercial Garage. (Amended 5/5/97)
- K. Public and semi-public institutional structures and uses. (Amended 12/1/97)
- L. Athletic Facilities. (Amended 12/1/97)
- M. Stadiums/Arenas. (Amended 12/1/97)
- N. Towers. (Amended 4/3/00)
- O. Drive-Thru Businesses. (Amended 10/2/00)
- P. Commercial Redevelopment Special Land Use (CR-SLU). (Amended 1/3/05)
- Q. High-Rise Buildings. (Amended 12/4/2006)
- R. Large Wind Energy Conversion Systems. (Amended 1/5/2009)
- S. Mixed Use Buildings which may contain single family, two family & multiple-family dwellings as well as retail stores & office uses. (Amended 1/19/2010)
- T. Blood Plasma Center. (Amended 2/17/2014)

**SECTION 14.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule C shall be met.
- D. Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## CHAPTER 15

### COMMUNITY COMMERCIAL (B-2)

#### SECTION 15.1.0 INTENT.

It is the intent of this chapter to provide for commercial enterprises designed to provide community-wide shopping and service opportunities. These regulations are designed to encourage the development of a cohesive, coordinated business area providing service drives and convenient access between establishments in an attractive setting, thus improving safety and convenience for Township and area residents.

#### SECTION 15.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Community Commercial District.

- A. General retail businesses conducted entirely within an enclosed building.
- B. Personal service establishments such as barber and beauty shops, dry cleaning and laundry establishments and other personal service establishments similar to the above uses which perform services on the premises.
- C. Office establishments which perform business and professional services, such as government, insurance, real estate, legal, financial and other similar professional services.
- D. Medical clinics.
- E. Restaurants, not including drive-through facilities.
- F. Mortuaries and funeral homes, not including crematories.
- G. Banks, credit unions and savings and loan establishments, not including drive-through facilities.
- H. Bars and taverns.
- I. Indoor recreational establishments, such as bowling alleys, theaters and other similar uses.
- J. Veterinary establishments, including commercial kennels, provided that such use be conducted entirely within an enclosed building.
- K. Outdoor commercial recreation establishments.
- L. Hotels and motels.
- M. Building equipment and supply establishments.
- N. Adult Related Businesses as defined in Section 3.19.0(B) and as regulated therein.
- O. Massage Parlors and Massage Schools.
- P. Radio and Television Broadcast Facilities, without towers. (Amended 4/3/00)
- Q. Essential Service, Minor Installation. (Amended 2/18/2008)

R. Banquet halls and conference centers. (Amended 2/7/2011)

### **SECTION 15.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 18:

- A. General retail business establishments, any portion of which is conducted on the premises outside of an enclosed building, such as auto and boat sales/service, garden supply stores and other similar uses whether on a permanent, temporary or seasonal basis.
- B. Essential Service, Major Installation. (Amended 2/18/2008)
- C. Regional shopping centers.
- D. Automobile service stations and repair establishments. (Amended 4/15/91)
- E. Automobile wash establishments.
- F. Mini-warehouses.
- G. Restaurants with drive-through facilities.
- H. Banks, credit unions and savings and loan establishments with drive-through facilities.
- I. Child care centers.
- J. Automobile Body Repair Establishments. (Amended 4/15/91)
- K. Condominium Subdivisions. (Amended 6/20/94)
- L. Commercial Garage. (Amended 5/5/97)
- M. Public and semi-public institutional structures and uses. (Amended 12/1/97)
- N. Athletic Facilities. (Amended 12/1/97)
- O. Stadiums/Arenas. (Amended 12/1/97)
- P. Towers. (Amended 4/3/00)
- Q. Drive-Thru Businesses. (Amended 10/2/00)
- R. High-Rise Buildings. (Amended 12/4/2006)
- S. Large Wind Energy Conversion Systems. (Amended 1/5/2009)
- T. Mixed Use Buildings which may contain single family, two family & multiple-family dwellings as well as retail stores & office uses. (Amended 1/19/2010)
- U. Blood Plasma Centers. (Amended 2/17/2014)

**SECTION 15.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule C shall be met.
- D. Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.

## CHAPTER 16

### LIMITED INDUSTRIAL DISTRICT (I-1)

#### SECTION 16.1.0 INTENT.

It is the intent of this Chapter to provide for the development of a variety of warehousing, industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts. These regulations are also designed to protect existing industrial uses located in the district and to prevent the establishment of uses that are suitably provided for in other districts.

#### SECTION 16.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the Limited Industrial district:

- A. Warehousing, storage or transfer buildings but excluding the storage of bulk petroleum or related products, garbage or rubbish.
- B. Truck terminals including maintenance and service facilities.
- C. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
  - (1) Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred foods.
  - (2) Textile mill products including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.
  - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas and similar materials.
  - (4) Lumber and wood products including millwork, prefabricated structural wood products and containers. (Amended 3/2/92)
  - (5) Furniture and fixtures.
  - (6) Paperboard containers, building paper, building board, and bookbinding.
  - (7) Printing and publishing.
  - (8) Chemical products such as pharmaceuticals, plastics, perfumes, synthetic fibers. (Amended 6/2/2008)
  - (9) Manufacturing of engineering, laboratory, medical, optical, scientific, electronic, measuring, and research instruments; and other similar instruments and equipment. (Amended 6/2/2008)
  - (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.

- (11) Sheet metal products, excluding large stampings such as automobile fenders or bodies. (Amended 12/20/99)
- (12) Plastic products including, but not limited to, automotive components. (Amended 12/20/99)
- (13) Products utilizing the following materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, bur, glass, hair, horn, leather, paper, plastics , precious or semi-precious metal or stones, shell, textiles, tobacco, wire, and yarns. (Amended 12/20/99)
- D. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- E. Research, development, design, testing, technical training, and related activities for industrial scientific, medical, and technological enterprises; including experimental and wet laboratories. (Amended 6/2/2008)
- F. Essential Service, Minor Installation. (Amended 2/18/2008)
- G. Trade and industrial schools.
- H. Tool and die manufacturing establishments.
- I. Central dry-cleaning plants.
- J. Retail sales incidental to a construction contractor's establishment which requires a workshop and retail outlet or showroom.
- K. Lumberyards and other building equipment supply establishments.
- L. Light fabrication, sub-assembly, and packaging. (Amended 12/20/99)
- M. Manufacture or assembly of electrical appliances and electrical instruments, including radios, computers, and similar items. (Amended 12/20/99)
- N. Information technology, data processing, and computer centers; including computer programming, software development, and training. (Amended 6/2/2008)
- O. Recording Studios. (Amended 10/4/2010)

### **SECTION 16.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 18.

- A. Planned neighborhood shopping centers.
- B. Mini-Warehouses.
- C. Banks, credit unions and savings and loan establishments with drive-through facilities.
- D. Child care centers as an accessory use to the principal use.
- E. Automobile Body Repair Establishments. (Amended 4/15/91)

- F. Commercial fueling stations. (Amended 9/3/91)
- G. Truck repair facilities. (Amended 3/2/92)
- H. Condominium Subdivisions. (Amended 6/20/94)
- I. Commercial Garage. (Amended 5/5/97)
- J. Athletic Facilities. (Amended 12/1/97)
- K. Stadiums/Arenas. (Amended 12/1/97)
- L. Towers. (Amended 4/3/00)
- M. Kennels. (Amended 5/20/2002)
- N. Retail sales and leasing of new and used trucks with gross vehicle weights greater than 10,000 pounds, truck trailers, cranes, excavators, backhoes, forklifts, loaders, and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles, equipment, and parts, inside or outside of an enclosed building. (Amended 1/05/04)
- O. Bulk storage, processing, and wholesale and retail sale of landscape materials, such as barks, mulches, wood chips, stones, topsoil, and other materials. (Amended 5/3/04)
- P. Essential Service, Major Installation. (Amended 2/18/2008)
- Q. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

**SECTION 16.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule C shall be met.
- D. Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.
- F. Living quarters of a watchman or caretaker may be provided on the premises. Such quarters shall meet the minimum floor area requirements of the RD District and meet all setback requirements of Schedule C.
- G. All goods or materials stored outside which are visible from a public road shall be screened by an opaque fence or wall a minimum of six (6) feet in height.

## CHAPTER 17

### GENERAL INDUSTRIAL DISTRICT (I-2)

#### SECTION 17.1.0 INTENT.

It is the intent of this chapter to encourage and facilitate the development of more intensive industrial enterprises in a setting appropriate to such uses. Land conducive to the intent of this district is limited in availability and is therefore primarily restricted to industrial use.

#### SECTION 17.2.0 USES PERMITTED BY RIGHT.

Land and/or buildings may be utilized for the following uses by right in the General Industrial District:

- A. Warehousing, storage or transfer buildings, excluding the storage of bulk petroleum or related products, garbage or rubbish.
- B. Truck terminals, including maintenance and service facilities.
- C. Manufacture, compounding processing, packaging, treating and assembling from previously prepared materials in the production of:
  - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred food products.
  - (2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.
  - (3) Apparel and other finished products made from fabrics, leather, fur, canvas and similar materials.
  - (4) Lumber and wood products, including millwork, prefabricated structural wood products and containers. (Amended 3/2/92)
  - (5) Furniture and fixtures.
  - (6) Paperboard containers, building paper, building board, and bookbinding.
  - (7) Printing and publishing.
  - (8) Chemical products such as pharmaceuticals, plastics, perfumes, synthetic fibers. (Amended 6/2/2008)
  - (9) Manufacturing of engineering, laboratory, medical, optical, scientific, electronic, measuring, and research instruments; and other similar instruments and equipment. (Amended 6/2/2008)
  - (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays and similar manufacturing establishments.
- D. Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.

- E. Research, development, design, testing, technical training, and related activities for industrial scientific, medical, and technological enterprises; including experimental and wet laboratories. (Amended 6/2/2008)
- F. Essential Service, Minor Installation. (Amended 2/18/2008)
- G. Trade and industrial schools.
- H. Tool and die manufacturing establishments.
- I. Central dry-cleaning plants.
- J. General manufacturing, fabrication and assembly operations.
- K. Retail sales incidental to construction contractor's establishments which require a workshop and retail outlet or showroom.
- L. Lumberyards and other building equipment supply establishments.
- M. Information technology, data processing, and computer centers; including computer programming, software development, and training. (Amended 6/2/2008)
- N. Recording Studios. (Amended 10/4/2010)

**SECTION 17.3.0 SPECIAL LAND USES.**

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 18:

- A. Planned neighborhood shopping centers.
- B. Mini-Warehouses
- C. Banks, credit unions and savings and loan establishments with drive-through facilities.
- D. Child Care Centers as an accessory use to the principal use.
- E. Extractive uses.
- F. Salvage yards.
- G. Public or private dumps and sanitary landfills.
- H. Refuse and garbage incinerators.
- I. Scrap Tire Collection Sites and Scrap Tire Processors.
- J. Manufacture of gas, coke or coal tar products.
- K. Manufacture of ammunition, fireworks or other explosives.
- L. Stockyards and slaughterhouses.
- M. Blast furnaces, drop forges, petroleum refining and similar uses.

- N. Commercial fueling stations. (Amended 9/3/91)
- O. Truck repair facilities. (Amended 3/2/92)
- P. Condominium Subdivisions. (Amended 6/20/94)
- Q. Commercial Garage. (Amended 5/5/97)
- R. Vehicle Storage Yard. (Amended 2/2/98)
- S. Athletic Facilities. (Amended 12/1/97)
- T. Stadiums/Arenas. (Amended 12/1/97)
- U. Chemical processes and manufacture. (Amended 3/6/00)
- V. Towers. (Amended 4/3/00)
- W. Kennels. (Amended 5/20/02)
- X. Bulk storage, processing, and wholesale and retail sale of landscape materials, such as barks, mulches, wood chips, stones, topsoil, and other materials. (Amended 6/16/03)
- Y. Retail sales and leasing of new and used trucks with gross vehicle weights greater than 10,000 pounds, truck trailers, cranes, excavators, backhoes, forklifts, loaders, and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles, equipment, and parts, inside or outside of an enclosed building. (Amended 1/05/04)
- Z. Crematory. (Amended 5/16/05)
- AA. Essential Service, Major Installation. (Amended 2/18/2008)
- AB. Large Wind Energy Conversion Systems. (Amended 1/5/2009)
- AC. Recycling Center - Large Collection Facility. (Amended 10/4/2010)

**SECTION 17.4.0 SITE DEVELOPMENT STANDARDS.**

- A. Parking shall be provided in accordance with the requirements of Chapter 22.
- B. Signs shall be regulated in accordance with the requirements of Ordinance 267.
- C. All applicable requirements of Schedule C shall be met.
- D. Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- E. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 3.11.0.
- F. All goods or materials stored outside which are visible from a public road shall be screened by an opaque fence or wall a minimum of six (6) feet in height.

- G. Living quarters of a watchman or caretaker may be provided on the premises. Such quarters shall meet the minimum floor area requirements of the RD District and meet all setback requirements of Schedule C.

## CHAPTER 18

### SPECIAL LAND USES

#### SECTION 18.1.0 INTENT.

The intent of this chapter is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of special problems presented by such uses or their particular location in relation to neighboring properties, require a stricter level of review. Accordingly, these uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

#### SECTION 18.2.0 APPLICATION PROCEDURES. (Amended 2/7/2011)

- A. An application for a special land use permit shall be submitted to the Zoning Administrator on a form provided for that purpose. Each application shall be signed by the property owner and accompanied by a fee as established by the Township Board.
- B. A reproducible mylar copy and a digital PDF format copy of a site plan meeting the requirements of Section 19.4.0 A. (1), (2), (a), excluding contours, (b), (c), (o), (p), and (3) shall be submitted to the Zoning Administrator.

#### SECTION 18.3.0 APPROVAL PROCEDURES.

- A. Following submission of the required application materials, the Planning Commission shall hold a public hearing on all special land use permit requests in accordance with the Michigan Zoning Enabling Act, as amended. Following the public hearing, the Planning Commission shall recommend approval, denial, or approval with conditions of the special land use permit request. The recommendation of the Planning Commission shall be forwarded to the Township Board for their final consideration. (Amended 12/4/2006)
- B. The Planning Commission and Township Board shall hold public hearings on Planned Unit Development (PUD) special land use permit requests in accordance with the Michigan Zoning Enabling Act, as amended.
- C. When reviewing special land use permit requests, the Planning Commission and the Township Board, may require special analyses pertaining to the proposed request. The analyses should note the methodology used and qualifications of the preparer. (Amended 2/7/2011)
- D. Upon approval of an application for a special land use permit, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the approval of the special land use permit are adhered to.

#### SECTION 18.4.0 REVIEW AND APPROVAL OF SPECIAL LAND USES.

- A. General Standards:

Prior to approval of a special land use permit, compliance with the following general standards, in addition to the specific standards noted for individual uses in Sections 18.6.0 through 18.18.0, shall be required. The proposed use or activity shall: (Amended 2/18/02)

- (1) Be compatible and in accordance with the Goals, Objectives and Policies of the Delta Township Comprehensive Plan and promote the Intent of the zoning district in which the use is proposed.
- (2) Be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
- (3) Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities and schools.
- (4) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.

B. Site Plan Review:

Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Chapter 19.

C. Conditions of Approval:

- (1) Prior to granting any special land use permit, the Township Board may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- (2) Such conditions shall be related to and ensure that the review considerations of Section 18.4.0, A (1)-(4) and the applicable regulations of Section 18.5.0 and Sections 18.6.0 through 18.18.0 are met.
- (3) Approval of a special land use, 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 special land use permit is approved.
- (5) A record of the decisions, the reasons for the decisions reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission and the Township Board.
- (6) The Zoning Administrator may make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Township Board and this Ordinance. Non-compliance with the requirements and stipulations pertaining to the special land use permit shall constitute grounds for the Township Board to terminate said approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing and as required by this Ordinance.

D. Validity of Permit:

- (1) In cases where fifty percent (50%) or less of the value of the proposed building/structure on the subject parcel, as determined by the Township Building Official, has not been constructed within two (2) years of issuance of the special land use permit, or within three (3) years if the permit has been extended, the permit shall automatically become null and void and all rights thereunder shall terminate. (Amended 11/19/2007)

- (2) In those cases where there is little or no physical construction associated with the establishment of a use authorized by a special land use permit; and the use has not been commenced within two (2) years of issuance of the special land use permit; and a written application has not been filed as provided in Subsection (3), below; the permit shall automatically become null and void, and all rights thereunder shall terminate. (Amended 11/19/2007)
- (3) Upon written application filed prior to the termination of the two year period, the Township Board may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension. (Amended 11/19/2007)
- (4) Any use for which a special land use permit may be granted shall be deemed a use permitted in the district in which it is located and is not to be considered as a non-conforming use.
- (5) Any use for which a special land use permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned and the special land use permit shall become null and void.

E. Resubmittal:

No application for a special land use permit which has been denied shall be resubmitted for the same parcel for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Township Board. (Amended 2/18/02)

F. Amendments: (Amended 2/7/2011)

- (1) An individual, with an interest in a property which has been granted a special land use permit, may request an amendment to the special land use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment. A major amendment to a special land use permit shall consist of, but need not be limited to, the following actions:
  - (a) the addition of land to the legal description of the original special land use permit;
  - (b) the establishment of another use or uses;
  - (c) the addition 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 a special land use permit shall comply with the application and review procedures contained in this Chapter.
- (3) If the proposed amendment is determined to be a minor amendment and is found to be in compliance with all applicable provisions of this Ordinance, the Zoning Administrator shall approve the amendment. The Zoning Administrator shall maintain a written record of all approved minor amendments to special land use permits.

G. Appeals:

Any person aggrieved by the Township Board in the granting or denial of a special land use permit may appeal to the Circuit Court of Eaton County as provided by law. (Amended 2/18/02)

**SECTION 18.5.0 SPECIAL LAND USE SPECIFIC REQUIREMENTS.**

The general standards and requirements of Section 18.4.0, A, (1)-(4) are basic to all uses authorized by special land use approval. The following sections identify specific requirements which shall be complied with by individual special land uses, in addition to the general standards and requirements of Section 18.4.0, A, (1)-(4).

**SECTION 18.6.0 NATURAL RESOURCES (NR) DISTRICT SPECIAL LAND USES.**

A. Public and semi-public institutional structures and uses.

(1) Such uses shall include the following:

- (a) Institutions for human care including hospitals, clinics, sanatoriums for the treatment of human ailments, nursing or convalescence homes, philanthropic and charitable institutions, half-way houses, and permanent shelters for the homeless. (Amended 3/2/92)
- (b) Religious institutions, including churches or similar places of worship and housing for the clergy.
- (c) Educational institutions including elementary schools, high schools and institutions for higher education.
- (d) Cemeteries.

(2) Parking areas shall be subject to a required front yard setback of thirty-five (35) feet.

(3) Parking lots which abut a residential district or use shall be effectively screened by a buffer strip, wall or fence, as determined by the Planning Commission. It shall be designed so as not to present a safety hazard for vehicles entering or leaving the development.

(4) Principal institutional use buildings and structures shall have a minimum front setback of fifty (50) feet and minimum side and rear setbacks of forty (40) feet. (Amended 3/2/92)

B. Outdoor commercial recreation establishments.

(1) Such uses shall include, but need not be limited to, the following:

- (a) Recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities.
- (b) Miniature golf.
- (c) Swimming pools open to the general public or operated by a private non-profit organization.

- (d) Archery and shooting ranges.
  - (e) Animal racing, go-cart, automobile or motorcycle tracks.
  - (f) Music concert pavilions and bandshells.
  - (g) Amusement parks.
  - (h) Drive-in theaters.
  - (i) Golf courses, driving ranges.
  - (j) Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- (2) The site shall be located on a paved street which is classified as a Local Arterial or greater classification in the Delta Township Comprehensive Plan.
  - (3) No building or spectator seating facility shall be located within one hundred (100) feet of a property line.
  - (4) Exterior lighting shall be installed in such a manner that it is deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.
  - (5) The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
  - (6) Provisions shall be taken, at the discretion of the Planning Commission, to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

C. Marinas, boat launching facilities and similar water related uses and structures.

- (1) Buildings, docks and parking areas shall be located no closer than thirty-five (35) feet to any residential property line.
- (2) Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to such uses, including bait shops, marine fuel sales and similar items are permitted, provided that such uses occupy no more than four hundred (400) square feet of building area.
- (3) Parking spaces shall be provided at a rate of .70 vehicular parking spaces for each boat slip provided on the premises. (Amended 10/2/00)

D. Home occupations.

- (1) The Zoning Administrator shall determine whether or not a use shall be required to obtain a special land use permit in order to operate as a home occupation. If, in the opinion of the Zoning Administrator, the proposed home business activities do not generate traffic to the property, or create noise, dust, vibration, odor, smoke, glare, electrical interference, or fire hazard to a greater extent than normal or substantially increase the use of services such as water, sanitary sewer, storm drainage, or garbage collection, the activities may be conducted within the home without having to obtain a special land use permit for a home occupation. (Amended 9/3/91)

- (2) A home occupation shall only be conducted on the premises of a single family detached dwelling. Home occupations are not permitted within two family or multiple-family dwellings.
- (3) Exterior storage of equipment or accessory items and/or display of materials, goods, or supplies, used in the conduct of the home occupation is prohibited.
- (4) Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on indoors.
- (5) The establishment of a home occupation shall not necessitate exterior modification, except as may be required to accommodate the physically handicapped, or as may be required by the Building Official, to any building on the property.
- (6) A home occupation shall not generate an unduly burdensome amount of traffic for the general area in which it is located. Unless the Township Board stipulates otherwise, the home occupation shall not generate more than ten trips per day, excluding trips generated by the occupants of the home. All parking for vehicles associated with the home occupation shall be provided off the street. The following factors shall be considered when reviewing whether traffic generation is unduly burdensome: (Amended 2/18/02)
  - (a) Is the subject parcel located at the entrance or the interior of a subdivision?
  - (b) Is the subject parcel located on a street consisting of three or more lanes and/or a street with an average two-way 24 hour traffic volume in excess of 10,000 vehicles.
  - (c) Is the proposed home occupation conducted on the basis of appointments or does the traffic peak at certain times of the day?
  - (d) Do the traffic volumes vary on a seasonal basis?
  - (e) Do alternatives exist to generating traffic to the home?
- (7) Home occupations are permitted in both principal and accessory buildings. However, in no case shall more than 400 square feet of gross floor area of the principal and accessory buildings combined be utilized for a home occupation.
- (8) The applicant shall certify that the home occupation will not produce fumes, odors, dust, vibration, noise, smoke, electrical interference, fire hazard or other conditions which might pose a nuisance to adjacent properties.
- (9) The home occupation shall not involve the use or storage of commercial vehicles over one (1) ton in capacity.
- (10) The Township Board may stipulate hours of operation in order to avoid possible disquieting effects from the home occupation to adjacent properties. (Amended 2/18/02)
- (11) A home occupation shall not sell or offer for sale on the premises any article or service which is not produced on the premises.
- (12) Uses which shall be prohibited as home occupations shall include, but shall not be limited to, the following:
  - (a) nursing or convalescent homes.

- (b) antique shops.
- (c) funeral homes.
- (d) medical or dental clinics or hospitals, or animal hospitals.
- (e) child care centers or nursery schools.
- (f) restaurants.
- (g) repair of automobiles, motorcycles, boats, trailers, trucks or similar equipment or vehicles.
- (h) kennels.
- (i) refuse collection businesses.
- (j) food preparation & catering

E. Essential Service, Major Installation. (Amended 2/18/2008)

- (1) Major Essential Service Installations shall be exempt from compliance with the minimum setback, height, lot area, and lot coverage standards for the zoning district in which they are located, however, no portion of any building or structure serving a Major Essential Service Installation shall be located within twenty (20) feet of the property line.
- (2) The Zoning Administrator may require screening of above ground equipment and structures for Major Essential Service Installations.
- (3) Landscaping shall be required for Major Essential Service Installations by the Zoning Administrator.

F. Kennels

- (1) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any adjacent occupied dwelling, residential district property line or any adjacent building used by the general public and shall not be located in any required yard area.
- (2) Parking facilities shall be subject to a required front yard setback of thirty-five (35) feet.

G. Functional family dwellings.

- (1) A dwelling unit occupied by a functional family shall contain a minimum of 125 square feet of living space per person, excluding garages, unenclosed porches and unfinished basements.
- (2) A property occupied by a functional family shall have an off street parking area of sufficient size to accommodate all regularly parked vehicles. For the purpose of this use, a parking space shall be defined as a dust free, gravel or hard surfaced area, not to include lawn areas, a minimum of nine (9) feet in width and twenty (20) feet in length.
- (3) In no case shall more than six (6) persons reside in a dwelling as a functional family. For the purposes of this provision, only one group of two (2) or more persons related by blood, marriage or adoption shall be considered as one (1) person.

H. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)

- (1) Only plant materials or produce which are grown on the premises shall be sold at a U-Cut/Dig Tree Farm or U-Pick Produce Farm.

- (2) Adequate off-street parking shall be provided on-site with safe ingress and egress to the adjacent road. No parking shall be permitted on any adjacent public road and a minimum of two parking spaces per acre of land being harvested by customers shall be provided.
- (3) Trees, nursery stock, and produce that have been previously cut, dug, or picked may be offered for sale on the premises provided they have been grown on the premises.
- (4) Adequate public restroom facilities shall be provided on the premises.
- (5) Appropriate measures shall be implemented on the premises to control dust on all interior access roads.

## I. Towers

- (1) Application Requirements:
  - (a) A site plan, prepared in accordance with Chapter 19, showing the location, size, screening and design of all buildings and structures shall be submitted with the special land use permit application for a tower.
- (2) Exceptions:
  - (a) The following facilities shall be exempt from the tower regulations herein: towers less than 50 ft. in height, citizen band radio antennas, short wave antennas, ham and amateur radio antennas, satellite dishes and personal television receiving antennas.
- (3) Site and Development Requirements:
  - (a) Towers may be considered either a principal or accessory use. An existing use on the same parcel shall not preclude the installation of a tower on said parcel.
  - (b) Towers shall not be required to comply with the minimum lot area, lot width and lot coverage requirements for the district in which they are located.
  - (c) The height of a freestanding tower shall not exceed 200 ft. when located in an RA, RB, RC, RD or RE zoning district.
  - (d) When located in an RA, RB, RC, RD or RE zoning district, the freestanding tower shall be located on the lot such that the distance from the base of the tower to any adjoining property line is a minimum of fifty (50%) percent of the proposed tower height. Freestanding towers in any other zoning district shall not be located within 50 ft. of a property line.
  - (e) Separation
    - (1) A minimum separation distance of 1,000 ft. shall be provided between existing and proposed towers. The separation distance shall be measured by drawing a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. Attached antennas and towers less than fifty (50) feet in height shall be exempt from the separation requirement.
    - (2) A grouping of AM towers, consisting of one or more towers which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer parameter of the

towers included in the AM grouping. Additional towers may be added within the parameter of the AM grouping by right.

- (f) The Township Board may require screening, such as solid fencing, a wall/berm, or landscaping in order to insure compatibility between towers and adjacent properties.
- (g) All towers and antennas shall meet the standards of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the State of Michigan or Federal Government with authority to regulate towers and antennas. The tower/antenna applicants shall submit statements, permits and/or licenses from the applicable agencies attesting to compliance with the applicable standards prior to the issuance of a Certificate of Zoning Compliance by the Zoning Administrator.
- (h) The plans for the tower construction shall be certified by a registered structural engineer. The tower shall be designed to withstand a uniform wind loading as prescribed in the Township's Building Code, as amended.
- (i) The base of the tower, wire cable supports and accessory buildings shall be enclosed with a minimum six foot high chain link fence.
- (j) Towers shall not be artificially lighted unless required by the Federal Aviation Administration. There shall not be any advertising or identification displayed on the tower, except as required for emergency purposes. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (k) All antennas on communication towers shall meet the electromagnetic exposure standards adopted by the Federal Communications Commission.. Documentation shall be submitted to the Zoning Administrator verifying compliance with the FCC standards prior to the issuance of a Certificate of Zoning Compliance.
- (l) When use of a tower or antenna has ceased for 365 continuous days, the property owner or user of the tower or antenna shall immediately notify the zoning administrator and supply him/her with a written plan for the future usage and future maintenance of the grounds and structures.

Failure of the user or property owner to supply the zoning administrator with a plan for the future maintenance, and/or future use of the tower or antenna shall subject the tower or antenna to demolition/removal along with restoration of the grounds to the condition which existed prior to the construction of the tower or antenna. The tower or antenna at this point shall be deemed a public nuisance, and a safety hazard, and will be subject to the Dangerous Buildings Ordinance. Demolition/removal and restoration of the condition of the property to that which existed prior to the construction of the tower or antenna may then proceed in compliance with the Dangerous Building Ordinance. If, after notification of the Township's intent to demolish or remove and restore the tower or antenna pursuant to the Dangerous Buildings Ordinance, the tower or antenna has not been removed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the tower or antenna with its actual costs and reasonable administration charges to be billed directly to the property owner and/or user of the tower or antenna. The property owner or tower/antenna user shall be responsible for demolition, removal, and restoring the condition of the property to that which existed prior to the construction of the tower or antenna, as well as any costs and attorney fees incurred by the Township in securing the removal.

Notwithstanding the requirement of a written plan for future use and maintenance, if at any time the Township should determine that the tower or antenna or its grounds has become a public nuisance or a safety hazard, the tower or antenna and/or its grounds shall be subject to the Township's Dangerous Building Ordinance.

- (m) If co-location is proposed in which the antenna is attached to an existing building, structure, light/utility pole, water tower, the Zoning Administrator shall be responsible for site plan approval and the special land use permit requirement shall be waived.
  - (1) The antenna shall not extend more than thirty (30) feet above the highest point of the structure. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to replace the tower or to accommodate the colocation of an additional antenna. The height change may only occur one time per communication tower.
  - (2) The antenna shall comply with all applicable FCC and FAA regulations.
  - (3) A licensed professional engineer shall certify that the tower can structurally accommodate the number of antennas proposed.

J. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

- (1) Application Requirements:
  - (a) All SLU applications for large WECS shall include a site plan as required by Section 18.2.0 and prepared in accordance with Chapter 19 shall be provided as part of the Special Land Use Permit application, and include the following additional information:
    - (1) Topographic contours at two foot intervals;
    - (2) Location, elevation and height of any proposed tower;
    - (3) Location and dimensions (including height) of all existing structures located on the proposed WECS site;
    - (4) Location and design of all access roads intended to be constructed for access to the WECS site. Access roads for WECS shall be exempt from the requirements of the Township's Private Road Ordinance;
    - (5) Current land use and zoning classification for all adjacent parcels;
    - (6) Location and dimensions (including height) of all existing structures located within 500 feet of any proposed tower location;
    - (7) Location and height of any tree, pole, antennae or other similar structure over thirty-five (35) feet in height within 500 feet of any proposed tower location.
  - (b) The applicant shall submit an Impact Analysis as part of the Special Land Use Permit application, prepared by a registered structural engineer, evaluating the likely impacts of the proposed facility regarding:
    - (1) Anticipated noise and vibration levels at all property lines;
    - (2) Potential impacts on wildlife, including native and migrating birds;

- (3) "Shadow flicker" and glare impacts on all adjacent properties;
  - (4) Radio and/or television interference;
  - (5) Aesthetic impacts of the WECS, especially on adjacent properties.
- (c) Detailed drawings of the structural components of the large WECS, including structures, tower, base, and footings. A registered structural engineer shall certify the drawings and any necessary calculations that the system complies with all applicable local and state building and electrical codes.
- (2) Principal/Accessory Use:
- Large WECS may be considered as either a principal or accessory use. An existing use on the same parcel(s) shall not preclude the installation of a large WECS.
- (3) Site and Development Requirements:
- (a) Large WECS shall maintain a minimum setback of a least two (2) times the tower and blade height from any public road right-of-way line or property line.
  - (b) Large WECS shall maintain a minimum distance of at least the combined tower and blade height from any habitable structure.
  - (c) Large WECS shall be constructed such that the minimum height of the lowest position of the blade is at least thirty (30) feet above the ground.
  - (d) Large WECS shall be exempt from the height restrictions in the zoning district in which it is located.
  - (e) Large WECS and supporting structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted and maintain a neutral color intended to reduce visual obtrusiveness to the greatest extent feasible.
  - (f) Large WECS shall meet the standards of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the State of Michigan or Federal Government with authority to regulate towers and tall structures. The applicant shall submit statements, permits and/or licenses from the applicable agencies attesting to compliance with the applicable standards prior to the issuance of a Certificate of Zoning Compliance by the Zoning Administrator.
  - (g) The towers and other structures associated with a Large WECS shall not be artificially lighted by any means or in any fashion unless required by the Federal Aviation Administration.
  - (h) No advertising or identification may be displayed on any tower, structure, or other component of a large WECS except for safety/emergency purposes as required by this ordinance.
- (4) Safety Measures:
- (a) The large WECS shall be designed and certified by a registered engineer to withstand wind loading and other conditions experienced in severe weather, as required by the Michigan Building Code.

- (b) A registered engineer shall certify that the large WECS is equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- (c) All components of a large WECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the Michigan Building Code and Michigan Electrical Code.
- (d) A registered engineer shall certify that the large WECS is designed and constructed to not cause radio and/or television interference.
- (e) All large WECS facilities shall be equipped with anti-climbing devices and features. No tower climbing apparatus shall be permitted to be located within twelve (12) feet of the ground.
- (f) The base of all large WECS facilities, including towers, wire cable supports, and accessory buildings shall be enclosed by a locked protective chain link fence a minimum six (6) feet in height. The Planning Commission may specify additional fencing requirements relative to the height and type of fencing as deemed necessary.
- (g) All large WECS structures shall be posted with at least one (1) safety/warning sign. The Zoning Administrator shall determine the location and placement of the signs. Each sign shall not exceed two (2) square feet in size, and shall contain the following information:
  1. "Warning: high voltage."
  2. Manufacturer's name.
  3. Operator's name.
  4. Emergency phone number.
  5. Emergency shutdown procedures.

(5) Abandonment:

- (a) Any time a WECS remains non-functional or inoperative for a period of at least 365 continuous days, the owner shall notify the zoning administrator and supply him/her with a written plan for the future usage and future maintenance of the WECS.
- (b) Upon failure of the owner to supply the Zoning Administrator with an acceptable plan for the future maintenance and/or future use of the WECS, the Zoning Administrator shall determine the WECS to be a public nuisance and require the demolition/removal of the WECS along with restoration of the grounds to the condition which existed prior to the construction of the WECS.
- (c) If deemed a public nuisance and a safety hazard, the WECS shall be subject to the Dangerous Buildings Ordinance. Demolition, removal and restoration of the property to the condition that existed prior to the construction of the WECS may then proceed in compliance with the Dangerous Building Ordinance.
- (d) If, after notification of the Township's intent to demolish or remove and restore the WECS pursuant to the Dangerous Buildings Ordinance, the WECS has not been removed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the WECS with the actual costs and reasonable administration charges to be billed directly to the property owner and/or user of the WECS. The property owner or WECS user shall be responsible for demolition, removal, and restoring the condition of the property to that which existed prior to the

construction of the large WECS, as well as any costs and attorney fees incurred by the Township in securing the removal.

- (e) Notwithstanding the requirement of an acceptable written plan for future use and maintenance, if at any time the Zoning Administrator determines that the WECS or its facilities or grounds have become a public nuisance or a safety hazard, the WECS and/or its grounds shall be subject to the Township's Dangerous Building Ordinance.

#### **SECTION 18.7.0 AGRICULTURAL (A-1) DISTRICT SPECIAL LAND USES.**

A. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

B. Outdoor commercial recreation establishments.

Same requirements as Section 18.6.0, B.

C. Extractive uses.

- (1) Trees and other vegetation or ground cover shall not be stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- (2) All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
- (3) Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- (4) The final slopes of the banks of any extractive use shall in no event exceed a slope of 3:1 (3 feet horizontal to 1 foot vertical). Where ponded water results from such use the slope extending into the water shall be maintained to a depth of five (5) feet.
- (5) If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
- (6) If materials are processed on the site, any equipment used in such processing shall not be located closer than five hundred (500) feet from the nearest adjoining parcel not owned by the operator of the use, or closer than three hundred (300) feet from any adjacent road right-of-way.
- (7) Following the termination of an approved extractive use all exposed surfaces shall be seeded or sodded with vegetation that will prevent excessive erosion from wind or water.

D. Public and private sanitary landfills.

- (1) All vehicles used for the transporting of materials from any landfill site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
- (2) Public streets within 1500 feet of the exit of the landfill site shall be kept reasonably clear of mud, dirt and debris and trash deposited from vehicles entering or exiting the site.

- E. Veterinarian establishments, including animal clinics.
  - (1) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district property line or any adjacent building used by the general public and shall not be located in any required yard.
  - (2) All principal use activities shall be conducted within a totally enclosed main building.
  - (3) Parking areas shall be subject to a required front yard setback of thirty-five (35) feet.
  - (4) Parking lots, the nearest edge of which is fifty (50) feet or nearer to a residential district or use, shall be effectively screened by a buffer strip, wall or fence at least three (3) feet above the highest point of the parking lot which it screens. It shall be designed so as not to present a safety hazard for vehicles entering or leaving the site.
  
- F. Bulk feed, seed and fertilizer outlets and distribution centers.
  - (1) Parking areas shall be subject to a required front yard setback of thirty-five (35) feet.
  - (2) Parking lots, the nearest edge of which is fifty (50) feet or nearer to a residential district or use, shall be effectively screened by a buffer strip, wall or fence at least three (3) feet above the highest point of the parking lot which it screens. It shall be designed so as not to present a safety hazard for vehicles entering or leaving the site.
  - (3) Exterior storage of equipment or accessory items, display of materials, goods, or supplies shall not take place within thirty-five (35) feet of the front lot line or in any side or rear yard area.
  
- G. Essential Service, Major Installation. (Amended 2/18/2008).

Same requirements as Section 18.6.0, E.
  
- H. Home occupations.

Same requirements as Section 18.6.0, D.
  
- I. Kennels

Same requirements as Section 18.6.0, F.
  
- J. Functional family dwellings.

Same requirements as Section 18.6.0, G.
  
- K. Intensive livestock operations.
  - (1) Notwithstanding the requirements of Schedule A, intensive livestock operations shall not be conducted on a lot of less than forty (40) acres, except that this requirement may be met by combining contiguous lots.
  - (2) All structures housing or confining livestock shall be located at least two hundred (200) feet from any abutting lot not part of the same operation.
  - (3) No intensive livestock operation shall be approved on any lot which adjoins any district other than the A-1, Agricultural District.

- (4) The applicant shall submit a plan for the disposal of animal waste materials resulting from the intensive livestock operation. Disposal plans shall take into account the impact on adjoining land uses. The Planning Commission, in reviewing the plan, should consider the amount of land area available for disposal and the proximity of residential uses to the disposal areas, if on-site disposal is anticipated.

L. Roadside stands.

- (1) Any structure housing roadside stand activities shall not exceed 400 square feet in floor area.
- (2) When roadside stands involve operations totalling thirty (30) days or more during any one (1) year period, such stands shall be permitted only by annual approval by the Zoning Administrator and issuance of a zoning compliance permit.
- (3) Stands shall be for the expressed purpose of sale of agricultural products grown on the same property or in the immediate vicinity.
- (4) Structures housing roadside stands shall be located a minimum distance of thirty (30) feet from the edge of the street right of way, and no closer than ten (10) feet to any lot line which abuts a residential zone district.
- (5) Adequate off-street parking shall be provided with safe ingress and egress to the adjacent street.

M. Agricultural processing operations.

- (1) All structures in which the processing of agricultural products is conducted shall be located at least two hundred (200) feet from any abutting lot line not under the same ownership of the operator.
- (2) Waste products from the processing operation shall be stored and disposed of in a safe, sanitary manner. Adequate provision for the disposal of waste water shall also be made.

N. Group child care homes. (Amended 7/6/2010)

- (1) The lot or parcel on which such use is located shall not be located closer than 1,500 feet, as measured along a street or road open to the public for vehicular traffic, to any of the following:
  - (a) another licensed group child care home.
  - (b) an adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended.
  - (c) a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article Six (6) of the Public Health Code, 1978 PA 368, as amended.
  - (d) a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- (2) The property shall be maintained consistent with the visible characteristics of the neighborhood.

- (3) The hours of operation of the use shall be limited to sixteen (16) hours per twenty-four (24) hour day. The Township may limit, but not prohibit the operation of Group Child Care Homes, between the hours of 10 p.m. and 6 a.m.
- (4) The use shall be licensed by the State of Michigan.

O. Bed and breakfast establishments.

- (1) The bed and breakfast establishment, if not served by public water and sanitary sewer service, shall be limited to four sleeping rooms for rent.
- (2) No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest property lines.
- (3) Such uses shall only be established in single family dwellings.
- (4) One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
- (5) Kitchen facilities are allowed as approved by the appropriate Township, County and State agencies.
- (6) Additions or modifications to a structure for the purpose of accommodating additional guests shall be prohibited. Physical modifications to the structure may be permitted including, but not limited to, the provision of barrier free access in order to meet building code requirements.
- (7) Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
- (8) Only one sign shall be allowed for identification purposes. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building, and not exceed four (4) square feet in area.
- (9) The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the operator, who shall live on the premises while the operation is active.
- (10) Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, etc.
- (11) Meals shall be served only to residents, employees, family members and overnight guests.

P. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)

Same requirements as Section 18.6.0 H.

Q. Foster care group homes. (Amended 6/19/95 & 4/3/00)

(1) In order to prevent overcrowding, a dwelling unit occupied as a foster care group home shall contain a minimum of 1,200 square feet of living space. Garages, unenclosed porches, and unfinished basements shall not be included as living space.

(2) Adequate off-street parking shall be provided on the premises to accommodate all regularly parked vehicles.

(3) The lot or parcel on which such use is located shall not be located closer than 500 feet to any of the following:

(a) another foster care group home licensed by the Michigan Family Independence Agency.

(b) a group child care home.

(c) a facility offering substance abuse treatment and rehabilitation services to 7 or more persons, licensed by the Michigan Office of Substance Abuse Services.

(d) a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Dept. of Corrections.

R. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

S. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.8.0 AGRICULTURAL/RESIDENTIAL (A-2) DISTRICT SPECIAL LAND USES.**

A. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

B. Outdoor commercial recreation establishments.

Same requirements as Section 18.6.0, B.

C. Extractive uses.

Same requirements as Section 18.7.0, C.

D. Public and private sanitary landfills.

Same requirements as Section 18.7.0, D.

- E. Veterinarian establishments, including animal clinics.  
Same requirements as Section 18.7.0, E.
- F. Bulk feed, seed and fertilizer outlets and distribution centers.  
Same requirements as Section 18.7.0, F.
- G. Essential Service, Major Installation. (Amended 2/18/2008)  
Same requirements as Section 18.6.0, E.
- H. Home occupations.  
Same requirements as Section 18.6.0, D.
- I. Kennels  
Same requirements as Section 18.6.0, F.
- J. Functional family dwellings.  
Same requirements as Section 18.6.0, G.
- K. Roadside stands.  
Same requirements as Section 18.7.0, L.
- L. Agricultural processing operations.  
Same requirements as Section 18.7.0, M.
- M. Group child care homes.  
Same requirements as Section 18.7.0, N.
- N. Bed and breakfast establishments.  
Same requirements as Section 18.7.0, O.
- O. U-cut/dig tree and U-pick produce farms. (Amended 9/3/91)  
Same requirements as Section 18.6.0, H.
- P. Foster care group homes. (Amended 6/19/95)  
Same requirements as Section 18.7.0, Q.

Q. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

R. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.9.0 VERY LOW DENSITY RESIDENTIAL (RA) DISTRICT SPECIAL LAND USES.**

A. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

B. Golf courses, public and private.

(1) The site shall be located on a paved street which is classified as a Local Arterial or higher classification in the Delta Township Comprehensive Plan.

(2) No building or spectator seating facility shall be located within one hundred (100) feet of a property line.

(3) Exterior lighting shall be installed in such a manner that it is deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.

(4) The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

(5) Provisions shall be taken, at the discretion of the Planning Commission, to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

C. Home occupations.

Same requirements as Section 18.6.0, D.

D. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

E. Kennels.

(1) Same requirement as Section 18.6.0, F(1).

(2) Parking lots, the nearest edge of which is fifty (50) feet or nearer to a residential district or use shall be effectively screened by a buffer strip, wall or fence at least three feet above the highest point of the parking lot which it screens. It shall be designed so as not to present a safety hazard for vehicles entering or leaving the site.

(3) No parking shall be located within the required front setback.

F. Functional family dwellings.

Same requirements as Section 18.6.0, G.

G. Bed and breakfast establishments.

Same requirements as Section 18.7.0, O.

H. Group child care homes.

Same requirements as Section 18.7.0, N.

I. Condominium subdivisions.

- (1) All condominium units, including single family detached units, shall comply with the applicable site development standards contained in Schedules A, B, C, D and E of this ordinance.
- (2) The condominium subdivision shall comply with the provisions in Section 3.3.0 pertaining to potable water supply and waste disposal facilities and to the provisions of Section 3.2.0 pertaining to private roads.
- (3) The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
- (4) In addition to the materials required by Section 18.2.0, the special land use permit application for a condominium subdivision shall include a condominium subdivision plan containing the following information:
  - (a) A project description which describes the nature and intent of the proposed subdivision.
  - (b) A survey plan of the condominium subdivision.
  - (c) A site plan showing the location, size, shape, area and width of all condominium units.
  - (d) If applicable, a utility plan showing all sanitary sewer and water lines and easements granted to the Township for installation, repair and maintenance of all utilities.
  - (e) Identification of any portions of the condominium subdivision within or abutting a flood plain.
  - (f) A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
  - (g) A storm drainage and stormwater management plan, including all conduits, swales, drains, detention basins, and other facilities.
  - (h) A description of the common elements of the condominium subdivision as will be contained in the master deed.
  - (i) Proposed use and occupancy restrictions as will be contained in the master deed.
- (5) All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any

proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to a special land use permit, subject to the procedures of Sections 18.2.0, 18.3.0, and 18.4.0 herein.

- (6) All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:
  - (a) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  - (b) All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
  - (c) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets with the boundaries of the subdivision and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
  - (d) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the subdivision and referenced to the true point.
  - (e) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
  - (f) All required monuments shall be placed flush with the ground where practicable.
  - (g) All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other approved markers.
  - (h) The Township Board of the Charter Township of Delta may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- (7) All streets, either public or private, within a condominium subdivision, shall be constructed to at least the minimum requirements of the Eaton County Road Commission's construction standards. The minimum width of the public street easement and the location of the street and required sidewalks within this easement shall be as determined by the Eaton County Road Commission. The minimum width of the private street easement shall be forty (40) feet, and the street shall be located within the easement such that a five (5) foot wide sidewalk can be constructed along at least one side of the street entirely within the easement with a minimum separation of five (5) feet between the street edge (or back of curb) and the sidewalk edge. The width of the private street

easement shall be expanded to meet this minimum street/sidewalk separation requirement as necessary, or to accommodate sidewalks on both sides of the private street, if desired. (Amended 2/18/2008)

J. Foster care group homes. (Amended 6/19/95)

Same requirements as Section 18.7.0, Q.

K. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

L. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.10.0 LOW DENSITY RESIDENTIAL (RB) DISTRICT SPECIAL LAND USES.**

A. Planned unit developments.

(1) The following uses shall be permitted within Planned Unit Developments. Those uses noted below which are required to receive special land use approval in any district shall be required to meet the special land use specific requirements of this Chapter.

- (a) Single-family detached dwellings.
- (b) Two-family dwellings.
- (c) Public and semi-public institutional structures and uses.
- (d) Group child care homes.
- (e) Child care centers.

(2) The minimum site area for a PUD shall be ten (10) contiguous acres. This minimum site area requirement shall be interpreted as the site area required for the PUD as a whole and not the lot area required for each particular structure placed within the PUD.

(3) Utility provisions:

- (a) The PUD shall provide for underground installation of all utilities.
- (b) A special land use permit for a planned unit development shall not be granted unless public water and sanitary sewer service is provided to the development.
- (c) Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.

(4) Circulation System:

- (a) The arrangement of pedestrian and vehicular circulation systems shall be coordinated with other existing or planned streets in the area.

- (b) When designated in the Comprehensive Plan, streets and rights-of-way within the PUD shall be dedicated to public use and constructed according to Eaton County Road Commission standards.
  - (c) The Township Board, upon the recommendation of the Planning Commission, may require a pedestrian circulation system within a PUD.
  - (d) All streets within the PUD shall be constructed to public street standards and dedicated for public use unless the Township Board, upon the recommendation of the Planning Commission, determines that private roads are permissible. In making such determination the Township Board and Planning Commission shall consider the following factors:
    - 1. the amount of traffic expected to use the street;
    - 2. existing topography and vegetation which may affect the grade or route of the street;
    - 3. interrelationship of the surrounding street network with regard to traffic circulation and police and fire access.
  - (e) All streets designated as private roads shall comply with the applicable provisions of Section 3.2.0. In addition, all PUD site plans shall indicate when private roads are to be utilized. A road cross section, illustrating the design standards which are to be utilized in the construction of the private road, and private road rights-of-way shall be delineated on or submitted within PUD site plans. The minimum width of a private road easement shall be forty (40) feet. The minimum width of private roads within PUDs shall be thirty (30) feet measured from edge to edge. The road shall be located within the easement such that a five (5) foot wide sidewalk can be constructed along at least one side of the road entirely within the easement with a minimum separation of five (5) feet between the road edge (or back of curb) and the sidewalk edge. The width of the private road easement shall be expanded to meet this minimum road/sidewalk separation requirement as necessary, or to accommodate sidewalks on both sides of the private road, if desired. (Amended 2/18/2008)
- (5) Required Common Open Spaces:
- (a) The minimum required area of common open space within a PUD shall be fifteen (15) percent (%) of the gross lot area, exclusive of any existing public right-of-way, of the PUD.
  - (b) Areas within twenty (20) feet of a building shall not be considered as common open space.
  - (c) Common open space areas may be located within a 100-year flood plain.
  - (d) Open space areas shall consist of a minimum of 4,000 square feet of contiguous area and shall not have any dimension less than fifteen (15) feet.
  - (e) Planned unit development open space areas which are designated on the final site plan shall be preserved and maintained pursuant to Section 18.10.0, A, (9) herein.
  - (f) Open space areas shall be separate and distinct from area included within buildable lot boundaries.

- (6) Site Development Standards: Minimum lot area, minimum lot width, minimum required setbacks for principal buildings, maximum building height and minimum floor area requirements for dwelling units shall be determined in accordance with Schedule F.
- (7) Permitted Residential Density: Permitted dwelling unit density in planned unit developments shall be determined in accordance with the Base Residential Density as specified in Schedule F, as adjusted by any density increase permitted by Sec. 18.10.0, A, (8).
- (8) Density Increases: Permitted dwelling unit density in planned unit developments may be increased above the Base Residential Density as provided in Schedule F, when compensated for by use of one or more of the following techniques:
  - (a) Open Space Preservation: A density increase shall be granted to an applicant for the preservation and maintenance of open space areas, in accordance with the following requirements:
    - 1. The open space area shall comply with the criteria contained in Sec. 18.10.0, A (5).
    - 2. Common open space provided in order to comply with the requirements of Sec. 18.10.0, A (5)(a) shall not apply toward calculation of a permitted density increase.
    - 3. Open space areas for which a density increase is granted shall be subject to the preservation and maintenance requirements of Sec. 18.10.0, A (9).
  - (b) Public Use Dedication:

A density increase shall be granted to an applicant for the dedication of land to the Township, public utility or other governmental body for public use, in accordance with the following standards:

    - 1. The dedication of land shall be necessary for the furnishing of adequate services by the Township, public utilities or other governmental agencies.
    - 2. The dedication of land shall address a demonstrated public need, such as needs for additional park land as identified in the Delta Township Parks and Recreation Open Space Plan, the provision of public utilities, public roads, fire protection or other public services.
  - (c) The density increase permitted shall be determined based on the total percentage of the gross lot area, exclusive of any existing public right-of-way, of the PUD which is designated as open space or dedicated for public use, in accordance with the following schedule:

<u>Percent of Gross Lot Area in Designated Open Space* or Dedicated for Public Use:</u>	<u>Percent Increase in Density Permitted:</u>
less than 10%	0%
10% to 11.99%	16%
12% to 13.99%	19%
14% to 15.99%	22%
16% to 17.99%	25%
18% to 19.99%	28%
20% to 21.99%	31%
22% to 23.99%	34%
24% and over	38%

\*In addition to the 15% required under Section 18.10.0 A, (5)(a).

- (d) In the event that dwelling unit densities resulting from the application of the density increase provisions of paragraph (c) above exceed the maximum residential density as specified in Schedule F, the provisions of Schedule F shall apply.
  - (e) Dwelling unit density calculations shall be based on the net buildable lot area of the PUD, as defined in Chapter 2 of this Ordinance.
- (9) Preservation and Maintenance of Open Space or Other Required Areas:
- (a) Prior to final site plan approval for the planned unit development, an open space agreement shall be provided to the Township Board by the applicant of the project. The open space agreement shall comply with the terms and conditions of the special land use permit which authorizes such development.
  - (b) The agreement shall include:
    1. a legal description and map depicting lands within the project area.
    2. a legal description and map depicting lands to be retained as "common open space" as per Section 18.10.0 A, (5)(a) herein
    3. a legal description and map depicting lands for which the developer wishes to obtain a density increase as per Section 18.10.0 A, (8) herein.
    4. a plan for permanent maintenance of the proposed common or other open space(s).
  - (c) Prior to the issuance of a building permit for any portion of the planned unit development the Township Clerk shall cause the open space agreement to be recorded at the office of the Eaton County Register of Deeds. The agreement shall be binding upon Delta Township, the grantor-developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area.
- (10) Approval Procedures:
- (a) Upon submission of a special land use permit application for a PUD, the applicant shall submit a site plan meeting the requirements of Chapter 19. Final site plans may be submitted for portions of the PUD.
  - (b) The Planning Commission shall review the special land use permit application for the PUD and recommend to the Township Board approval, approval with conditions or

denial of the application and site plan. The recommendation shall state the reasons for the decision reached.

- (c) Following receipt of the Planning Commission's recommendation pertaining to the PUD request, the Township Board of Trustees shall hold a public hearing on the request. Within forty (40) days of the public hearing, the Board shall approve, approve with conditions, or deny the PUD request unless the applicant and the Board agree to an extension of time, which shall be specified in the minutes. The Board shall prepare a report stating its conclusions regarding the PUD request, the basis for its decision and any conditions relating to an affirmative decision.

(11) Status of Prior Approved Planned Unit Developments or Planned Unit Residential Developments:

- (a) Any Planned Unit Development or Planned Unit Residential Development which was authorized by the granting of a conditional use permit prior to the effective date of this Ordinance shall be a permitted use. Such use shall not be considered a non-conforming use subject to the provisions of Chapter 23 herein. Prior authorized PUD's or PURD's shall be developed in compliance with the Delta Township Zoning Ordinance in effect at the time the conditional use permit for the PUD or PURD was approved by the Board of Trustees.

B. Condominium subdivisions.

Same requirements as Section 18.9.0, I.

C. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

D. Home occupations.

Same requirements as Section 18.6.0, D.

E. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

F. Functional family dwellings.

Same requirements as Section 18.6.0, G.

G. Bed and breakfast establishments.

Same requirements as Section 18.7.0, O.

H. Group child care homes.

Same requirements as Section 18.7.0, N.

I. Golf courses, public and private.

Same requirements as Section 18.9.0, B.

J. Child care centers. (Amended 3/2/92)

- (1) The minimum lot area shall be twenty thousand (20,000) square feet.
- (2) The child care center shall be served by public sewer and water service.
- (3) A drop-off/pick-up area shall be provided for motorists off of the public street.
- (4) There shall be a contiguous open space of a minimum of 5,000 square feet provided on the subject parcel. Said open space shall not be located within a required front setback area. This requirement may be waived by the Zoning Administrator if public open space is available within five hundred (500) feet of the subject parcel.
- (5) The child care center shall be properly licensed by the Michigan Department of Social Services.
- (6) Child Care Centers shall comply with the minimum building setbacks specified for principal buildings in the zoning district in which the Child Care Center is located. In order to protect the quiet enjoyment of neighboring residents, the Planning Commission may impose greater setbacks than the minimum specified in those instances where the Child Care Center would be located adjacent to single family dwellings.

K. Foster care group homes. (Amended 6/19/95)

Same requirements as Section 18.7.0, Q.

L. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

M. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.11.0 MODERATE DENSITY RESIDENTIAL DISTRICT (RC) SPECIAL LAND USES.**

A. Planned unit developments.

1. Same requirements as Section 18.10.0, A.

2. Single family attached dwellings up to a maximum of six (6) dwellings per building.

B. Condominium subdivisions.

Same requirements as Section 18.9.0, I.

C. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

D. Home occupations.

Same requirements as Section 18.6.0, D.

- E. Essential Service, Major Installation. (Amended 2/18/2008)  
Same requirements as Section 18.6.0, E.
- F. Functional family dwellings.  
Same requirements as Section 18.6.0, G.
- G. Group child care homes.  
Same requirements as Section 18.7.0, N.
- H. Child care centers. (Amended 3/2/92)  
Same requirements as Section 18.10.0 J.
- I. Two-family dwellings.  
Requirements contained within Schedule B.
- J. Multiple family dwellings.
  - 1. Requiements contained within Schedule B.
  - 2. No more than four (4) dwelling units shall be permitted within a single or continuous building.
- K. Golf courses, public and private.  
Same requirements as Section 18.9.0, B.
- L. Foster care group homes. (Amended 6/19/95)  
Same requirements as Section 18.7.0, Q.
- M. Towers. (Amended 4/3/00)  
Same requirements as Section 18.6.0, I.
- N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)  
Same requirements as Section 18.6.0(J).

**SECTION 18.12.0 MEDIUM DENSITY RESIDENTIAL DISTRICT (RD) SPECIAL LAND USES.**

- A. Planned unit developments.
  - (1) The following uses shall be permitted within Planned Unit Developments:
    - (a) Single Family dwellings.
    - (b) Two-Family (Duplex) dwellings.
    - (c) Multiple-family dwellings.

- (d) Public and semi-public institutional structures and uses.
  - (e) Group child care homes.
  - (f) Child care centers.
  - (g) Any Permitted Use in the O-Office District or the B-1 Local Service Commercial District.
  - (h) Manufactured/mobile home parks.
    - 1. When mobile home parks are located within a planned unit development, they shall be required to obtain a separate special land use permit in accordance with the requirements of this Chapter, except that the minimum site size requirement shall be ten (10) contiguous acres.
    - (2) Same requirements as Section 18.10.0, A, (2)-(11).
    - (3) In any PUD, commercial and/or office uses shall not be constructed or established until 35 percent of all proposed dwelling units approved in the final site plan for the entire PUD or any portion thereof, are available for occupancy.
    - (4) Commercial and/or office uses shall not exceed ten percent (10%) of the gross site area of the proposed PUD site, except where the PUD gross site area exceeds 160 acres, in which case, a maximum of fifteen percent (15%) may be allowed.
- B. Public and semi-public institutional structures and uses.
- Same requirements as Section 18.6.0, A.
- C. Essential Service, Major Installation. (Amended 2/18/2008)
- Same requirements as Section 18.6.0, E.
- D. Functional family dwellings.
- Same requirements as Section 18.6.0, G.
- E. Group child care homes.
- Same requirements as Section 18.7.0, N.
- F. Child care centers.
- Same requirements as Section 18.11.0, H.
- G. Golf courses, public and private.
- Same requirements as Section 18.9.0, B.
- H. Mobile Home Parks.
- (1) The following uses may be permitted within mobile home parks.
    - (a) Mobile/manufactured homes.

- (b) One (1) office building to be used exclusively for conducting the business operations of the mobile home park.
  - (c) Recreation areas, community buildings, playgrounds and open space areas.
  - (d) Utility buildings for laundry facilities, including laundromats, and auxiliary storage space.
  - (e) Such additional accessory buildings and uses as are customarily incidental to mobile home parks.
  - (f) Child care centers developed in accordance with the requirements of Section 18.10.0, I.
- (2) Site plan standards:
- (a) The site shall have access to or be connected by a permanent easement to a Collector or Arterial street as designated in the Delta Township's Comprehensive Plan.
  - (b) The minimum size for a mobile home park shall be twenty (20) contiguous acres exclusive of public road rights-of-way.
  - (c) All mobile home parks shall provide for underground installation of all utilities.
  - (d) Mobile home parks shall be served by public water and sanitary sewer service.
- (3) Mobile home site standards:
- (a) Seventy five percent (75%) of all mobile home sites shall have a minimum area of at least 5,500 square feet and a minimum lot width of fifty (50) feet. Twenty five percent (25%) of all mobile home sites shall have a minimum area of at least 4,500 square feet and a minimum lot width of forty (40) feet.
- (4) Mobile home standards:
- (a) All mobile homes which are placed on lots within mobile home parks shall be required to have U.S. Department of Housing and Urban Development (HUD) mobile home certification.
  - (b) All mobile homes placed within mobile home parks shall have a minimum of 720 square feet of floor area exclusive of garage, basement or porch.
  - (c) Prior to occupancy, the mobile home shall be connected to a public sanitary sewer and public water supply.
  - (d) All mobile homes, and additions thereto, are required to obtain a Township building permit prior to placement on a lot.
  - (e) Skirting shall be installed around the entire periphery of a mobile home.
- (5) Streets and parking:
- (a) All one-way roads within a mobile home park shall have a minimum width of eighteen (18) feet, with no parking permitted on the roadway.

- (b) All two-way roads within a mobile home park shall have a minimum width of twenty-four (24) feet, with no parking on the roadway.
  - (c) Parking shall be permitted on the roadway if the minimum road width is extended an additional six (6) feet on each side of the street on which parking is to be permitted.
- (6) Open Space:
- (a) At least one open space area shall contain an area which is not less than 10,000 contiguous square feet.
  - (b) In order to be eligible as an open space area, a site shall be at least fifteen (15) feet in every dimension and shall contain not less than 500 contiguous square feet.
  - (c) Open space areas shall not include existing or proposed street rights-of-way, parking areas, mobile homes, mobile home lots, or non-recreational buildings.
  - (d) Open space areas may be located within the 100-year flood plain.
- (7) Variances granted:
- (a) If the Delta Township Zoning Board of Appeals grants a variance, as per Chapter 23 herein, which is contrary to the State of Michigan minimum design and construction standards the Township shall notify the appropriate State agencies within fifteen (15) days of the granting of the variance.

I. Condominium Subdivisions.

Same requirements as Section 18.9.0, I.

J. Fraternities and Sororities. (Amended 3/2/92)

- (1) One parking space for each two occupants calculated on the designed capacity of the building shall be provided on the site.
- (2) Front yard parking shall be prohibited.

K. Foster care group homes. (Amended 6/19/95)

Same requirements as Section 18.7.0, Q.

L. Athletic facilities. (Amended 12/1/97)

- (1) The site shall be served by public water and sanitary sewers and adequate storm drainage facilities.
- (2) Specific setbacks may be stipulated by the Township Board for the building(s) and outdoor play fields, outdoor swimming pools & tennis courts, etc. in order to avoid disquieting affects on neighboring properties.
- (3) A traffic impact study may be required as per the provisions of Chapter 27 herein.

M. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.13.0 HIGH DENSITY RESIDENTIAL (RE) DISTRICT SPECIAL LAND USES.**

A. Planned unit developments.

Same requirements as Section 18.12.0, A.

B. Public and semi-public institutional structures and uses.

Same requirements as Section 18.6.0, A.

C. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

D. Mobile home parks.

Same requirements as Section 18.12.0, H.

E. Functional family dwellings.

Same requirements as Section 18.6.0, G.

F. Group child care homes.

Same requirements as Section 18.7.0, N.

G. Child care centers.

Same requirements as Section 18.10.0, J.

H. Foster care group homes. (Amended 6/19/95)

Same requirements as Section 18.7.0, Q.

I. Golf courses, public and private.

Same requirements as Section 18.9.0, B.

J. Condominium Subdivisions.

Same requirements as Section 18.9.0, I.

K. Fraternities and Sororities. (Amended 3/2/92)

Same requirements as Section 18.12.0, J.

- L. Athletic facilities. (Amended 12/1/97)  
Same requirements as Section 18.12.0, L.
- M. Towers. (Amended 4/3/00)  
Same requirements as Section 18.6.0, I.
- N. Large Wind Energy Conversion Systems. (Amended 1/5/2009)  
Same requirements as Section 18.6.0(J).

**SECTION 18.14.0 OFFICE (O) DISTRICT SPECIAL LAND USES.**

- A. Hotels and motels. (Amended 8/16/99)
- B. Essential Service, Major Installation. (Amended 2/18/2008)  
Same requirements as Section 18.6.0, E.
- C. Public and semi-public institutional structures and uses.  
Same requirements as Section 18.6.0, A.
- D. Restaurants, not including drive through facilities.
- E. Banks, credit unions and savings and loan establishments, including drive through facilities.
  - (1) Sufficient stacking capacity for the drive through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each outdoor teller operation, whether personal or automatic, shall be provided.
- F. Private clubs and meeting halls for non-profit organizations.
  - (1) Retail sales to members and guests may be permitted provided that no externally visible evidence of such activity exists.
- G. Child care centers.  
Same requirements as Section 18.11.0, H.
- H. Condominium subdivisions.  
Same requirements as Section 18.9.0, I.
- I. Athletic facilities. (Amended 12/1/97)  
Same requirements as Section 18.12.0, L.
- J. Towers. (Amended 4/3/00)  
Same requirements as Section 18.6.0, I.

K. High-Rise Buildings. (Amended 12/4/2006)

- (1) The maximum building height may be increased by one (1) foot for each two (2) feet of additional front, side, and rear setback provided, over and above the minimum setback required, to a maximum height of one hundred (100) feet. If the subject parcel abuts an RA, RB, RC, RD, or RE zoning district, the additional setback shall be added onto the minimum forty (40) foot distance specified in Schedule D.
- (2) The subject parcel must abut the right of way of I-96, I-496, or I-69 to qualify for a building height increase above what is permitted in Schedule C.

L. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

**SECTION 18.15.0 LOCAL SERVICE COMMERCIAL (B-1) DISTRICT SPECIAL LAND USES.**

A. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

B. Automobile service stations and repair establishments.

- (1) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- (2) Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height.
- (3) There shall be no storage of loose body parts, trash, tires, supplies or equipment outside of an enclosed building.
- (4) If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
- (5) Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above grade.
- (6) Ancillary services and equipment (e.g., air, vacuums, water, propane, telephone, and vending machines, etc.) shall not be located within the required front setback area(s), and shall be situated on the site in a manner that does not impede vehicular traffic. (Amended 7/15/2013)

C. Restaurants including drive through facilities. (Amended 8/4/03)

- (1) Sufficient stacking capacity for the drive through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive through facility.

D. Outdoor commercial recreation establishments.

Same requirements as Section 18.6.0, B.

E. Automobile wash establishments.

- (1) A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self service washes at least two (2) stacking spaces per stall for the entrance and one (1) space at the exit shall be provided . (Amended 10/2/00)
- (2) Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any Residential District lot line or residential use. Wash bays for self service washes shall be located at least fifty (50) feet from any Residential District lot line or residential use.
- (3) Should self service wash bays be located with openings parallel to an adjacent street, they shall be screened or buffered as required by the Planning Commission.
- (4) Ancillary services and equipment (e.g., aire, vacuums, water, propane, telephone, and vending machines, etc.) shall not be located within the required front setback area(s), and shall be situated on the site in a manner that does not impede vehicular traffic. (Amended 7/15/2013)

F. Banks, credit unions and savings and loan establishments including drive through facilities.

Same requirements as Section 18.14.0, E.

G. Child care centers.

Same requirements as Section 18.10.0, J.

H. Automobile Body Repair Establishments. (Amended 4/15/91)

Same requirments as Section 18.15.0, B.

I. Condominium Subdivisions. (Amended 6/20/94)

Same requirements as Section 18.9.0, I.

J. Commercial Garage. (Amended 5/5/97)

- (1) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as repair hoses, shall be kept within an enclosed building.
- (2) Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height.
- (3) There shall be no storage of trash, tires, supplies or equipment outside of an enclosed building.
- (4) Ancillary services and equipment (e.g., aire, vacuums, water, propane, telephone, and vending machines, etc.) shall not be located within the required front setback area(s), and shall be situated on the site in a manner that does not impede vehicular traffic. (Amended 7/15/2013)

K. Public and semi-public institutional structures and uses. (Amended 12/1/97)

Same requirements as Section 18.6.0, A.

L. Athletic facilities. (Amended 12/1/97)

Same requirements as Section 18.12.0, L.

M. Stadiums/Arenas. (Amended 12/1/97)

- (1) The site shall be served by public water and sanitary sewers and adequate storm drainage facilities.
- (2) No portion of the stadium or spectator seating shall be located within one hundred (100) feet of a property line.
- (3) Exterior lighting shall be installed in such a manner that it is deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.
- (4) The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- (5) Provisions shall be taken, at the discretion of the Township Board, to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.
- (6) A traffic impact study shall be prepared as per Chapter 27 herein.
- (7) The site shall be accessed via a county class A, all season roadway.

N. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

O. Drive-Thru Businesses. (Amended 10/2/00)

- (1) A minimum of three (3) stacking spaces for the drive-thru window shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-thru facility.

P. Commercial Redevelopment Special Land Use (CR-SLU). (Amended 1/3/05)

- (1) *Intent:* The purpose of the Commercial Redevelopment Special Land Use (CR-SLU) is to encourage the use, reuse, improvement, and redevelopment of existing nonconforming sites and buildings in a manner that permits flexibility in the regulation of land development, maintains compatibility with surrounding uses, and provides adequate protections and safeguards for the site and surrounding area. The CR-SLU is intended to accommodate developments on properties that are typified by smaller nonconforming, and/or oddly dimensioned lots of record, older buildings, and nonconforming buildings and structures, which may exhibit difficult or costly development or redevelopment problems.
- (2) *Applicability:* Properties to be considered for the CR-SLU shall meet all of the following criteria:
  - (a) The parcel shall have frontage on West Saginaw Highway and be located between Waverly Road and Elmwood Road.
  - (b) The parcel must have been originally created prior to 1974.
  - (c) The parcel must be a legal nonconforming lot of record, or the existing principal development on the parcel must be legally nonconforming.

- (d) The parcel cannot be reasonably improved or redeveloped in compliance with the standard site development regulations for the B-1 zoning district.
  - (e) The CR-SLU shall not be allowed where it is sought primarily to avoid the imposition of the standard development regulations prescribed for the B1 zoning district. The CR-SLU is not intended as a substitute for the variance procedure contained in Chapter 23, herein.
- (3) *Permitted Uses:* All uses permitted by-right and by Special Land Use Permit within the B-1 zoning district shall also be permitted in conjunction with the CR-SLU. Additional Special Land Uses on a parcel shall be required to meet the Special Land Use specific requirements contained in this Chapter, and shall be required to obtain a separate Special Land Use Permit. Only one application fee shall be charged for multiple Special Land Use Permit applications that are filed concurrently with the CR-SLU application for the same parcel.
- (4) *Site Development Standards:* All site development standards pertaining to the B-1 zoning district shall apply with the exception of the following:
- (a) *Front Setback:* The minimum required primary front setback shall be fifty (50) feet. Where the front setback for existing principal buildings on commercially zoned properties within 300 feet of the subject parcel is less than fifty (50) feet, the minimum front setback for a proposed building shall be the average front setback of existing principal buildings on the same side of the street within 300 feet of the side yard property line(s) of the proposed building site. There shall be a minimum of two (2) existing commercially zoned buildings on the same side of the street within 300 feet of the side yard property line(s) of the proposed building site in order to establish an average front setback, otherwise the minimum front setback of fifty (50) feet shall apply. In no case shall the minimum required front setback be less than forty (40) feet.
  - (b) *Rear Setback:* The minimum required rear setback shall be twenty (20) feet. In those instances where the rear property line of the subject parcel abuts residentially zoned land, the minimum required rear setback shall be thirty (30) feet.
  - (c) *Greenbelt Width:* The minimum required greenbelt width shall not be less than eight (8) feet.
  - (d) *Buffer Zone Width and Screening:* In those instances where the subject parcel is adjacent to residentially zoned land, the minimum required buffer zone width shall be ten (10) feet, regardless of the type of adjacent residential zone. Required plantings and screening within the buffer zone shall be as specified for Buffer Zone Level C in Chapter 20, herein. In order to insure compatibility with any adjacent residential uses, a masonry wall a minimum of six (6) feet in height may be required to be erected within the greenbelt in lieu of, or in addition to the required landscaping, at the discretion of the Township Board.
  - (e) *Required Parking:* A ten percent (10%) reduction in the total number of parking spaces may be allowed from the minimum number of spaces prescribed by Chapter 22, herein.
  - (f) *Maximum Lot Coverage:* Building coverage may not exceed fifty percent (50%) of the net lot area.
- (5) Additional site development and/or operational conditions or limitations may be imposed by the Township Board, to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties; or in its judgment may be necessary for the protection of the public interest. Such conditions or limitations may include, but are not be limited to, the

requirement of additional landscaping and/or screening; the limitation of on-site lighting fixture types, locations and heights; the implementation of vehicular and pedestrian access and on-site circulation safety control measures, limitations on hours of operation; the conduct of activities outside of an enclosed building; stipulations pertaining to open storage and exterior product display; restrictions relating to the type, size, height, and location of signs; and other similar conditions or limitations, as provided for in other appropriate sections of this Ordinance.

Q. High-Rise Buildings. (Amended 12/4/2006)

Same requirements as Section 18.14.0 K.

R. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

S. Mixed Use Buildings which may contain single family, two family & multiple-family dwellings as well as retail stores & office uses. (Amended 1/19/2010)

(1) Mixed Use Buildings permit a vertical mix of commercial, office & residential uses within the same building. The following regulations shall apply to Mixed Use Buildings:

- (a) Minimum Floor Area: The minimum floor area for a dwelling unit shall be 550 sq. ft. regardless of the dwelling unit type.
- (b) Density: The minimum lot area per dwelling unit shall be 4,300 sq. ft.
- (c) Parking: A minimum of 1.5 parking spaces shall be required for each dwelling unit. The minimum required parking for the non-residential uses shall be as stipulated by Chapter 22 herein. For mixed uses in the same building, the total required parking shall be the sum of the requirements for the individual uses computed separately.
- (d) Building Setbacks & Height: Minimum building setbacks & maximum building heights shall be as stipulated for the zoning district in which the building is located.
- (e) Lot Area & Width: Minimum lot area & lot width shall be as stipulated for the zoning district in which the subject parcel is located.
- (f) Lot Coverage: The maximum lot coverage shall be 50%.
- (g) Open Space: Properties on which a Mixed Use Building(s) is located must reserve a minimum of 15% of the gross site area as open space. Open space shall typically include: cultivated landscaping, plazas, parks & recreation space and stormwater detention areas. A maximum of 50% of all open space may be hard surfaced. Streets, parking lots, driveways, concrete lined detention areas and private yards shall not be considered open space. Areas mandated by this Ordinance as required buffer zones, greenbelts, & parking lot landscape areas shall not be credited towards the 15% requirement.
- (h) Permitted Use Locations: Residential dwellings are only permitted when they are located on an upper floor of a building in which the first floor is devoted entirely to office or retail uses. Residential dwellings shall not be permitted as free-standing buildings on a commercially zoned property. Office uses may be permitted on any floor of a mixed use building.

- (i) Prohibited Retail Uses: The following uses shall be prohibited in a Mixed Use Building: adult related businesses, massage parlor/school, veterinary establishments, commercial kennels, commercial garage, and automobile service station.

T. Blood Plasma Center. (Amended 2/17/2014)

- (1) Parking shall be provided at a rate of one (1) space for each collection station, one (1) space for each person permitted to occupy the waiting area, and one (1) space for each employee in the largest working shift. The Zoning Administrator shall review the proposed floor plan for the Plasma Center and may require additional parking for processing rooms/booths, staging & testing areas, etc.
- (2) A waiting area and restroom facilities must be available to all clients at least one hour prior to the start of business inside the building housing the blood plasma center.

**SECTION 18.16.0 COMMUNITY COMMERCIAL (B-2) DISTRICT SPECIAL LAND USES.**

A. General retail business establishments, any portion of which is conducted on the premises outside of an enclosed building.

- (1) Any area used for outside storage of display materials or equipment shall be paved and graded and drained so as to prevent collection of water.
- (2) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- (3) Lighting of outdoor display areas shall be shielded so as to deflect light away from any residential use or district. Such lighting shall also be deflected away from any adjacent street so as not to interfere with traffic.

B. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

C. Regional shopping centers.

- (1) The following uses shall be permitted following approval of the regional shopping center. Approval of a site plan in accordance with the requirements of Chapter 19 is required for all uses:
  - (a) Uses Permitted by Right in the B-1, Local Service Commercial District (Section 14.2.0) and in the B-2 Community Commercial District (Section 15.2.0).
  - (b) Restaurants including drive through facilities, subject to the requirements of Section 18.15.0, C.
  - (c) Banks, credit unions and savings and loan establishments including drive through facilities, subject to the requirements of Section 18.14.0, E.
  - (d) Automobile service stations and repair establishments, subject to the requirements of Section 18.15.0, B.
- (2) Site development standards:

- (a) In order to be approved as a regional shopping center, the gross leasable floor area of all buildings shall be a minimum of 400,000 square feet.
- (b) Regional shopping centers shall only be located where they can be accessed by Minor Arterial or greater streets, as classified in the Comprehensive Plan.
- (c) The site shall be adequately served by public water, sanitary sewer, storm drainage facilities and police and fire protection.
- (d) Traffic impacts:
  - 1. The design of regional shopping centers shall ensure that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between traffic generated by the center, and traffic on adjacent streets and thoroughfares.
  - 2. The Planning Commission, prior to making a recommendation on an application for a regional shopping center, may require a traffic analysis which relates the projected trip generating capacity of the proposed development to existing and projected traffic volumes and the carrying capacity of adjacent streets. The traffic analysis shall be prepared by a firm or individual experienced in such matters.
- (e) The requirements of Schedule C shall govern the establishment of a regional shopping center, including the principal building and all freestanding buildings developed as part of the center, except for the following minimum site development standards.
  - 1. Minimum lot size: 35 acres
  - 2. Minimum lot width: 500 feet (on Minor Arterial or greater classification of street)
  - 3. Minimum setback requirements:
    - a. Principal building: 250 feet from any public right-of-way or property line.
    - b. Other buildings: As required by Schedule C. Setbacks for other buildings shall be from any interior lot lines or from the pavement edge of any interior street, whichever is greater.
  - 4. Maximum lot coverage (All buildings): 50%
- (f) Loading facilities which serve the commercial establishments in the principal building shall be screened from public view.

D. Automobile service stations and repair establishments.

Same requirements as Section 18.15.0, B.

E. Automobile wash establishments.

Same requirements as Section 18.15.0, E.

F. Mini-warehouses.

- (1) The minimum lot area shall be two (2) acres.

- (2) Mini-warehouse facilities shall be limited to dead storage use. Other commercial or associated uses are prohibited.
- (3) A residence may be permitted for security personnel or on-site operator.
- (4) Parking and circulation:
  - (a) One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement can be met with the parking lanes required for the storage area.
  - (b) Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  - (c) One (1) parking space shall also be required for every twenty (20) storage cubicles up to a maximum of ten (10) spaces, to be located adjacent to the rental office for the use of prospective clients.
  - (d) The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

	Aisle or Lane Width (ft.)		# of Lanes or Aisles Required	
	<u>One-Way</u>	<u>Two-Way</u>	<u>One-Way</u>	<u>Two-Way</u>
Parking Lane	10	10	1	1
Access Aisle	15	12	1	2

- (e) All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
- G. Restaurants, including drive through facilities.  
Same requirements as Section 18.15.0, C.
  - H. Banks, credit unions and savings and loan establishments including drive through facilities.  
Same requirements as Section 18.14.0, E.
  - I. Child care centers.  
Same requirements as Section 18.10.0, J.
  - J. Automobile Body Repair Establishments. (Amended 4/15/91)  
Same Requirements as Section 18.15.0, B.
  - K. Condominium Subdivisions. (Amended 6/20/94)  
Same requirements as Section 18.9.0, I.
  - L. Commercial Garage. (Amended 5/5/97)  
Same requirements as Section 18.15.0, J.
  - M. Public and semi-public institutional uses.

Same requirements as Section 18.6.0, A. (Amended 12/1/97)

N. Athletic facilities. (Amended 12/1/97)

Same requirements as Section 18.12.0, L.

O. Stadiums/Arenas. (Amended 12/1/97)

Same requirements as Section 18.15.0, M.

P. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

Q. Drive-Thru Businesses. (Amended 10/2/00)

Same requirements as Section 18.15.0, O.

R. High-Rise Buildings. (Amended 12/4/2006)

Same requirements as Section 18.14.0 K.

S. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

T. Mixed Use Buildings which may contain single family, two family & multiple family dwellings as well as retail stores & office uses. Same requirements as Section 18.15.0 R. (Amended 1/19/2010)

Same requirements as Section 18.15.0, S.

U. Blood Plasma Center. (Amended 2/17/2014)

Same requirements as Section 18.15.0, T.

#### **SECTION 18.17.0 LIMITED INDUSTRIAL (I-1) DISTRICT SPECIAL LAND USES.**

A. Planned neighborhood shopping centers.

(1) The following uses shall be permitted following approval of the planned neighborhood shopping center. Approval of a site plan in accordance with the requirements of Chapter 19 is required for all uses.

(a) Uses Permitted by Right in the B-1, Local Service Commercial district (Section 14.2.0).

(b) Restaurants, including drive through facilities, subject to the requirements of Section 18.15.0, C.

(c) Banks, credit unions and savings and loan establishments, including drive through facilities, subject to the requirements of Section 18.14.0, E.

(d) Automobile service stations and repair establishments, subject to the requirements of Section 18.15.0, B.

- (2) Site development standards: (Amended 3/2/92)
  - (a) In order to be approved as a planned neighborhood shopping center the total gross floor area of all buildings shall not exceed 75,000 square feet.
  - (b) The site shall be adequately served by public water, sanitary sewer, storm drainage facilities, and police and fire protection.
  
- B. Mini-warehouses.
 

Same requirements as Section 18.16.0, F.
  
- C. Banks, credit unions and savings and loan establishments including drive through facilities.
 

Same requirements as Section 18.14.0, E.
  
- D. Child care centers as an accessory use to the principal use.
 

Same requirements as Section 18.10.0, J.
  
- E. Automobile Body Repair Establishments. (Amended 4/15/91)
 

Same Requirements as Section 18.15.0, B.
  
- F. Commercial fueling stations. (Amended 9/3/91)
  - (1) Commercial Fueling Stations shall be located on Class A all-season County roads. All ingress and egress points may be required to be served by deceleration and center turn lanes.
  - (2) All buildings, structures, canopies, and fuel pump islands shall meet the minimum setbacks for the zoning district in which the facility is located.
  - (3) All driveways shall have a minimum width of 35 feet and minimum curb radii of 30 feet.
  - (4) Sales of fuel shall be limited to commercial fleet and corporate owned vehicles. Sales of fuel to the general public shall be prohibited.
  - (5) The following uses and activities shall be prohibited in conjunction with Commercial Fueling Stations:
    - (a) Truck and/or automobile repairing.
    - (b) Overnight storage or parking of vehicles.
    - (c) Convenience stores or vending machines.
    - (d) Transfer of goods between vehicles.
  - (6) Ancillary services and equipment (e.g., air, vacuums, water, propane, telephone, and vending machines, etc.) shall not be located within the required front setback area(s), and shall be situated on the site in a manner that does not impede vehicular traffic. (Amended 7/15/2013)
  
- G. Truck repair facilities. (Amended 3/2/92) (Amended 1/05/04)

- (1) All equipment and activities associated with repair operations, except those in incidental use such as air hoses, shall be kept within an enclosed building.
- (2) Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height.
- (3) The storage of materials such as loose body parts, tires, equipment, supplies, etc. shall be within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height.
- (4) No portion of the property on which a truck repair facility is proposed shall be located within 200 ft. of a residential zoning district.
- (5) The following uses and activities shall be prohibited in conjunction with Truck Repair Facilities:
  - (a) Convenience stores
  - (b) Auto sales and leasing
  - (c) Salvage yards
  - (d) Auction sales
- (6) Truck sales & leasing shall be permitted in conjunction with a truck repair facility. The truck sales & leasing shall comply with the standards contained in Section 18.17.0 N.
- (7) Ancillary services and equipment (e.g., aire, vacuums, water, propane, telephone, and vending machines, etc.) shall not be located within the required front setback area(s), and shall be situated on the site in a manner that does not impede vehicular traffic. (Amended 7/15/2013)

H. Condominium Subdivisions. (Amended 6/20/94)

Same requirements as Section 18.9.0, I.

I. Commercial Garage. (Amended 5/5/97)

Same requirements as Section 18.15.0, J.

J. Athletic facilities. (Amended 12/1/97)

Same requirements as Section 18.12.0, L.

K. Stadiums/Arenas. (Amended 12/1/97)

Same requirements as Section 18.15.0, M.

L. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

M. Kennels. (Amended 5/20/02)

Same requirements as Section 18.6.0, F.

N. Retail sales and leasing of new and used trucks with gross vehicle weights greater than 10,000 pounds, truck trailers, cranes, excavators, backhoes, forklifts, loaders, and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles, equipment, and parts, inside or outside of an enclosed building. (Amended 1/05/04)

- (1) Any area used for outside storage or display of equipment or vehicles shall be paved and drained to prevent the collection of water.
  - (2) Any equipment, which is stored or displayed outside of an enclosed building, shall not extend into any road right of way or occupy any required parking spaces.
  - (3) Lighting of outdoor display areas shall be shielded so as to deflect away from adjacent streets and properties.
  - (4) Dismantled or inoperative vehicles, if stored outside, shall be within an area wholly enclosed by a fence.
- O. Bulk storage, processing, and wholesale and retail sale of landscape materials, such as barks, mulches, wood chips, stones, topsoil, and other materials. (Amended 5/3/04)
- Same requirements as Section 18.18.0, X.
- P. Essential Service, Major Installation. (Amended 2/18/2008)
- Same requirements as Section 18.6.0, E.
- Q. Large Wind Energy Conversion Systems. (Amended 1/5/2009)
- Same requirements as Section 18.6.0(J).

**SECTION 18.18.0 GENERAL INDUSTRIAL (I-2) DISTRICT SPECIAL LAND USES.**

- A. Planned Neighborhood Shopping Centers.
- Same requirements as Section 18.17.0, A.
- B. Mini-Warehouses.
- Same requirements as Section 18.16.0, F.
- C. Banks, credit unions and savings and loan establishments including drive-through facilities.
- Same requirements as Section 18.14.0, E.
- D. Child Care Centers as an accessory use to the principal use.
- Same requirements as Section 18.10.0, J.
- E. Extractive uses.
- Same requirements as Section 18.7.0, C.
- F. Salvage yards.
- (1) Requests for a special land use permit for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominate type of salvage to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The

applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

(2) Site development standards:

- (a) The site shall be provided with suitable access to a County Class A road to ensure safe, direct transport of salvage to and from the site.
- (b) No portion of the storage area shall be located within 1,000 feet of any residential zoning district.
- (c) Any outdoor storage area shall be completely enclosed by a fence or wall constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) gates providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition.
- (d) Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage be stored at a height exceeding the height of the storage area fence or wall.
- (e) The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
- (f) A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
- (g) Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- (h) All portions of the storage area shall be accessible to emergency vehicles.

G. Public or private sanitary landfills.

Same requirements as Section 18.7.0, D.

H. Refuse, garbage and other incinerators.

- (1) All vehicles used for the transporting of materials to and from the incinerator site shall travel on streets classified as Local Arterial, or greater, in the Delta Township Comprehensive Plan. In the event that a site is not located on a Local Arterial or greater street affected vehicles shall proceed to such a street by the shortest possible route that will least impact residential neighborhoods.
- (2) Public streets within 1500 feet of the entry or exit to the site shall be kept reasonably clear of mud, dirt and debris and trash deposited from vehicles entering or exiting the site.
- (3) The incineration of hazardous wastes shall be prohibited.
- (4) Applications for incinerators shall provide the following:
  - (a) Identification of the types and quantities of waste and the intended service area.

- (b) Proposed method of on-site storage of materials intended for incineration, if applicable.
  - (c) Estimation of vehicular traffic to and from the facility.
  - (d) Identification of types and quantities of materials deposited in the sanitary sewer and storm drainage systems.
- (5) The Township Board may require:
- (a) Identification of all gases emitted at the site via incineration and their quantities.
  - (b) A periodic test by an independent laboratory of the contents of the incinerator ash.
  - (c) Preparation of an environmental assessment by an independent environmental consultant.

I. Scrap Tire Collection Sites and Scrap Tire Processors

- (1) A collection site or processor which has less than 2500 tires which are not stored in a building or a covered vehicle shall comply with the following:
- (a) Tires cannot be within twenty (20) feet of a property line or sixty (60) feet of a building.
  - (b) Tires cannot be in piles greater than fifteen (15) feet high and two hundred (200) by forty (40) feet wide.
  - (c) Tire piles must either be covered by plastic sheets or other impermeable barriers, be chemically or biologically treated, or be shredded or chipped into pieces no larger than four (4) inches by six (6) inches and stored in pieces that will allow water drainage.
  - (d) There must be at least twenty (20) feet between tire piles, and that open space must be kept free of trash and equipment, etc.
  - (e) Tire storage areas shall be mowed regularly or kept free of weeds, vegetation, and other growth at all times.
- (2) Collection sites or processors which accumulate 2,500 or more tires shall meet the requirements in Section 18.18.0 I (1) (a.-e.). In addition, they must meet the following requirements:
- (a) The tire area must be enclosed by a fence at least six (6) feet high with lockable gates. An earthen berm at least five (5) feet in height must be located around the outside perimeter of the fence.
  - (b) The approach road to the tire storage area and on-site access roads must be of all-weather construction.
  - (c) An emergency procedures plan, approved by the Township Fire Chief, must be prepared and displayed at the site.

J. Manufacture of gas, coke or coal tar products.

- (1) The site shall be served by public water service.
  - (2) The types and quantities of materials to be manufactured shall be identified.
- K. Manufacture of ammunition, fireworks or other explosives.
- (1) The site shall be served by public water service.
  - (2) The types and quantities of materials to be manufactured shall be identified.
  - (3) An emergency procedures plan, approved by the Township Fire Chief, must be prepared and displayed at the site.
  - (4) All structures in which explosives are manufactured or stored shall be located at least 200 feet from any abutting lot not part of the same operation.
- L. Stockyards and Slaughterhouses
- (1) All structures housing or confining livestock shall be located at least 200 feet from any abutting lot not part of the same operation.
  - (2) No stockyard operation shall be approved on any lot which adjoins any residential zoning district.
- M. Blast furnaces, drop forges, petroleum refining and similar uses.
- (1) The site shall be served by public water service.
  - (2) The applicant shall submit estimations as to the existing and proposed decibel and vibration levels at all exterior property lines.
- N. Commercial fueling stations. (Amended 9/3/91)
- Same requirements as Section 18.17.0, F.
- O. Truck repair facilities. (Amended 3/2/92)
- Same requirements as Section 18.17.0, G.
- P. Condominium Subdivisions. (Amended 6/20/94)
- Same requirements as Section 18.9.0, I.
- Q. Commercial Garage. (Amended 5/5/97)
- Same requirements as Section 18.15.0, J.
- R. Vehicle Storage Yard. (Amended 2/2/98)
- (1) Requests for a special land use permit for establishment of a Vehicle Storage Yard shall also require submission of a detailed explanation of the predominate type of vehicles/equipment to be received, what will be done to the vehicles while on site and the ultimate destination of the vehicles. The number of vehicles to be stored on site shall be indicated as well as the typical length of storage time.

(2) Site Development Standards:

- (a) The site shall be provided with suitable access to a paved public road. Road improvements may be required including, but not limited to, acceleration and deceleration lanes, by-pass lane, additional lanes, etc.
- (b) No portion of a Vehicle Storage Yard shall be located within 500 feet of any residential zoning district.
- (c) Any Vehicle Storage Yard shall be completely enclosed by a fence or wall constructed of a sturdy, durable material and sufficiently opaque to insure that vehicles are not visible from outside the storage area. The fence or wall shall have a minimum of two (2) gates providing access to the storage yard but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition.
- (d) Vehicles shall not be stored in a manner so as to exceed the height of the fence surrounding the storage yard.
- (e) All portions of the storage yard shall be accessible to emergency vehicles.
- (f) The storage yard shall be hard surfaced with a concrete or asphalt pavement.
- (g) Improvements may be required to insure environmental protection such as oil separators on storm drains, dams around fuel storage areas, etc.
- (h) Security may be required for the storage yard via a private service or a watchman's quarters on-site.

S. Athletic facilities. (Amended 12/1/97)

Same requirements as Section 18.12.0, L.

T. Stadiums/Arenas. (Amended 12/1/97)

Same requirements as Section 18.15.0, M.

U. Chemical processes and manufacture. (Amended 3/6/00)

- (1) The site shall be served by public water and sanitary sewer service.
- (2) On-site treatment of waste, sludge, or effluent may be required by the Delta Township Utilities Director prior to the placement of such liquids into public sanitary sewers.
- (3) Material storage and use areas shall be constructed such that no liquid polluting material can escape via gravity through building sewers, drains, or otherwise directly or indirectly into any sewer system or the surface of ground waters.
- (4) The use and storage of flammable and combustible liquids shall be identified and provided to the Fire Chief.
- (5) The use and storage of a Hazardous Substance, defined as a chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment, shall be identified. Secondary containment for aboveground areas where hazardous substances are

stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary, for the recovery of any released substance.

V. Towers. (Amended 4/3/00)

Same requirements as Section 18.6.0, I.

W. Kennels. (Amended 5/20/02)

Same requirements as Section 18.6.0, F.

X. Bulk storage, processing, and wholesale and retail sale of landscape materials, such as barks, mulches, wood chips, stones, topsoil, and other materials. (Amended 6/16/03)

- (1) The site shall be provided with suitable access to a County Class A road to ensure safe, direct transport of bulk materials to and from the site.
- (2) Public streets within 1,500 feet of the entry or exit to the site shall be kept reasonably clear of mud, dirt and debris and trash deposited from vehicles entering or exiting the site.
- (3) No portion of the storage area shall be located within 1,000 feet of any residential zoning district.
- (4) Any outdoor storage area shall be completely enclosed by a fence or wall. The fence or wall shall have a minimum of two (2) gates providing access to the storage area for vehicles. Said fence or wall shall be continuously maintained in good condition. The fence or wall enclosing the storage area shall meet all applicable building setback requirements.
- (5) Stored materials shall not be piled higher than twenty (20) feet.
- (6) Conditions within the storage area shall be controlled and monitored to minimize the hazards of fire and other threats to health and safety.
- (7) All portions of the storage area shall be accessible to emergency vehicles.

Y. Retail sales and leasing of new and used trucks with gross vehicle weights greater than 10,000 pounds, truck trailers, cranes, excavators, backhoes, forklifts, loaders, and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles, equipment, and parts, inside or outside of an enclosed building. (Amended 1/05/04)

Same requirements as Section 18.17.0 N.

Z. Crematory. (Amended 5/16/05)

- (1) The site shall be served by public water and sanitary sewer services.
- (2) The building in which cremations are performed shall be located a minimum of 500 feet from any residential zoning district and the building shall be provided with an auxiliary means of electrical service in the event of a power failure.

- (3) The proprietor shall provide the Zoning Administrator with the plans and specifications for the crematory indicating fire protection measures and specifying storage for cremated and uncremated remains.

AA. Essential Service, Major Installation. (Amended 2/18/2008)

Same requirements as Section 18.6.0, E.

AB. Large Wind Energy Conversion Systems. (Amended 1/5/2009)

Same requirements as Section 18.6.0(J).

AC. Recycling Center - Large Collection Facility, (Amended 10/4/2010)

- (1) Requests for a Special Land use Permit for the establishment of a Recycling Center - Large Collection Facility shall also require submission of a written detailed description identifying the types of recyclables to be received, the methods of collection and storage, and the ultimate disposition of the collected materials. The applicant shall be required to submit written materials outlining measures taken to comply with all applicable federal, state, county, and local laws.
- (2) Site Development & Operational Standards:
  - (a) The site shall be provided with suitable access to a County Class A road to ensure safe, direct transport to and from the site.
  - (b) No recycling units, collection areas, or storage areas shall be located within 500 feet of any residential zoning district.
  - (c) Recyclable collection and storage areas shall be completely enclosed by a fence or wall constructed of a sturdy, durable material and sufficiently high and opaque to ensure that the units and stored materials are not visible from adjoining properties or public thoroughfares. In no case shall the fence or wall be less than six (6) feet in height. Said fence or wall shall be continuously maintained in good condition.
  - (d) Stored materials shall not be stored in a manner so as to be visible from adjoining properties or rights-of-way. In no case shall materials be stored at a height exceeding the height of the storage area fence or wall.
  - (e) Recycling units shall not be located within the required front setback area, or within any required buffer zones or greenbelts on a site.
  - (f) The collection and storage area and its access drives shall be hard surfaced with asphalt, concrete, or porous pavement materials designed to support the weight of the recycling units and any associated transport vehicles.
  - (g) Conditions within the collection and storage areas shall be monitored, maintained and controlled to minimize the hazards of fire and other threats to health and safety.
  - (h) All portions of the storage area shall be accessible to emergency vehicles.
  - (i) The facility shall be maintained free of litter and any other unsanitary materials and shall be cleaned of debris on a daily basis.

- (j) The recycling units shall be clearly marked to identify the type of materials allowed to be deposited.
- (k) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. An employee of the operator shall be on-site at all times during operational hours.

## CHAPTER 19

### SITE PLAN REVIEW

(Amended 12/19/94)

#### SECTION 19.1.0 INTENT.

It is the intent of this Chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development.

#### SECTION 19.2.0 USES SUBJECT TO SITE PLAN REVIEW.

- A. Preliminary site plan review by the Planning Commission or Township Board is required for the following if the subject parcel has a gross site area greater than two (2) acres in size:
- (1) Multiple family dwellings permitted by right in the RD and RE zoning districts.
  - (2) Uses permitted by right in the following districts:
    - (a) Office District (O);
    - (b) Local Service Commercial District (B-1);
    - (c) Community Commercial District (B-2);
    - (d) Limited Industrial District (I-1);
    - (e) General Industrial District (I-2);
  - (3) Special land uses in all districts, except that home occupations, functional family dwellings, bed and breakfast establishments, group child care homes, foster care group homes, and roadside stands shall only be subject to the provisions of Section 19.4.0 A. (1), (2), (a), excluding contours at two foot intervals, (b), (c), and (3). (Amended 6/19/95)
- B. Site plans, not required to be reviewed by the Planning Commission or Township Board, shall be subject to final site plan review by the Zoning Administrator. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission and Township Board.
- C. Site plan review is a multi-stage process typically consisting of a pre-application conference with the Zoning Administrator, preliminary site plan review by the Planning Commission and/or Township Board, and final site plan review by the Zoning Administrator. The pre-application conference is optional and any applicant for site plan review may elect to proceed directly to preliminary site plan review or final site plan review, as applicable.
- D. Upon receipt of an application for site plan review, at least one sign shall be posted on the subject parcel visible to passersby which describes the general nature of the proposed development, if and when the request will be considered by the Planning Commission, and where comments and questions will be received concerning the proposed development.
- E. Upon receipt of an application for site plan for a review, the Zoning Administrator shall distribute copies of the site plan for review by the appropriate Township, County, State, and/or Federal agencies listed in Section 19.11.0 B.

- F. The clearing, grading, and balancing of land may commence absent site plan review if all necessary permits have been obtained from the appropriate State or local agencies. The property owner(s) or developer(s) proceed at their own risk despite having a Soil Erosion Permit, due to the fact that subsequent reviews may necessitate modifications to the grades. If deemed necessary, a Soil Erosion and Sedimentation Permit shall be obtained from the Eaton County Drain Commissioner. If regulated floodplains and/or wetlands are located on the property, the applicable permits shall be obtained from the Michigan Department of Natural Resources.

**SECTION 19.3.0 PRE-APPLICATION CONFERENCE. (Optional)**

Any site plan review applicant may schedule an informal conference with the Zoning Administrator. At the conference, the relevant requirements of the Township's Zoning Ordinance, Comprehensive Plan, and other development policies and regulations will be explained, as well as key issues which should be addressed by the applicant. Site plan submission requirements, review procedures, and expected time-frames will be outlined. The applicable functions of the Planning Commission, Township Board, Zoning Board of Appeals, and other Township and governmental agencies will be explained. An applicant may also schedule a conference with the Township Engineer for a preliminary discussion of utilities, drainage, and related engineering issues.

**SECTION 19.4.0 PRELIMINARY SITE PLANS. (Amended 9/19/05)**

A. Applications for preliminary site plan approval shall consist of the following:

- (1) An application form supplied by the Zoning Administrator.
- (2) A reproducible mylar copy and digital PDF format copy of a preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet on a sheet not less than 18" x 24" or larger than 24" x 36" with the following minimum information:
  - (a) Legal description of site, dimensions of site boundary lines, total site area, contours at two foot intervals, water courses and water bodies, and locations of all buildings, driveways, parking areas; and other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
  - (b) Required and proposed building setbacks, and if applicable, distances between buildings on the site.
  - (c) Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths.
  - (d) Use, location, dimensions, floor areas, heights, and total lot coverage percentage of all proposed buildings and structures. If the site plan is for multiple family dwellings, the floor areas for each type of unit shall also be indicated.
  - (e) Use, location, dimensions, and applicable screening of accessory structures such as trash and recycling receptacles, utility pads, storage/utility sheds, etc. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
  - (f) Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions (including handicapped spaces),

and aisle widths. The location, dimensions, and screening of off-street loading/unloading spaces shall also be depicted, if applicable.

- (g) Existing and proposed water supply and wastewater systems locations, including wells.
  - (h) Proposed grades and site drainage patterns, including existing and proposed drainage structures. Where applicable, indicate the location and elevation(s) of the 100 year floodplain.
  - (i) Proposed common open spaces and recreational facilities, if applicable.
  - (j) Proposed landscaping, including quantity, size at planting and botanical, and common names of plant materials.
  - (k) Signs, including locations and sizes.
  - (l) Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs or devices, and service drives.
  - (m) Exterior lighting showing area of illumination and indicating the type of fixture to be used.
  - (n) Number of employees in the largest working shift for the proposed use, if applicable.
  - (o) Chemical Substances Survey as provided by the Fire Department and an Environmental Checklist as provided by the Planning Department.
  - (p) Description of the type of operations proposed for the project and plans showing the size, location, and description of any proposed areas for storing, use, loading/unloading of hazardous substances and hazardous wastes.
  - (q) Description and location of existing and proposed above and below ground storage facilities for hazardous substances.
  - (r) Delineation of areas which have been contaminated, as determined by a State or Federal agency, and submittal of a report as to the status of the cleanup.
  - (s) North arrow, legend, graphic and written scale, and title block containing the project name.
  - (t) The name and address of the person and firm who drafted the plan, the seal of the professional (licensed in the State of Michigan) responsible for the accuracy of the plan and the date on which the plan was prepared.
- (3) The Planning Commission and/or Township Board, as applicable, may require written statements relative to the impact on existing utilities, natural features, or the environment.

**B. Planning Commission Review:**

- (1) Except as noted in Section 19.5.0, the Planning Commission shall review the application and preliminary site plan and shall approve, approve with conditions or deny the submitted site plan, or, in the case of those site plans requiring Township Board review as

noted in Section 19.5.0, recommend such action. If denied, the Planning Commission shall cite reasons for denial. If approved, the applicant may submit the site plan to the Zoning Administrator for final site plan review.

- (2) The public, staff, and Township decision-makers shall be provided adequate time to consider and review a site plan prior to a public meeting regarding that site plan. The Planning Commission or Township Board may postpone deliberation of a plan if, in its opinion, the site plans have recently been modified such that insufficient time has been provided for adequate review and analysis of the plans. If changes to the site plan have been made within 10 days of the Planning Commission meeting at which they are to be considered, a member of the public may request postponement of deliberations so that additional review and analysis may be conducted.

**SECTION 19.5.0 TOWNSHIP BOARD REVIEW OF PRELIMINARY SITE PLANS FOR CERTAIN SPECIAL LAND USES.**

- A. The Township Board shall also review the preliminary site plans for the following special land uses:
  - (1) Public and private sanitary landfills.
  - (2) Planned unit developments.
  - (3) Condominium subdivisions.
  - (4) Mobile home parks.
  - (5) Regional shopping centers.
  - (6) Refuse, garbage, and other incinerators.
  - (7) High-Rise Buildings. (Amended 12/4/2006)
- B. The Planning Commission shall transmit the results of their review of the preliminary site plan for the special land uses identified in Section 19.5.0 A. to the Township Board. The Township Board shall approve, approve with conditions, or deny the submitted site plan. Reasons for denial shall be set forth in writing. The applicant shall be provided with a copy of the resolution of the Township Board regarding the preliminary site plan.

**SECTION 19.6.0 APPEALS OF PRELIMINARY SITE PLANS.**

- A. Eligibility:
  - (1) Any person aggrieved by the decision of the Planning Commission or the Township Board in granting or denial of preliminary site plan approval, or the Zoning Administrator in granting or denial of final site plan approval, shall have the right to appeal the decision to the Zoning Board of Appeals.
  - (2) An aggrieved party must allege and prove to the satisfaction of the Zoning Board of Appeals that he or she has suffered, or may suffer, some special damages not common to other property owners similarly situated. The mere increase in traffic in the area, proof of general economic and aesthetic losses, or the mere fact that the appellant owns adjacent property are not sufficient to show special damages.

B. Appeals Process:

- (1) The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the Township Clerk within seven (7) days of the decision of the Planning Commission, Township Board, or Zoning Administrator.
- (2) The Zoning Administrator shall transmit to the Board of Appeals copies of all documents constituting the record of the site plan review.
- (3) The Zoning Board of Appeals shall review the appellant's documents and determine if they are an aggrieved party.
  - (a) If the Board determines that the appellant(s) is not an aggrieved party, the Board shall note their findings in resolution form, state their reasons, and inform the appellant(s) in writing.
  - (b) If the Board determines that the appellant(s) is an aggrieved party, the Board shall note their findings in resolution form, state their reasons and schedule a meeting date to consider whether to confirm or overturn the original decision.
- (4) The Zoning Board of Appeals shall review the public record and determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record. The appellant and the appellee may present oral arguments pertaining to the record. The extent of the oral arguments shall be at the discretion of the Chairman. The Board of Appeals shall decide upon all site plan appeals within a reasonable time, not to exceed forty five (45) days from the date on which the appeal was filed.
- (5) The Zoning Board of Appeals shall approve the site plan if the requirements of this chapter and other applicable Township Ordinances are met.

C. **Stay:** The filing of a site plan appeal shall act to stay the issuance of a final site plan approval, issuance of any Certificates of Zoning Compliance, or the issuance of any building permit authorizing improvements on the property which is the subject of the appeal.

**SECTION 19.7.0 VALIDITY OF PRELIMINARY SITE PLANS.**

- A. Approval of the preliminary site plan is valid for a period of two (2) years. If a final site plan for the development, or for any phase of the development, which meets the requirements of Section 19.8.0 has not been submitted during that period, the approval of the preliminary site plan shall be null and void.
- B. Upon written application, filed prior to the termination of the two (2) year review period, the Planning Commission may authorize a single extension of the time limit for approval of a preliminary 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 the one (1) year extension. In those instances where the Township Board has preliminary site plan review authority, the Township Board shall determine whether an extension is warranted.

**SECTION 19.8.0 FINAL SITE PLANS.**

- A. Applications for final site plan approval shall conform to the same submission requirements as those set forth for preliminary site plans in Section 19.4.0 A.

- B. The final site plan shall conform to the approved preliminary site plan and shall incorporate those revisions and conditions stipulated by the Planning Commission and/or Township Board in approving the site plan.
- C. Zoning Administrator Review:
  - (1) The Zoning Administrator shall review the application and final site plan and shall approve, approve with conditions, or deny the submitted plan. If denied, the Zoning Administrator shall cite reasons for denial. If approved, the applicant may submit the necessary plans and documents for a building permit(s).
  - (2) The applicant shall submit one (1) reproducible copy and four (4) paper copies of the approved final site plan to the Zoning Administrator. The paper copies shall be signed, sealed, and dated by the professional (licensed in the State of Michigan) responsible for the accuracy of the plan.
  - (3) The Zoning Administrator shall affix a stamp and signature to the approved final site plan.
  - (4) Appeals of a decision of the Zoning Administrator pertaining to final site plan approval or denial shall be made to the Township Zoning Board of Appeals.

**SECTION 19.9.0      VALIDITY OF FINAL SITE PLANS.**

- A. Approval of the final site plan is valid for two (2) years. If actual physical construction of a substantial nature of the on-site utility systems and/or building improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- B. Final site plans whose approval has expired shall be required to be resubmitted and processed as an original application.

**SECTION 19.10.0      STANDARDS FOR SITE PLAN APPROVAL.**

- A. Prior to approving a site plan, the Planning Commission, Township Board, and/or Zoning Administrator, where applicable, shall require that the following standards be satisfied. If these standards and the other requirements noted in this Chapter or in other township ordinances are met, the site plan shall be approved.
  - (1) 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 provisions of Chapter 21, ACCESS MANAGEMENT REGULATIONS.
  - (2) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Chapter 20, LANDSCAPE STANDARDS.
  - (3) 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.
  - (4) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are

reasonably necessary to develop the site in accordance with the requirements of this Ordinance.

- (5) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
- (6) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
- (7) Non-motorized transportation improvements, beyond the traditional sidewalk system which provides walks in front of homes and non-residential uses adjacent to roadways may be required. The improvements could include trails, shared use paths, and traditional sidewalks. (Amended 7/6/2010)
  - (a) Many items, including but not limited to the following, shall be considered when siting non-motorized transportation improvements in new developments:
    - 1) The Delta Township Non-Motorized Transportation Study, the Delta Township Parks & Recreation Plan, the Delta Township Road Improvement Plan, and the Delta Township Comprehensive Plan, as amended. However, non-motorized transportation improvements may be required even if such improvements are not specifically recommended in the aforementioned documents.
    - 2) Providing safe routes to schools, creating recreational trails, and developing connections to retail/office areas, residential neighborhoods, community buildings, recreational areas, and similar land uses.
    - 3) Proximity to natural features such as woodlots, water bodies, open space areas, etc.
    - 4) Potential connection to other existing non-motorized transportation facilities, including those in adjacent communities.
    - 5) The demand created for non-motorized transportation facilities by residents/customers of the proposed development.
    - 6) Taking advantage of existing easements and publicly owned lands.
    - 7) By providing a sidewalk/path, residents may be able to substitute a pedestrian movement for a vehicular movement.
  - (b) The Planning Commission or Township Board, whichever shall have approval of the preliminary site plan, shall determine whether the need for the non-motorized transportation improvement(s) is necessitated by the development itself, or if the improvements would primarily serve the public at large. The Planning Commission or Township Board shall make this determination in accordance with existing law.
  - (c) Easements shall be provided for non-motorized transportation facilities as required by the Planning Commission or Township Board, whichever shall have approval of the preliminary site plan. Easements may be required in anticipation of future construction of a trail, shared use path and/or sidewalk.

- (8) The arrangement of public or common ways for vehicular 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.
- (9) All streets shall be developed in accordance with the Township Subdivision Control Ordinance and Eaton County Road Commission specifications, unless developed as a private road in accordance with the requirements of Section 3.2.0.
- (10) On-site stormwater facilities shall be provided as follows: (Amended 2/18/2013)
  - (a) Appropriate measures shall be taken to ensure that stormwater runoff will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of stormwater management facilities that prevent flooding, erosion, and dust formation. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not pool in paved areas.
  - (b) Stormwater detention, retention, transport, and drainage facilities shall be designed to prevent the pollution of surface or groundwater resources, on-site or off-site. On-site stormwater management facilities shall be reviewed, approved, constructed, and maintained in accordance with the applicable rules, regulations, and specifications of the Eaton County Drain Commissioner's (ECDC) Office. Said facilities shall also conform to the requirements of the ECDC's current standards for post-construction controls for channel protection and water quality as described in the ECDC's current MS4 Stormwater Discharge Permit issued by the Michigan Department of Environmental Quality (MDEQ).
- (11) 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.
- (12) Properties abutting streets which have right of way deficiencies, as identified in the Comprehensive Plan, shall provide additional right of way to the appropriate agency as determined by the Zoning Administrator. The additional right of way shall be provided to the appropriate agency via written documentation prior to final site plan approval by the Zoning Administrator.
- (13) Safe, suitable, and adequate access shall be provided. The following factors shall be considered when determining whether safe and adequate access exists:
  - (a) Generally developments generating more than 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.
  - (b) Topography and natural features surrounding the subject parcel shall be considered.
  - (c) The provision of outlots, stub streets, etc. which may facilitate future access.

- (d) The likelihood of adjacent properties being developed in the near future such that they could be connected to the subject parcel.
  - (e) Proximity to emergency services.
  - (f) The adequacy of the proposed street intersection in terms of sight distances, spacing, slope, etc.
- (14) Where traffic volumes are expected to exceed 1,000 vehicle trips per day, 100 peak hour trips, or in areas where congestion along the roadway may create significant delays as determined by the Zoning Administrator, two (2) exit lanes shall be required for a high use driveway. Additional required improvements may include a widened entrance lane, increased curb radii, a channelization island, striping, signage, etc. (Amended 5/21/2007)

**SECTION 19.11.0 CONDITIONS OF APPROVAL.**

- A. As part of an approval to any site plan, the Planning Commission, or Township Board, as applicable, may impose any additional conditions or limitations as in its judgement may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 19.10.0 are met.
- B. The Zoning Administrator shall not approve the final site plan until the plan has been reviewed and approved by all applicable Township, County, State and Federal agencies. Such agencies may include, but shall not be limited to, the following:
  - (1) Township Engineer
  - (2) Township Fire Chief
  - (3) Township Utilities Director
  - (4) Eaton County Road Commission
  - (5) Eaton County Drain Commissioner
  - (6) Barry-Eaton District Health Department
  - (7) Michigan Department of Transportation
  - (8) Michigan Department of Natural Resources
  - (9) Michigan Department of Public Health
- C. 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.
- D. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission. A similar record shall also be kept by the Township Board in those instances where they have preliminary site plan review authority. The conditions shall remain unchanged unless an amendment to the site plan is approved.

- E. Installation of public water or private water or sanitary sewer mains shall not be commenced prior to the Zoning Administrator's approval of the final site plan.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission or Township Board, whichever had final review authority, to terminate said approval following a public hearing.

**SECTION 19.12.0      AMENDMENTS TO APPROVED SITE PLANS.**

- A. Any person who has been granted final site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:
  - (1) the addition of land to the legal description of the original site plan approval;
  - (2) the establishment of another use or uses;
  - (3) the addition of more sales or service area, or the addition of dwelling units;
  - (4) an expansion or increase in intensity of use;
- B. A major amendment to an approved final site plan shall comply with the same filing and review procedures of the original approval, including preliminary site plan review by the Planning Commission and/or Township Board if originally required for the development. A minor amendment may be approved by the Zoning Administrator.

## CHAPTER 20

### LANDSCAPE STANDARDS

(Amended 9/3/91)

#### SECTION 20.1.0 INTENT.

It is the intent of this chapter to require buffer zones and landscape screening to reduce the negative impacts between incompatible land uses and to provide for landscaping within parking lots. It is further intended to preserve and enhance the aesthetic qualities, character, privacy and land values of the township.

#### SECTION 20.2.0 BUFFER ZONES REQUIRED.

- A. A buffer zone shall be required on the subject parcel between zoning districts as indicated in Table 20-1.
- B. A buffer zone shall be required on the subject parcel even if the adjacent parcel is unimproved land.
- C. When any developed parcel requiring a buffer zone changes to a more intense land use or a special land use approval and/or site plan review is required, the buffer shall comply with the buffer zone matrix (Table 20-1) and buffer zone development standards (Section 20.3.0).
- D. If existing conditions are such that a parcel cannot comply with the buffer zone standards (Table 20-1 and Section 20.3.0), then the Zoning Administrator shall determine the character of the buffer based on the following criteria:
  - (1) Traffic Impacts.
  - (2) Increased building and parking lot coverage.
  - (3) Increased outdoor sales, display or manufacturing area.
  - (4) Physical characteristics of the site and surrounding area such as, topography, vegetation, etc.
  - (5) Visual, noise and air pollution levels.
  - (6) Health, safety and welfare of the township.
  - (7) Additional dwelling units and resulting density (residential development).
- E. If two zoning districts requiring a buffer zone are separated by a thoroughfare, the design of the buffer zone shall be determined by the Zoning Administrator based on the criteria contained in section 20.2.0, D, (1)-(7).

#### SECTION 20.3.0 BUFFER ZONE DEVELOPMENT STANDARDS.

- A. Required buffer zones shall comply with the following standards:
  - (1) Buffer Zone Level A (See Fig. 20-1):

TABLE 20-1

# Landscape Buffer Matrix

		Adjacent Zone												
		NR	A-1	A-2	RA	RB	RC	RD	RE	O	B-1	B-2	I-1	I-2
Subject Zone	NR													
	A-1													
	A-2													
	RA													
	RB													
	RC													
	RD			<b>C</b>	<b>C</b>	<b>C</b>								
	RE			<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>							
	O			<b>B</b>	<b>B</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>C</b>					
	B-1			<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>					
	B-2			<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>					
	I-1	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>		
	I-2	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>		

• Read from subject zone across to adjacent zone.

### LEGEND

A - Buffer Zone A (See Section 20.3.0)

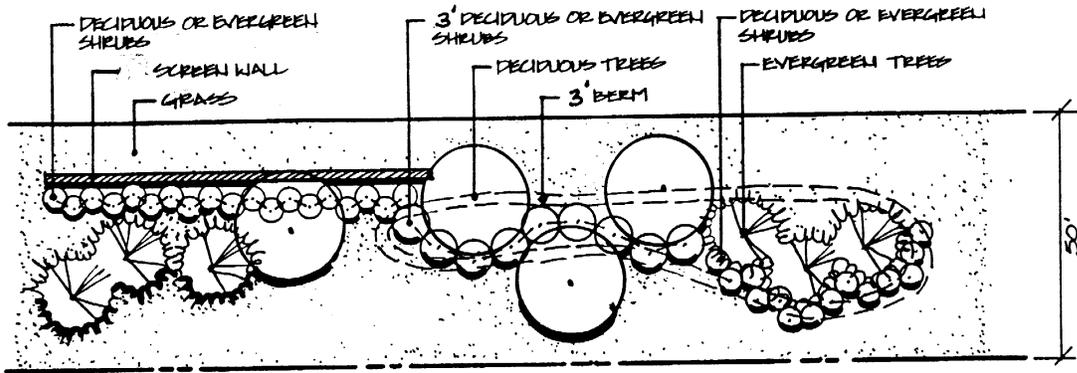
B - Buffer Zone B (See Section 20.3.0)

C - Buffer Zone C (See Section 20.3.0)

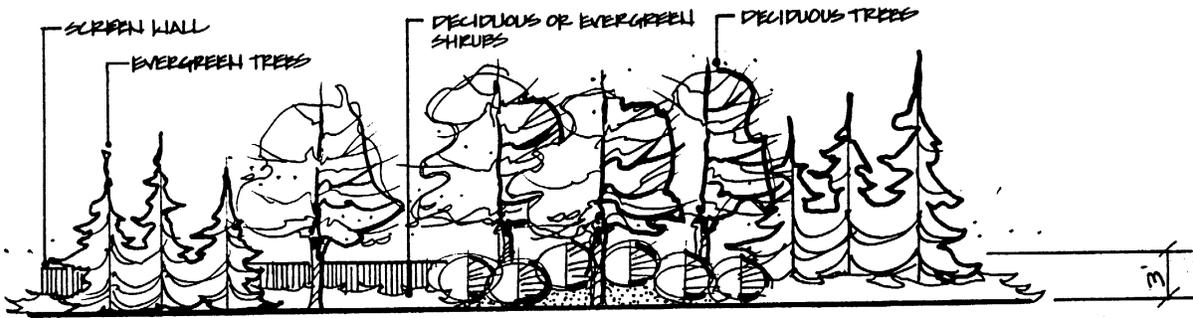


No Buffer Required

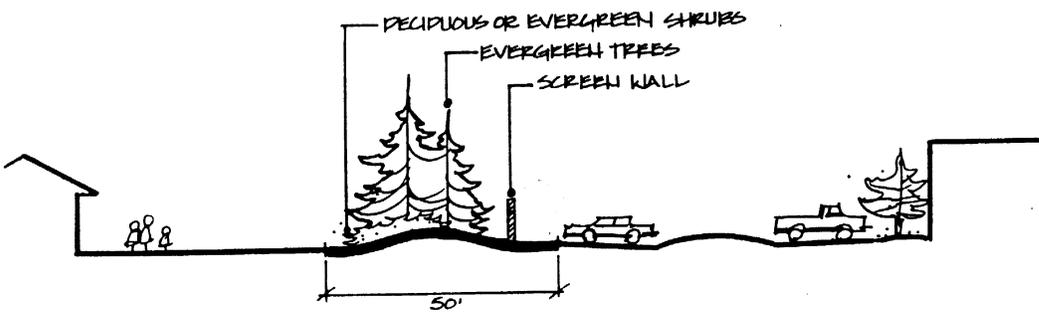
- (a) Minimum width of 50 feet.
  - (b) The buffer zone shall contain 1 tree for each 20 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - (c) The buffer zone shall contain a 3 foot high screen comprised of plant material, berming, screen walls or fences, or any combination of these elements.
  - (d) If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of 1 shrub for each 10 linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - (e) If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of 1 shrub for each 10 linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - (f) If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of 4 shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - (g) All areas outside of the planting beds shall be covered with grass or other living ground cover.
  - (h) All applicable standards in Section 20.8.0.
- (2) Buffer Zone Level B (See Fig. 20-2.)
- (a) Minimum width of 30 feet.
  - (b) The buffer zone shall contain 1 tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - (c) The buffer zone shall contain a 3 foot high screen comprised of plant material, berming, screen walls or fences, or any combination of these elements.
  - (d) If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of 1 shrub for each 10 linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - (e) If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of 1 shrub for each 10 linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - (f) If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of 4 shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.



PLAN VIEW

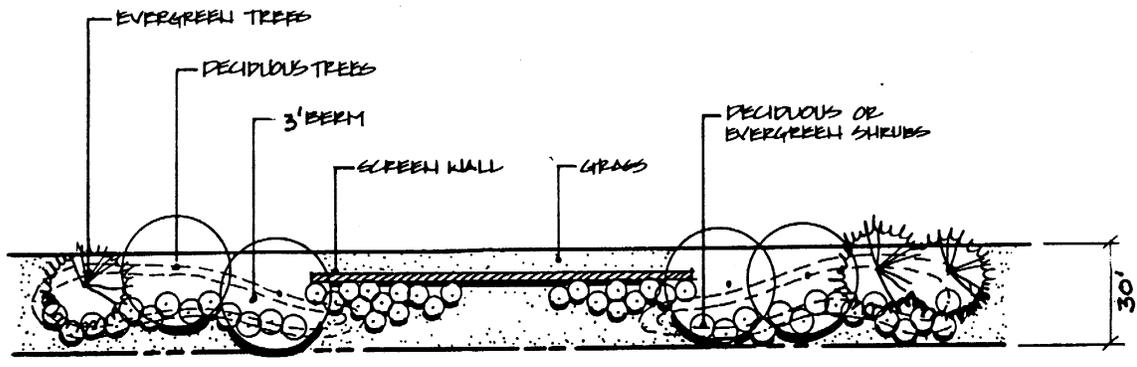


ELEVATION

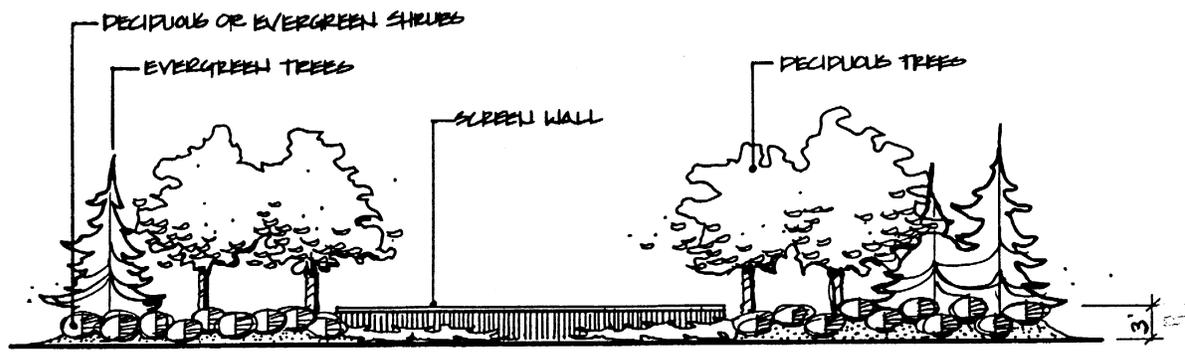


SECTION

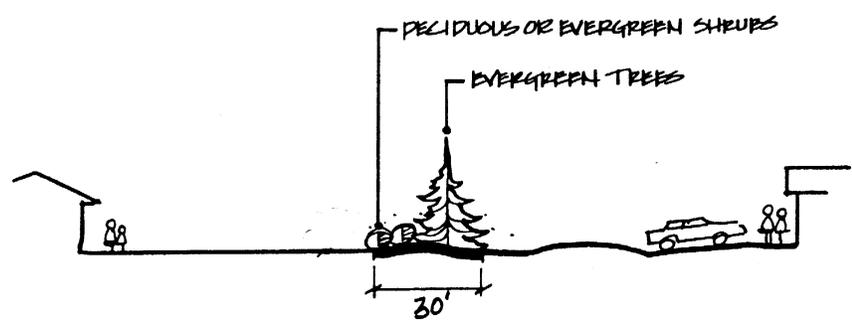
**FIGURE 20-1**  
**BUFFER ZONE . LEVEL A**



PLAN VIEW



ELEVATION



SECTION

**FIGURE 20-2  
 BUFFER ZONE - LEVEL B**

- (g) All areas outside of the planting beds shall be covered with grass or other living ground cover.
  - (h) All applicable standards in Section 20.8.0.
- (3) Buffer Zone Level C (See Fig. 20-3.)
- (a) Minimum width of 10 feet.
  - (b) The buffer zone shall contain 1 tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - (c) The buffer zone shall contain a 3 foot high screen comprised of plant material, berming, screen walls or fences, or any combination of these elements.
  - (d) If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of 1 shrub for each 10 linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm. The minimum buffer zone width shall be increased as necessary to accommodate a side slope with a 1 foot rise to 3 foot run ratio.
  - (e) If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of 1 shrub for each 10 linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - (f) If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of 4 shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - (g) All areas outside of the planting beds shall be covered with grass or other living ground cover.
  - (h) All applicable standards in Section 20.8.0.

**SECTION 20.4.0 OFF STREET PARKING AREAS (See Fig. 20-4.).**

- A. Off-street parking areas containing 6 or more parking spaces shall be provided with landscaping in accordance with the following:

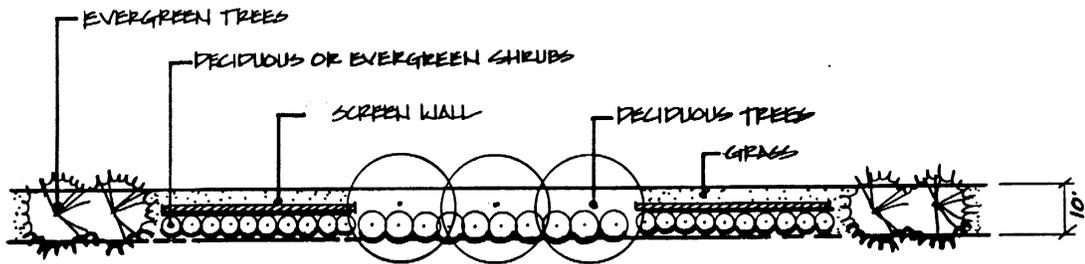
6 through 100 spaces: 1 Canopy tree and 100 sq. ft. of landscaped area per 6 spaces.

101 through 200 spaces: 1 Canopy tree and 100 sq. ft. of landscaped area per 8 spaces.

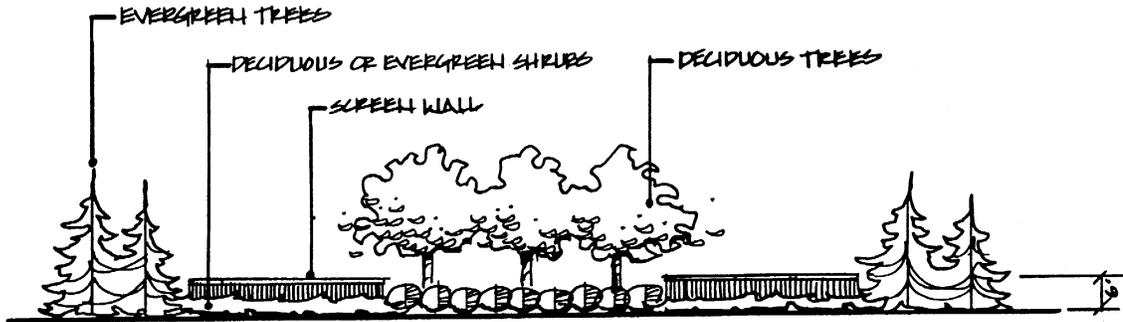
201+ spaces: 1 Canopy tree and 100 sq. ft. of landscaped area per 10 spaces.

- B. In no case shall any buffer zones or greenbelts required in Sections 20.2.0, 20.3.0 and 20.6.0 be considered as part of the off street parking landscape area.

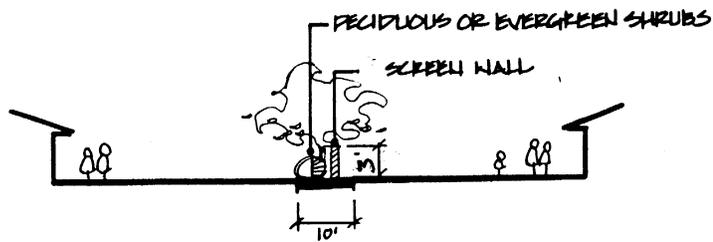
Off-street parking areas serving uses located within an industrial zoning district that do not serve the general public and are not visible from a public road; or off-street parking areas in any zoning



PLAN VIEW

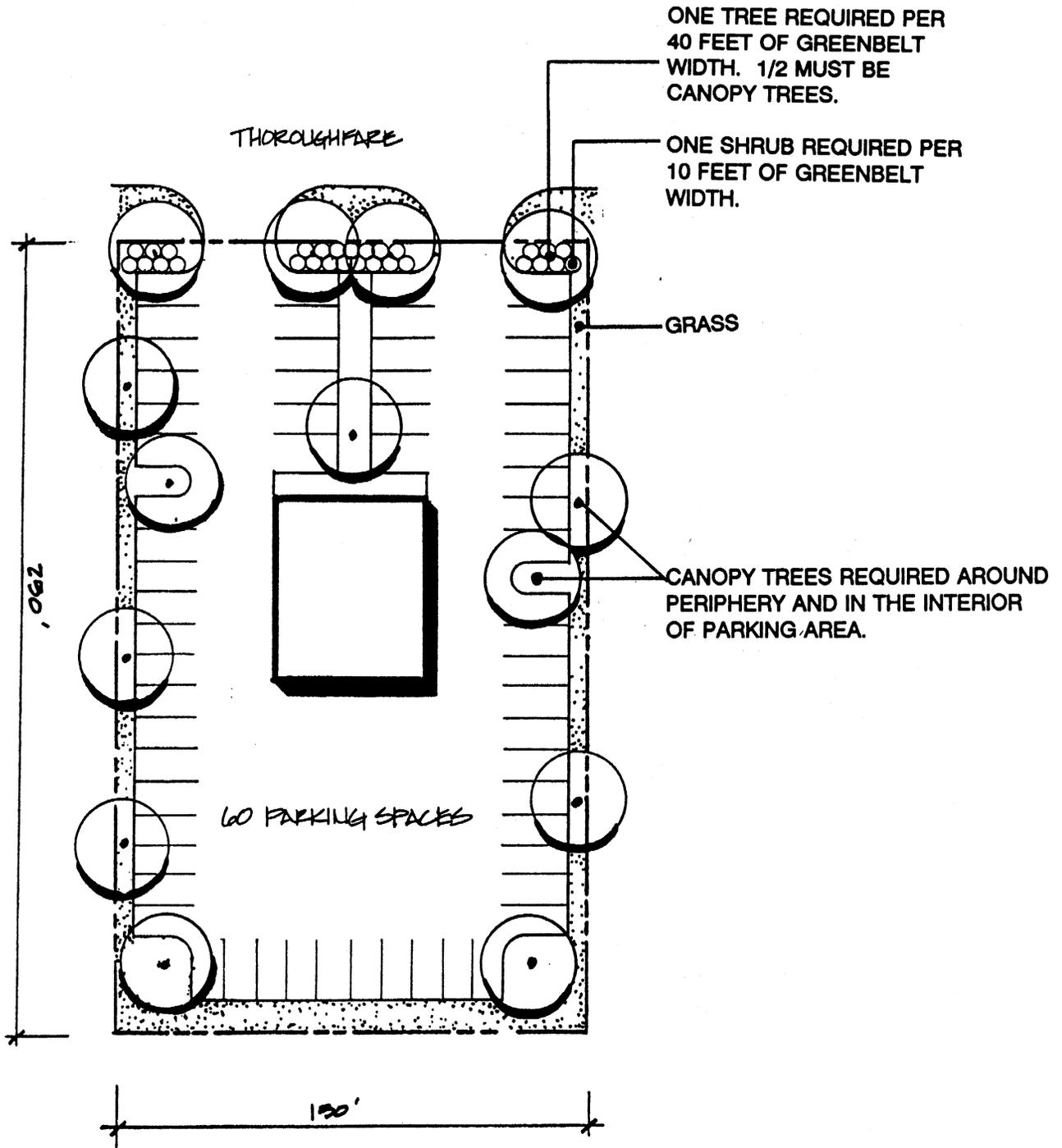


ELEVATION



SECTION

**FIGURE 20-3**  
**BUFFER ZONE - LEVEL C**



**FIGURE 20-4**  
GREENBELT & OFF STREET PARKING LANDSCAPE STANDARDS

district that serve public or private forest preserve areas, game refuge areas, parks, or similar recreation areas; or that serve public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources; or that serve non-commercial parks, playgrounds, and playfields; shall be exempt from the off-street parking area landscaping requirement. (Amended 10/15/2007)

**SECTION 20.5.0 OFF STREET PARKING LANDSCAPE DEVELOPMENT STANDARDS.**

- A. Required parking lot landscape areas shall comply with the following standards:
- (1) The minimum size of a landscaped area shall be 60 square feet and at least 6 feet wide.
  - (2) All landscaped areas shall be covered by grass, shredded bark, stone or a living ground cover.
  - (3) All landscaped areas shall contain at least 1 canopy tree. The tree shall be located so as not to be damaged by any surrounding vehicle (See Fig. 20-5).
  - (4) The Zoning Administrator shall approve the location of required off-street parking landscaping using the following criteria:
    - (a) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for reason of safety, ingress or egress.
    - (b) Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
    - (c) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
    - (d) At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point 10 feet from the outside boundary of the parking area.
  - (5) All landscaped areas shall be protected by a raised standard or rolled concrete curb.
  - (6) All applicable requirements of Section 20.8.0 shall be complied with.

**SECTION 20.6.0 GREENBELTS.**

- A. Greenbelts shall be required where any developed parcel abuts or faces a public thoroughfare in the RD, RE, O, B-1, B-2, I-1 or I-2 districts.
- B. If a buffer zone is required along a thoroughfare then the greenbelt requirement shall be waived.
- C. In no case shall off-street parking lot landscaping required in sections 20.4.0 and 20.5.0 be considered as part of any greenbelt requirement.

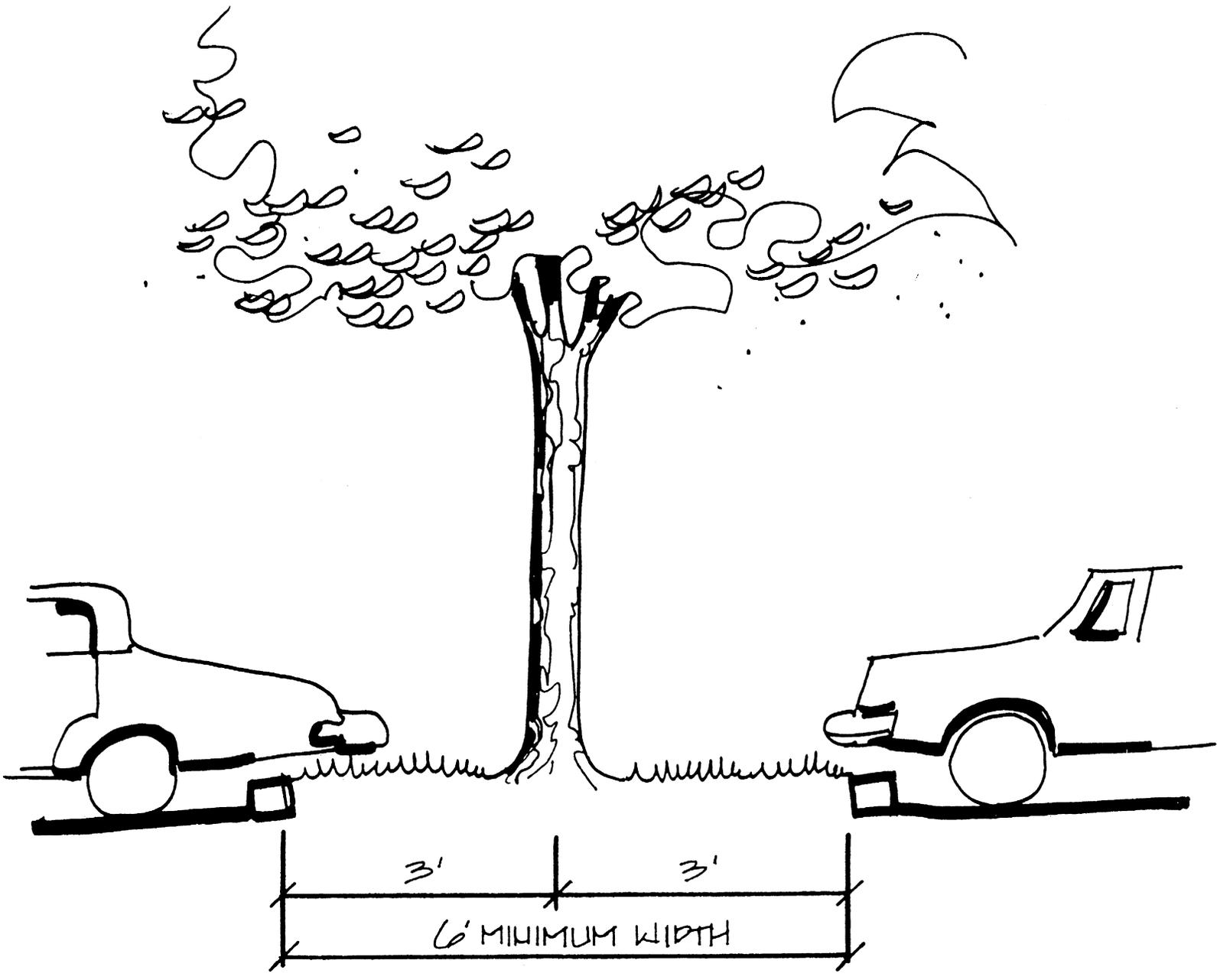


FIGURE 20-5

TYPICAL OFF-STREET PARKING  
LANDSCAPED AREA

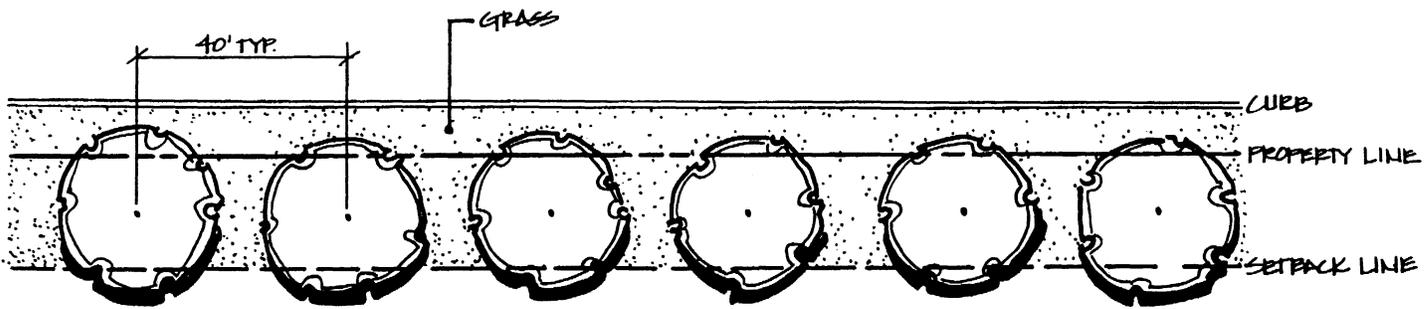
**SECTION 20.7.0 GREENBELT DEVELOPMENT STANDARDS (See Fig. 20-6.).**

- A. All greenbelts shall comply with the following standards:
  - (1) One tree for each 40 linear feet or fraction of frontage abutting a public thoroughfare. At least one-half of the total number of trees required within the greenbelt shall be canopy trees.
  - (2) One shrub for each 10 linear feet or fraction of frontage abutting a public thoroughfare. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - (3) Minimum width of 10 feet.
  - (4) All greenbelts shall be covered by grass.
  - (5) All applicable standards in Section 20.8.0.

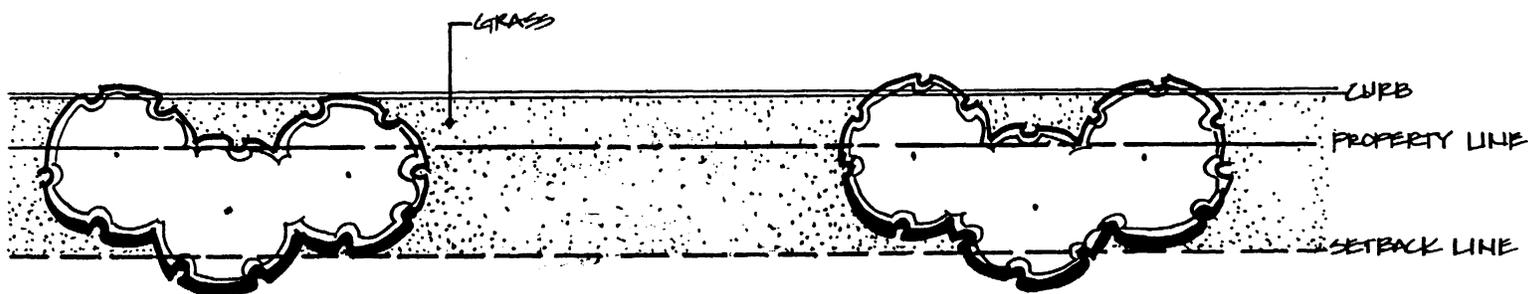
**SECTION 20.8.0 GENERAL LANDSCAPE DEVELOPMENT STANDARDS.**

- A. Minimum Plant Material Standards:
  - (1) All plant materials shall be hardy to Eaton County, free of disease and insects and conform to the standards of the American Association of Nurserymen. A list of recommended plants are available from the Zoning Administrator.
  - (2) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - (3) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
  - (4) Minimum plant sizes at time of installation (See Figs. 20-7 and 20-8):

Deciduous Canopy Tree:	2 1/2" caliper
Deciduous Ornamental Tree:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" - 24" spread
  - (5) Existing plant material which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, may be credited toward meeting the landscape requirements.
  - (6) The plant material shall achieve its horizontal and vertical screening effect within 4 years of initial installation.
  - (7) Clustering of trees and shrubs within buffer zones and greenbelts is permitted.

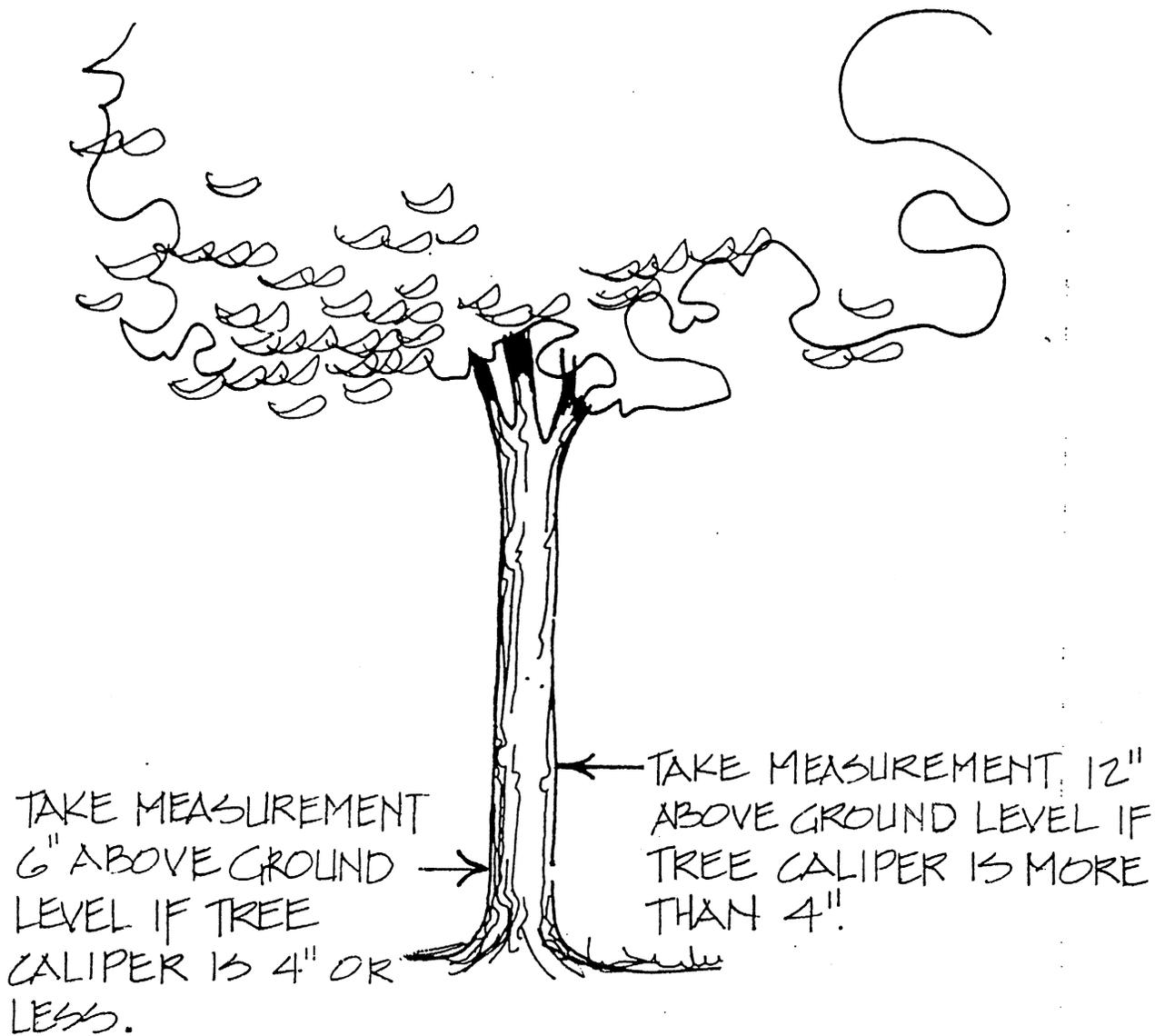


CONTINUOUS ROW OF EQUALLY SPACED TREES



GROUPINGS OF A VARIETY OF PLANT MATERIAL

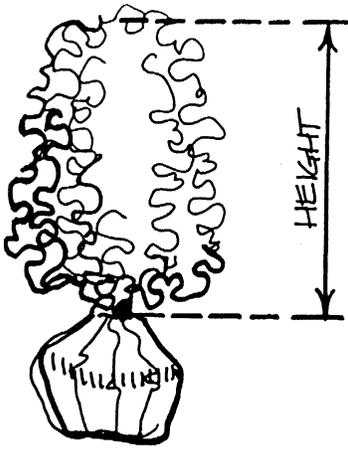
**FIGURE 20-6**  
**GREENBELTS**



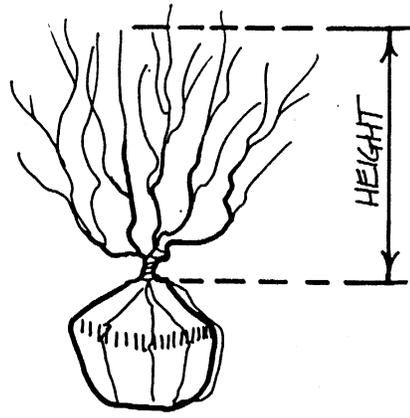
CALIPER = DIAMETER OF TRUNK

FIGURE 20-7

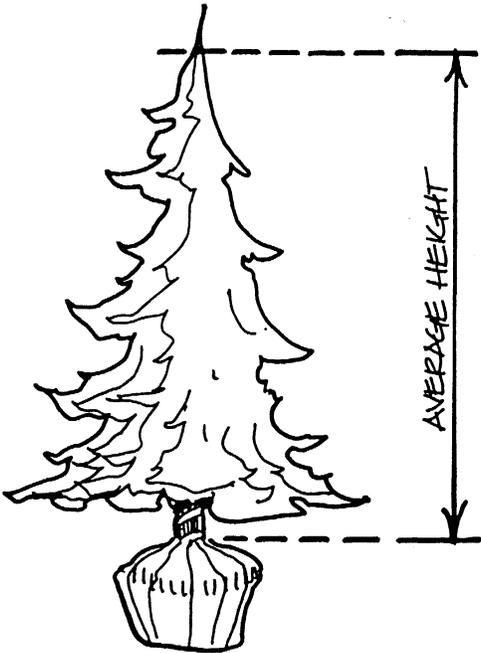
## TREE CALIPER MEASUREMENTS



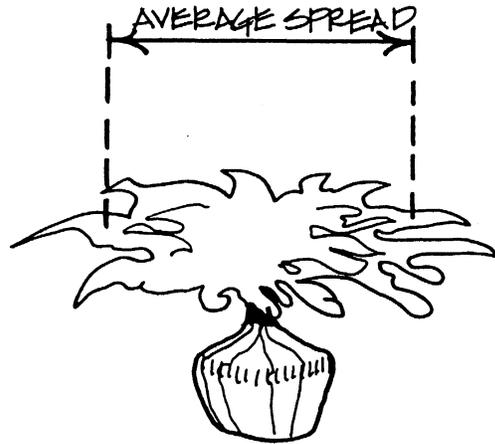
UPRIGHT EVERGREEN SHRUB



DECIDUOUS SHRUBS



EVERGREEN TREES



SPREADING EVERGREEN SHRUBS

PLANT SIZE IS MEASURED BY HEIGHT OR SPREAD INDICATED

FIGURE 20-8

PLANT SIZES

- (8) The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	U. Pumila
Slippery Elm; Red Elm	U. Rubra
Chinese Elm	U. Parvifolia

B. Minimum Standards for Berms:

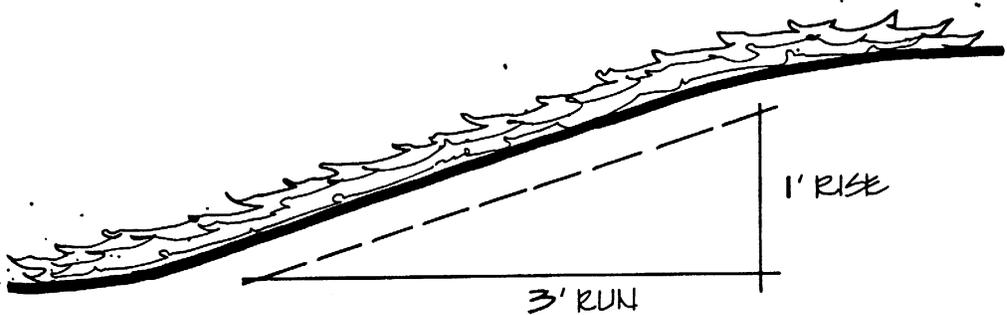
- (1) Berms shall be constructed so as to maintain a side slope not to exceed a 1 foot rise to a 3 foot run ratio. (See Fig. 20-9.)
- (2) Berm areas not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- (3) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- (4) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site. (See Fig. 20-9.)

C. Minimum Standards for Screen Walls and Fences:

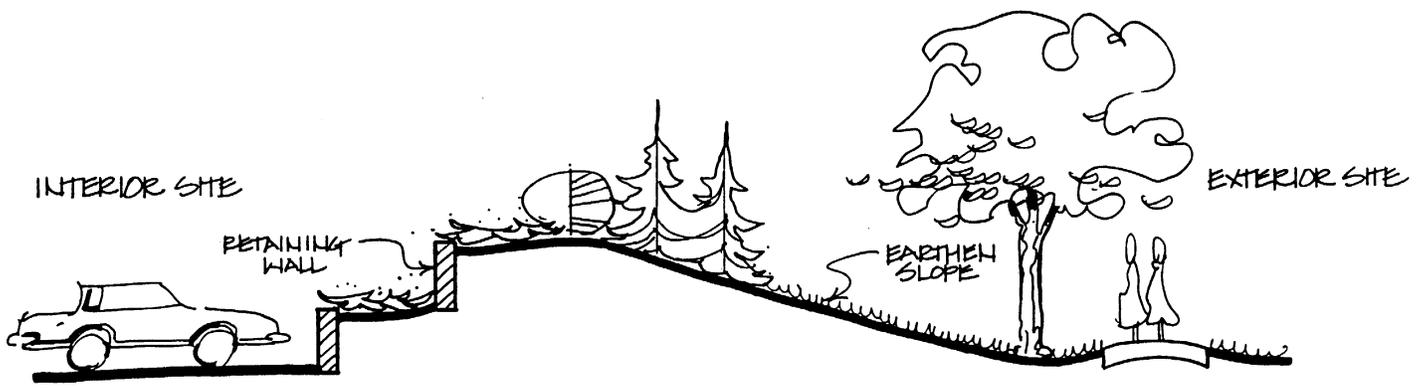
- (1) All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- (2) The wall or fence may be constructed with openings that do not exceed 20% of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- (3) Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties or obstruct vision for reasons of ingress or egress.

D. Detention/retention areas shall be permitted within buffer zones provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.

E. Solid waste dumpsters and recycling containers may be installed in buffer zones provided they are shielded by a continuous opaque screen at least 6 feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements.



MAXIMUM SIDE SLOPE FOR BERM



**FIGURE 20-9**  
BERM WITH RETAINING WALLS

F. Requirements for Projects Developed in Phases: If a project is constructed in phases, the landscape screen may also be constructed in phases. The Zoning Administrator shall determine the extent of each phase on:

- (1) Adjacent land uses
- (2) Distance between land uses
- (3) Operational characteristic both on and off site
- (4) Building heights
- (5) Physical characteristics of the site such as topography, existing vegetation, etc.

G. Landscape Screening Waiver: Should the Zoning Administrator determine, upon inspection, that adequate landscaping screen on a site already exists or that such landscaping screen shall not be required, the applicable zoning ordinance provisions may be waived in whole or in part. Criteria which shall be used when considering a landscaping screen waiver shall include, but shall not be limited to:

- (1) Topography variations
- (2) Existence of natural vegetation
- (3) Existing and proposed building placement
- (4) Sight distances
- (5) Adjacent land uses
- (6) Existence of floodplain and poor soils areas

H. Installation and Maintenance Provisions:

- (1) The Zoning Administrator shall mandate a financial guarantee of a sufficient amount to insure the installation of all required landscaping.
- (2) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced.

## CHAPTER 21

### ARTERIAL ACCESS MANAGEMENT REGULATIONS

#### SECTION 21.1.0 INTENT.

The intent of this chapter is to provide standards which will facilitate through traffic operations and improve public safety along arterial roadways within Delta Township. This chapter is particularly aimed at optimizing traffic operations along the township's main regional arterial (Saginaw Highway/ M-43) and recognizes the unique traffic and land use characteristics of this facility. The standards contained herein are intended to protect the public investment in arterial roadways and minimize congestion and accident potential while still providing property owners with reasonable, though not always direct, access.

It is recognized that existing development may not be able to meet all the standards contained in this chapter upon expansion or redevelopment. In such cases, the standards contained herein shall be applied to the maximum extent possible. Where the standards herein cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the chapter may be accepted by the Zoning Administrator, provided that all of the following apply:

- (1) The use will generate less than 500 trips per day, based on rates developed by the Institute of Transportation Engineers.
- (2) The use has insufficient size to meet the dimensional standards.
- (3) Adjacent development renders adherence to these standards economically unfeasible.
- (4) There is no other reasonable access.

The requirements and standards of this chapter shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Eaton County Road Commission, or other chapters of this Zoning Ordinance.

#### SECTION 21.2.0 APPLICABILITY.

The regulations and standards of this chapter apply to all properties along regional arterial roadways (Saginaw, M-43) as identified in the Delta Township Comprehensive Plan.

#### SECTION 21.3.0 GENERAL ACCESS REQUIREMENTS.

The following standards shall apply to all uses with frontage on or access to any regional arterial roadway which require site plan review. Approval of a site plan by the Township and compliance with these standards does not negate the requirement for securing access permits from the appropriate road authority, either the Michigan Department of Transportation or the Eaton County Road Commission, following site plan approval by the Township.

##### A. Number of Driveways

- (1) Access to a regional arterial for an individual parcel or to contiguous parcels under the same ownership, shall consist of either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.

- (2) For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3000 during an average day (or will be used by 300 vehicles during the peak hour of traffic for either the arterial or the use), and lacking access to a secondary street, a second driveway may be allowed along the regional arterial, provided that the additional driveway can meet the spacing standards of Sec. 21.4.0, "Driveway Spacing and Location".
- (3) For parcels with arterial frontage of at least 300 feet an additional driveway may be allowed, with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the standards of Sec. 21.4.0, "Driveway Spacing and Location".
- (4) Where parcels have dual frontage on both a side (cross) street and regional arterial, access shall be provided off the secondary street. If the parcel has a minimum of 300 feet of regional arterial frontage, additional access may be allowed along the arterial, provided that the access meets the standards of Sec. 21.4.0, "Driveway Spacing and Location".

B. Shared Driveways, Frontage Roads, Parking Lot Connections, and Rear Service Drives.

- (1) Alternative access shall be encouraged. One or more of the following may apply.
  - (a) Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the driveway spacing requirements of Section 21.4.0, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
  - (b) Frontage Roads: In cases where a frontage roads exists, is recommended either in the Township's Comprehensive Plan or in an adopted corridor study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the arterial street.
  - (c) Parking Lot Connections: Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.
  - (d) Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Sec. 21.3.0, "Number of Driveways", and 21.4.0, "Driveway Spacing and Location."
- (2) Frontage roads, parking lot connections and rear service drives shall be constructed according to the standards set forth in Sec. 21.6.0, "Design of Frontage Roads or Service Drives".
- (3) In areas where frontage roads or service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of Sec. 21.6.0. In such instances, the Planning Commission may temporarily grant individual parcels a direct connection to the adjacent arterial. This access point shall be closed at such time as the frontage road or service drive is constructed.

C. Clear Vision Area:

Access points shall not be located in designated "clear vision" areas, as specified by the standards of the Michigan Department of Transportation, Eaton County Road Commission, and Sec. 3.14.0 B of this Ordinance.

**SECTION 21.4.0 DRIVEWAY SPACING AND LOCATION.**

A. Driveway Spacing from Intersections (refer to Figure 21-1).

- (1) Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, as shown in Figure 21-1 unless otherwise noted.
- (2) The minimum distance between a driveway and an intersecting street shall be based on Figure 21-1 and the following:

Spacing from intersection for driveways along a Regional Arterial:

<u>Intersecting Street*</u>	<u>Full Movement Driveway</u>	<u>Channelized for right-turn-in, Right-turn-out only</u>
Arterial	250 feet	100 feet
Signalized non-arterial**	250 feet	75 feet
Other street	<u>100 feet</u>	<u>75 feet</u>



Spacing from intersection with Regional Arterial for driveways along side streets:

<u>Side Street Classification*</u>	<u>Full Movement Driveway</u>	<u>Channelized for right-turn-in, right-turn-out only</u>
Arterial	200 feet	100 feet
Signalized non-arterial**	100 feet	75 feet
<u>Other street</u>	<u>75 feet</u>	<u>75 feet</u>

\* = street classification based on the Township's Comprehensive Plan

\*\* = any non-arterial street that is signalized or designated for future traffic signalization in the Township's Comprehensive Plan or adopted corridor studies.

- (3) If the amount of street frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear access service drive shall be developed.
- (4) For parcels which are only allowed a channelized "right-turn-in, right-turn-out" driveway, and alternative means of access (shared driveway, frontage road, service drive or connected parking lots) are not feasible due to parcel size or existing adjacent development, the Zoning Administrator may allow a non-channelized, full movement driveway provided that:
  - (a) the driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway.
  - (b) a traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not result in conflicts with vehicles at the adjacent intersection.

B. Driveway Spacing from Other Driveways (refer to Figure 21-1)

- (1) There shall be a minimum spacing of 25 feet between the centerline of a driveway and the adjacent property line, not including the right turn lane and/or taper. The centerline for channelized driveways is measured at the street right-of-way line. This requirement does not apply to shared driveways.
- (2) If a driveway curb radius extends beyond the frontage of the property, written consent from the affected adjacent property owner(s) allowing the design shall be provided, as required by the road authority.
- (3) Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in Table 21-1.

Table 21-1

Posted Speed ( <u>mph</u> )	Driveway Spacing* (in feet) <u>Minimum</u>
30	125
35	150
40	185
45	230
50	275
55	350

\* As measured from the centerline of each driveway.

The values in Table 21-1 are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

- (4) In order to prevent left turn conflicts, where possible driveways shall be aligned with those across the street or offset a sufficient distance from driveways across the street in accordance with the minimum spacing standards listed in Table 21-1.
- (5) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Planning Commission shall have the authority to modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall driveway spacing of less than 60 feet be permitted by the Planning Commission.

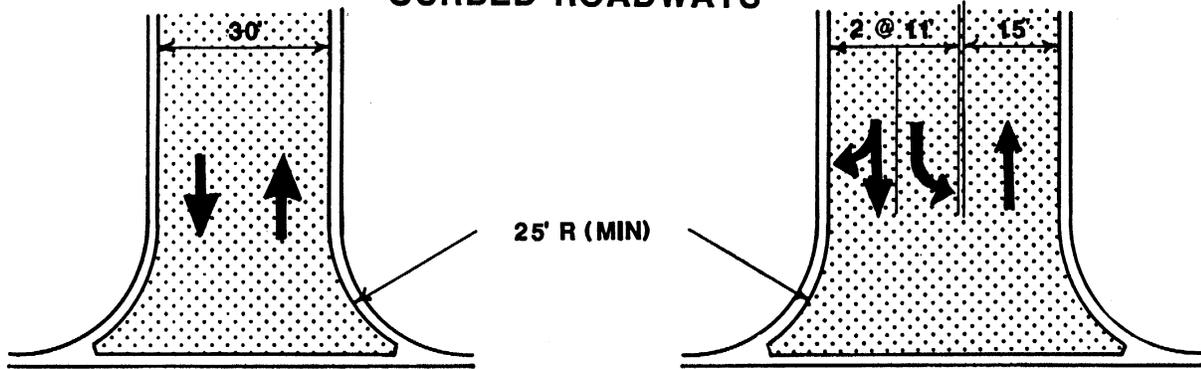
#### **SECTION 21.5.0 DRIVEWAY DESIGN AND CONSTRUCTION STANDARDS.**

##### **A. Driveway Width:**

- (1) The typical driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of 30 feet, measured from face to face of curb (See Figure 21-2a).
- (2) Where exit traffic volumes are expected to exceed 1000 vehicles per day, 100 per peak hour, or in areas where congestion along the regional arterial may create significant delays, as determined by the Planning Commission, two exit lanes shall be required. The total width of such a driveway shall be 37 feet, with one 15 foot wide ingress lane and two eleven (11) foot wide egress lanes (See Figure 21-2b).
- (3) For access systems which include a pair of one-way driveways, each driveway shall be a minimum of sixteen feet wide, measured perpendicularly (See Figure 21-2c).
- (4) As an alternative to (3) above, the driveway may be designed with a median dividing the ingress and egress driveways, with a maximum medial width of ten feet. Where median driveways are located across the street from each other, the left turn egress lanes shall be aligned to minimize left turn conflicts (See Figure 21-2d). Boulevard driveways should not be constructed at existing or future traffic signal locations.

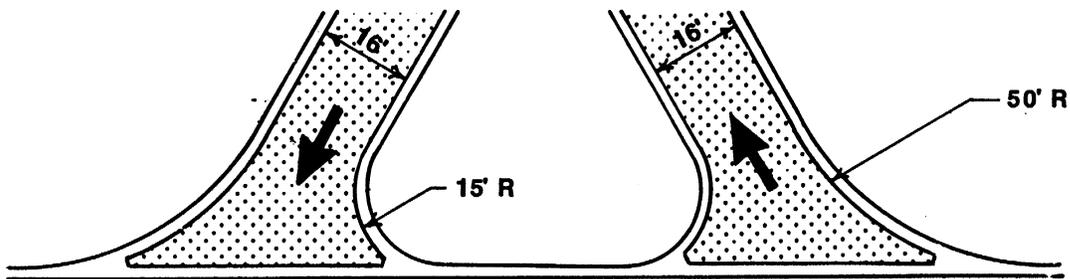
**FIGURE 21-2**

**TYPICAL CONFIGURATIONS FOR DRIVEWAYS  
CURBED ROADWAYS**



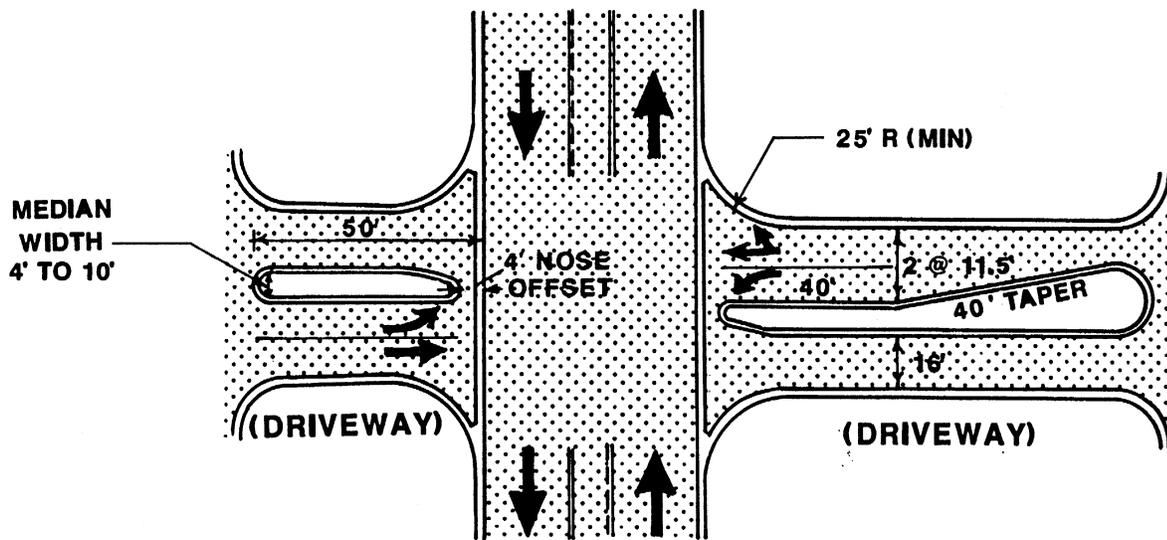
**a. TYPICAL 2-WAY DRIVEWAY**

**b. HIGH-USE DRIVEWAY**



**c. ONE-WAY DRIVEWAYS**

**ARTERIAL STREET**



**d. BOULEVARD DRIVEWAYS**

## B. Restricted Access Driveways:

Left and right turn movements on and off roadways typically have the greatest impact on traffic flow and accident frequency. Therefore, where driveways are to be located in a segment defined in adopted Township corridor studies as having a high accident rate or significant traffic congestion/delays, or where left turn access is available through alternative means of access, the Planning Commission may require driveway design and signing which discourages certain turning movements. Where driveways are intended to control specific left and/or right turn ingress and egress, the designs shown in Figure 21-3 shall apply. Similar designs shall be accepted, provided that they are approved by the Michigan Department of Transportation and the Eaton County Road Commission, if applicable.

## C. Construction Standards

### (1) Curb radii:

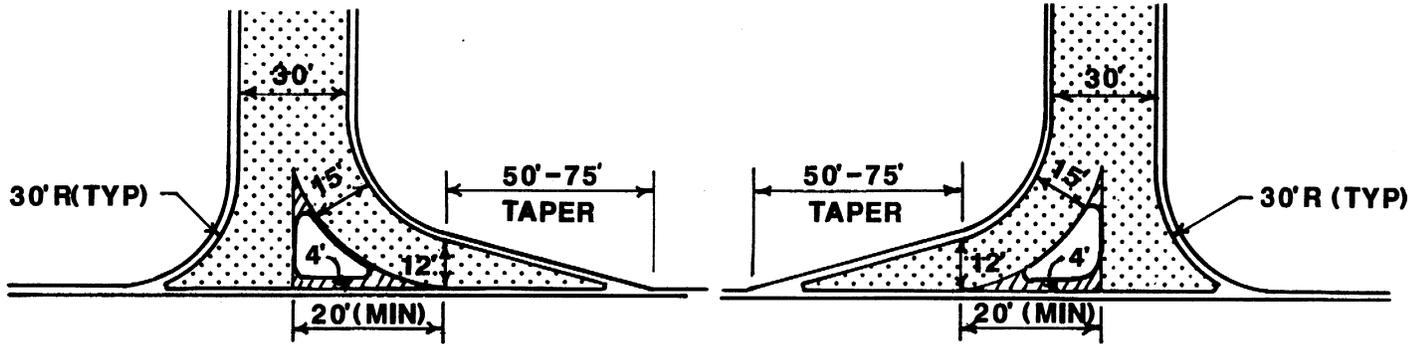
- (a) Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
- (b) For sites where truck traffic is expected, the driveways shall be designed with minimum 30 foot radii.

### (2) Deceleration lanes and tapers:

- (a) Where it can be demonstrated that daily driveway volumes are expected to exceed 1000 vehicles per day or where volumes on the street are over the capacity (level of service D, as defined by the Institute of Transportation Engineers), a right turn taper, deceleration lane and/or left turn bypass lane may be required.
- (b) Where site frontage allows, a 12 foot wide deceleration lane with a 50 to 75 foot taper and a minimum 100 foot long parallel storage lane shall be constructed as shown in Figure 21-4a.
- (c) Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed as shown in Figure 21-4b.
- (d) A continuous right turn lane, as shown in Figure 21-4c may be required where driveway spacing requirements restrict the use of consecutive turn bays and tapers.
- (e) For driveways located along streets without an exclusive left turn lane, a bypass lane may be required. Such a lane shall be designed to the standards set forth in the Michigan Manual of Uniform Traffic Control Devices and as shown in Figure 21-4d.

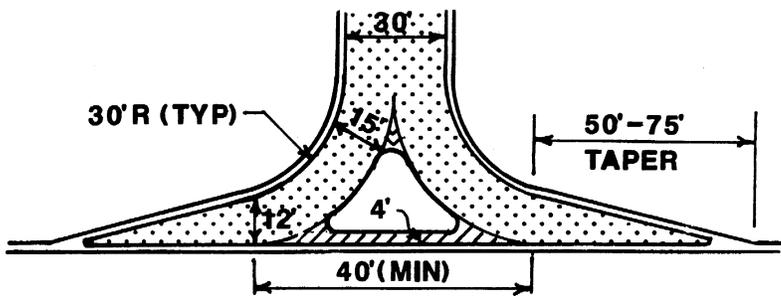
# FIGURE 21-3

## CHANNELIZATION ISLAND OPTIONS FOR CONTROLLING TURNS

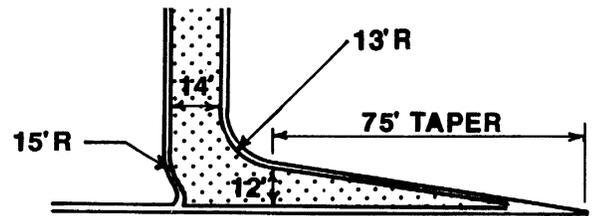


**a. TO PREVENT LEFT-TURN INGRESS MOVEMENTS**

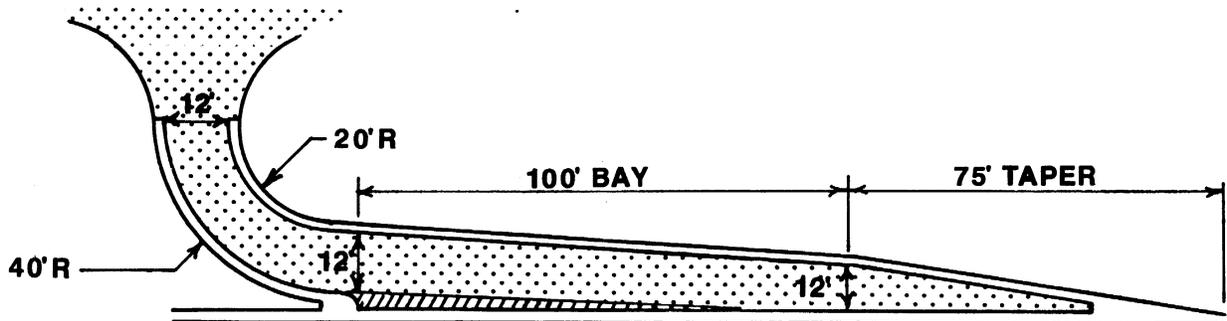
**b. TO PREVENT LEFT-TURN EGRESS MOVEMENTS**



**c. RIGHT-IN/RIGHT-OUT ONLY  
(TO PREVENT LEFT TURN INGRESS & EGRESS)**



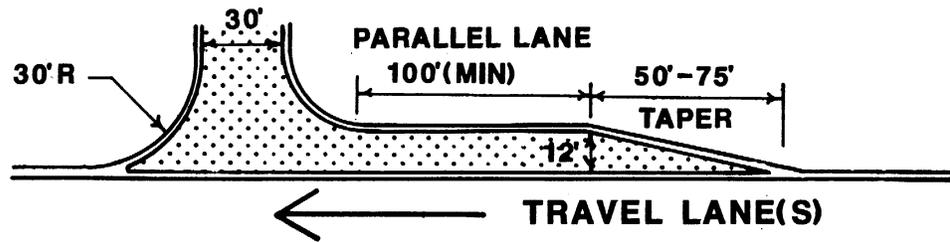
**d. TO ALLOW RIGHT-TURN IN ONLY  
(PASSENGER CARS)**



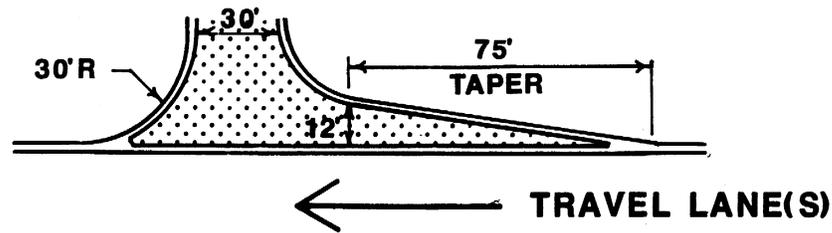
**e. TO ALLOW RIGHT TURN IN ONLY (FOR TRUCKS)**

**FIGURE 21-4**

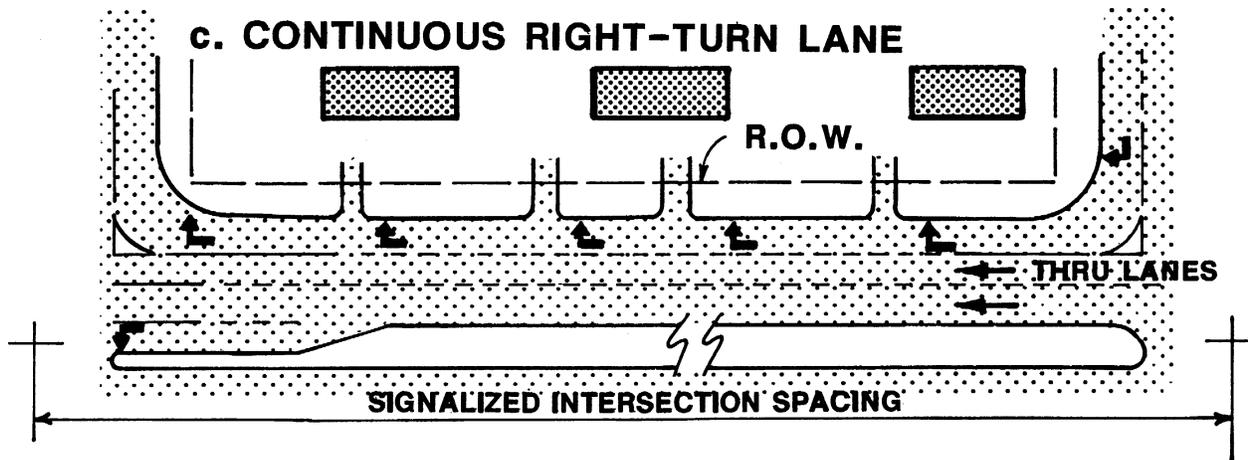
**a. DECELERATION TAPER WITH PARALLEL LANE**



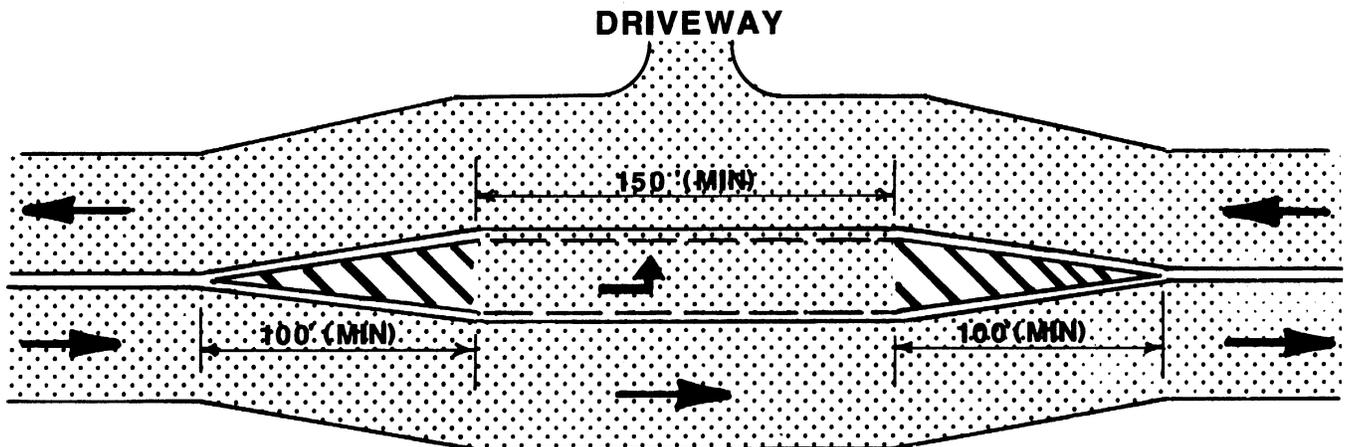
**b. DECELERATION TAPER**



**c. CONTINUOUS RIGHT-TURN LANE**



**d. BY PASS LANE**



(3) Grades and Drainage

- (a) Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5%, where feasible. In no case shall the driveway grade between the pavement edge and right-of-way exceed 7%. The driveway grade thereafter shall not exceed the following values:

<u>Driveway Type</u>	<u>Driveway Grade *</u>	
	Desirable	Maximum
High Volume Driveway	7%	10%
Low Volume Driveway on Major or Collector Streets	10%	13%

\* Based on standards accepted by the Institute of Transportation Engineers.

- (b) Vertical curves, with a minimum length of 15 feet shall be provided on driveway approaches at a change in grade of 4% or more.
- (c) Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the highway drainage system absent the approval of the responsible agency.

(4) Surface and Curb Construction:

Driveways shall be constructed of a permanent asphalt or concrete material and shall be paved and curbed from the edge of pavement to either the right-of-way line or point of curvature of the radius returns.

(5) Maintenance of Directional Signs and Pavement Markings:

In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) as required by the Township as part of the site plan review process and approved by the Michigan Department of Transportation and Eaton County Road Commission, and shall be maintained on a permanent basis by the property owner.

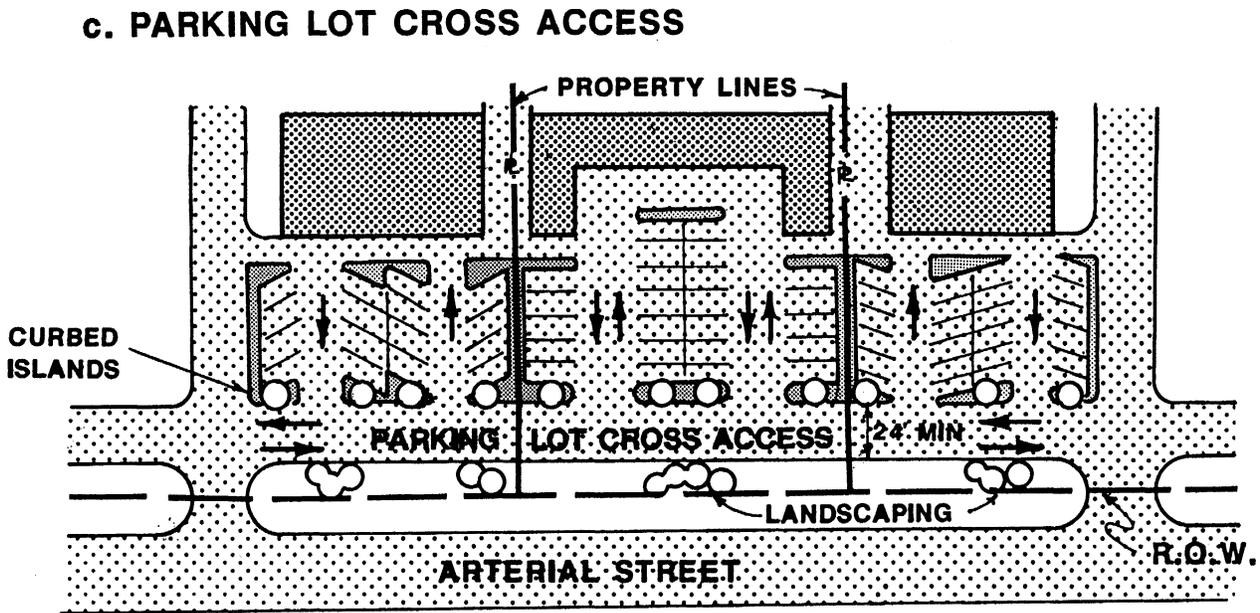
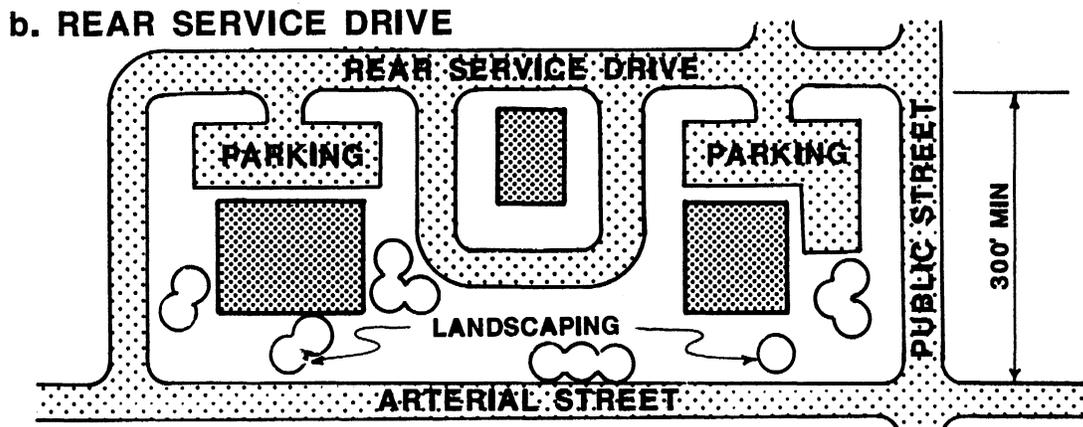
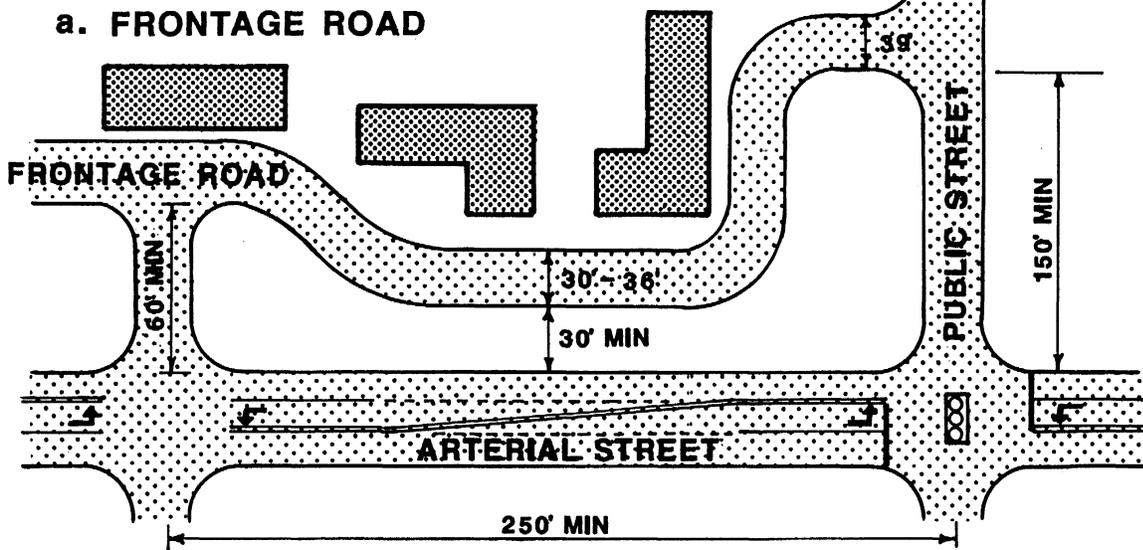
**SECTION 21.6.0 DESIGN OF FRONTAGE ROADS OR SERVICE DRIVES.**

- A. Frontage roads and service drives required by other sections of this ordinance shall be constructed to the following standards:
- (1) Width of 30 to 36 feet, measured face to face of curb with an approach width of 39 feet at intersections.
  - (2) Frontage road and service drive intersections at the arterial street shall be designed according to the same minimum standards as described for driveways in Section 21.5.0.
  - (3) Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge (See Figure 21-5a). At driveways where it can be demonstrated that

traffic volumes will exceed 1000 vehicles per day, a minimum of 80 feet of stacking space shall be required.

- (4) The frontage road intersections shall be located along an arterial at a minimum distance of 150 feet from the centerline of the nearest intersecting public street, as shown in Figure 21-5a.
- (5) Intersections for rear access service drives should be located at least 300 feet from the street that the adjacent buildings have frontage on, as shown in Figure 21-5b.
- (6) Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum 30 foot width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive shall be prohibited.
- (7) In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to allow alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 21-5c, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

**FIGURE 21-5**



**CHAPTER 22**  
(Amended 1/2/96)

**OFF-STREET PARKING AND LOADING**

**SECTION 22.1.0 SCOPE OF REGULATIONS.**

- A. At the time any building or structure is erected, enlarged or increased in capacity, or uses or occupancy established or changed, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- 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.
- C. Parking areas must have the same zoning classification as the property on which the principal use is located which they are serving.

**SECTION 22.2.0 LOCATION OF PARKING AND LOADING AREAS.**

- A. Off-street parking and loading facilities required by this Chapter shall be located on the same lot or parcel as the use for which the parking or loading is required or on an abutting lot or parcel under the same ownership. This requirement does not apply to joint parking or loading facilities developed in accordance with the requirements of this Chapter.

**SECTION 22.3.0 PARKING LOT AND LOADING AREA REQUIREMENTS.**

- A. Plans and specifications showing required off-street parking and loading spaces, including the means of access and interior circulation shall be submitted to the Building Official for review at the time of application for a building permit for the erection or enlargement of a building. All such plans and specifications shall also be submitted to the Zoning Administrator and a zoning compliance permit issued prior to the issuance of the building permit. Such plans and specifications shall be prepared at a scale of not less than one (1) inch equals fifty (50) feet and shall include the following:
  - (1) Existing and proposed grades;
  - (2) Drainage, including catch basins, pipe sizes and connections to existing drainage structures;
  - (3) Typical dimensions of parking and loading spaces and maneuvering aisles, including handicapped spaces required by State regulations;
  - (4) Lighting;
  - (5) Existing or proposed buildings;
  - (6) Sidewalks, including ramps for use of handicapped persons;
  - (7) Landscaping and required screening;
  - (8) Surfacing and base materials to be used in the construction of the parking lot.
- B. Parking lots required by this Ordinance shall be installed and completed within six (6) months of the issuance of a certificate of zoning compliance. In the event of unusual delays or adverse weather

conditions that make it impossible to complete the improvements, the Zoning Administrator may grant a single extension of the time limit for a further six (6) month period.

- C. With the exception of lots or parcels serving as sites for residential dwellings containing (4) or fewer units, every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
- (1) All off-street parking areas shall be drained so as to prevent drainage onto abutting properties and shall be hard surfaced with a pavement having an asphalt or concrete paver. Storage yards, other than parking lots, located within the I1 and I2 zoning districts shall be exempt from the paving requirement.
  - (2) Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial or office districts within one-hundred and fifty (150) feet of any residential zoning district shall not exceed twenty (20) feet in height. All other fixtures shall not exceed forty (40) feet in height. Light fixtures which are adjacent to residential zoning districts which are unshielded and permit light to spread outward rather than downward may be prohibited by the zoning administrator.
  - (3) All off-street parking and loading areas that make it necessary for vehicles to back directly into a public road are prohibited.
  - (4) Parking may be permitted within any required yard with the following exceptions:
    - (a) All off-street parking areas shall be set back a minimum of ten (10) feet from all front property lines. A minimum setback of five (5) feet from all side and rear property lines shall be provided except in those cases where shared driveways and/or cross-access between adjoining sites are required. Off-street parking areas shall not encroach upon any required greenbelt or buffer zone.
    - (b) Loading areas may not occupy any required front yard setback. The side yard setback area along the street side of a corner lot shall not be used for loading spaces.
  - (5) Concrete curbing shall be installed along the entire periphery of all off-street parking areas, including driveways and access drives. Said curbing shall be constructed in accordance with the specifications for either raised or rolled concrete curbing herein illustrated in Figure 22-2. The curbing shall be located so as to prevent any vehicle from projecting over lot lines or sidewalks, and to protect required landscaped areas. Off-street parking areas serving uses located within an industrial zoning district that do not serve the general public and are not visible from a public road; or off-street parking areas in any zoning district that serve public or private forest preserve areas, game refuge areas, parks, or similar recreations areas; or that serve public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources; or that serve non-commercial parks, playgrounds, and playfields; shall be exempt from this curbing requirement. (Amended 10/15/2007)
  - (6) All parking spaces shall be striped with paint or a material approved by the Zoning Administrator. Striping shall be at least four (4) inches in width. The striping shall be maintained at all times.

#### **SECTION 22.4.0 MIXED USE/JOINT PARKING FACILITIES.**

- A. In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
- B. Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately. The Zoning Administrator may approve a joint or collective parking arrangement in those situations where all of the following requirements are met:
  - (1) The uses proposing to combine parking requirements shall have hours of operation which do not coincide.
  - (2) Evidence of a signed agreement between the owners of both properties agreeing to such joint use shall be provided to the Zoning Administrator.
  - (3) Sufficient area shall be available such that the required parking for both uses computed separately may be provided on each lot or parcel involved in the event that one party to the joint parking agreement abrogates or otherwise withdraws from such agreement. Should such agreement be withdrawn by either party each use shall provide the parking as herein required.

#### **SECTION 22.5.0 PARKING SPACE AND MANEUVERING AISLE REQUIREMENTS.**

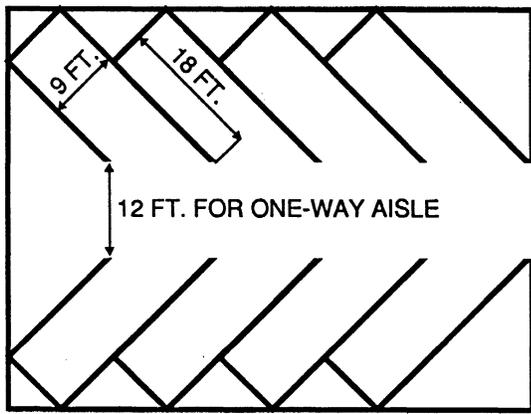
- A. All parking spaces and maneuvering aisles shall comply with the requirements contained in Figure 22-1.

#### **SECTION 22.6.0 UNITS OF MEASUREMENT.**

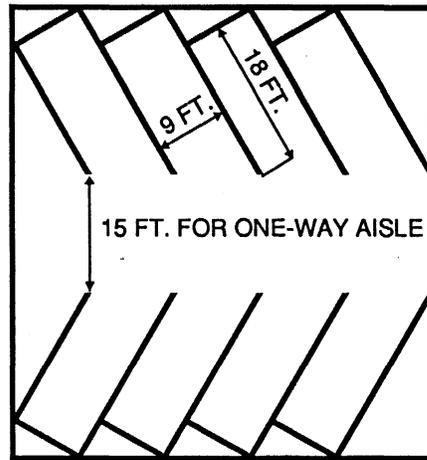
- A. Floor Area:
  - (1) Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area, except as noted in Section 22.6.0 (2).
  - (2) Where the floor area measurement is specified as net floor area, parking requirements shall apply to all building areas except that floor area used for incidental service, storage, installations of mechanical equipment, heating systems and similar uses and other areas where service to the general public is not provided. For buildings where use areas are not yet defined, the gross floor area may be reduced by fifteen percent (15%) for calculating net floor area. When use areas are defined, the actual net floor area shall be used to compute parking requirements.
- B. Places of Assembly: In stadia, sports arenas, churches and other places of assembly in which any portion of the seating consists of benches, pews or other such seating, each 18 inches of such seating shall be counted as one seat.
- C. Employees: For 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 shift.
- D. Fractions: When units of measurement determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one additional space.

FIGURE 22-1

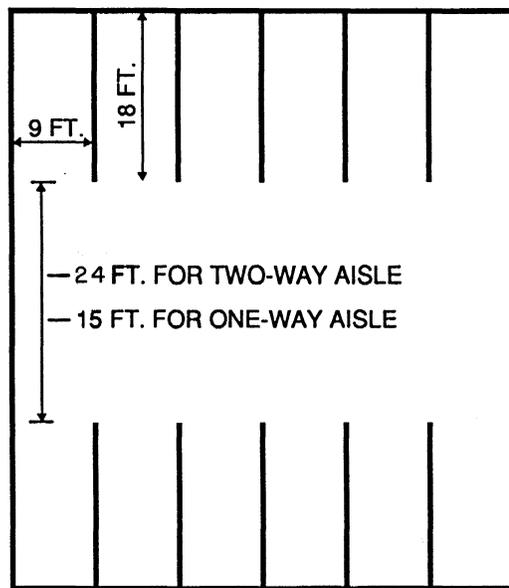
OFF-STREET PARKING DESIGN STANDARDS



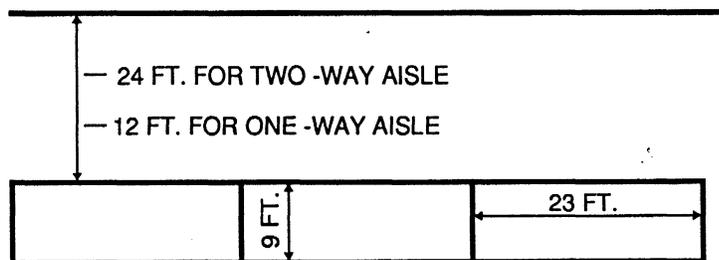
45° PARKING



60° PARKING



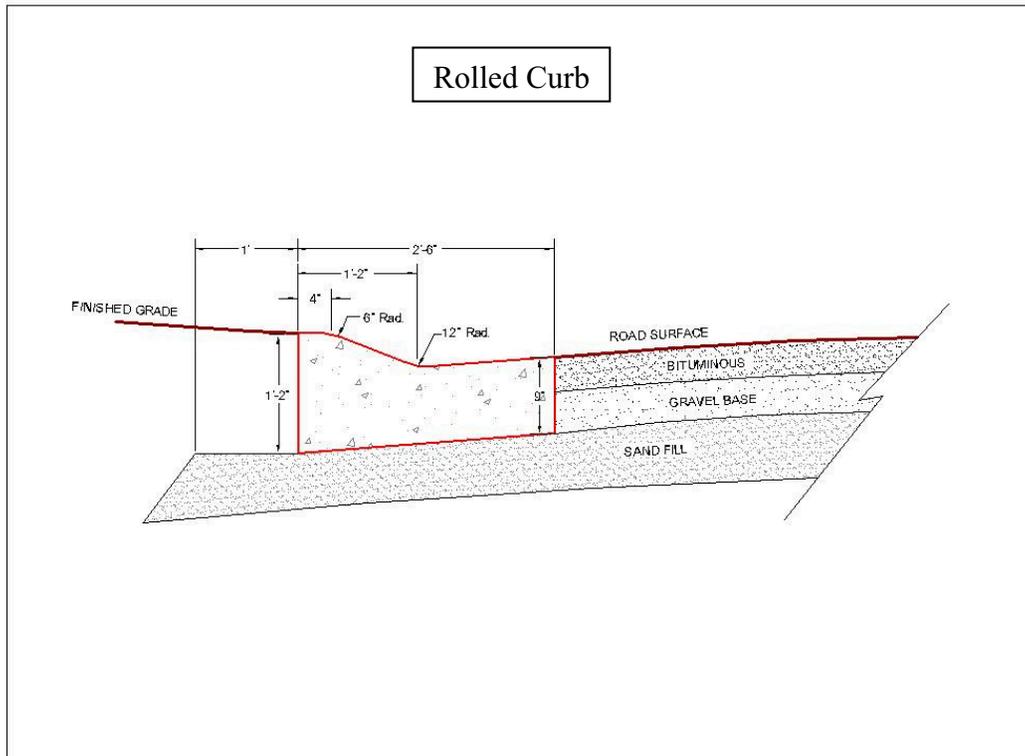
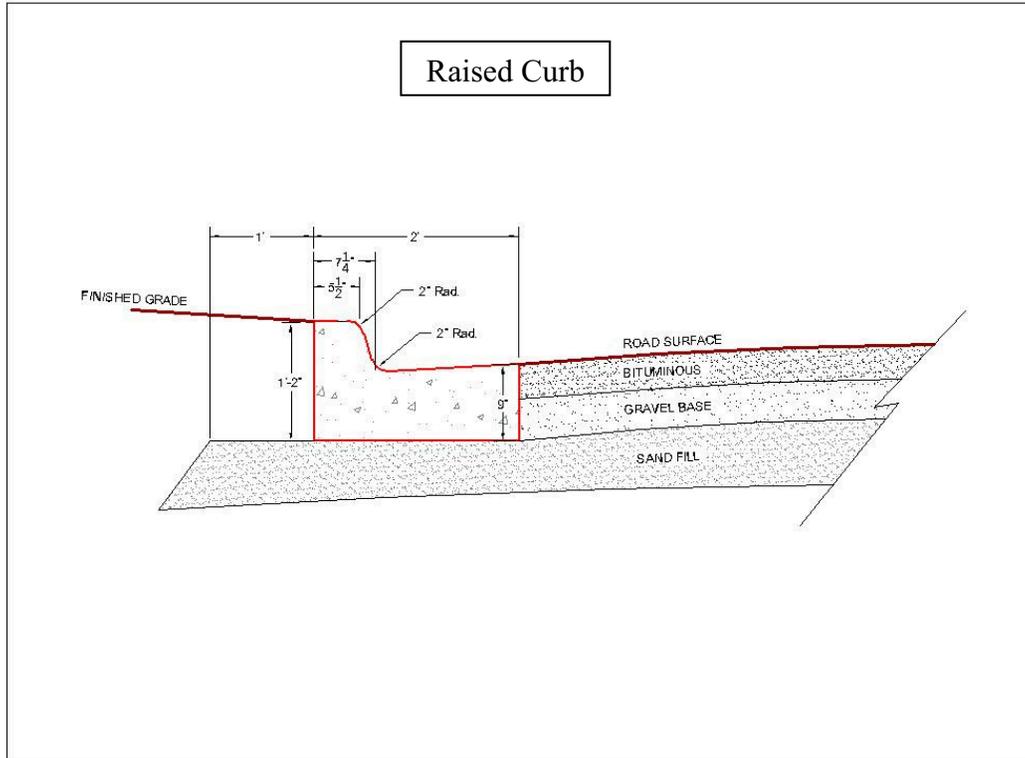
90° PARKING



PARALLEL PARKING

**FIGURE 22-2**

**MINIMUM PARKING AREA CURB SPECIFICATIONS**



**SECTION 22.7.0 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.**

Each use shall provide parking spaces in conformance with the following schedule of requirements:

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required Per Unit of Measure</u>
<b>A. <u>Residential</u></b>	
(1) Single-family, two family or multiple family with three or more bedrooms.	Two for each dwelling unit.
(2) Multiple family with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
(3) Efficiencies.	One for each dwelling unit.
(4) Mobile Home Parks.	Two for each mobile home or mobile home site.
(5) Elderly housing.	For independent living units, one for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
(6) Dormitories.	One space per three beds. (Amended 2/6/2012)
<b>B. <u>Institutional</u></b>	
(1) Churches or Temples.	One for each three seats.
(2) Hospitals.	One for each two beds plus one for each staff doctor, plus one for each additional employee in the largest working shift.
(3) Nursing homes, homes for the aged and convalescent homes.	One for each four beds, plus one for each staff doctor, plus one for each additional employee in the largest working shift.
(4) Child care centers.	Two spaces, plus one for every eight children licensed capacity.

- |   |   |
|---|---|
| (5) Elementary and junior high schools.   | One per teacher, plus one for each additional employee or administrator, plus the requirements of the auditorium or assembly hall provided at a rate of fifty percent of the requirements for these uses as specified herein.                           |
| (6) High schools.   | One for each teacher, plus one for each ten students, plus one for each employee or administrator, plus the requirements of the auditorium or assembly hall provided at a rate of fifty percent of the requirements for these uses as specified herein. |
| (7) Theaters.   | One for each four seats, plus one for each employee in the largest working shift.   |
| (8) Auditoriums and assembly halls.   | One for each three seats, plus one for each employee in the largest working shift.  |
| (9) Stadia, sports arenas or similar places of outdoor assembly.  | One for each three seats.   |
| (10) Dance and union halls, civic clubs, fraternal orders, exhibit halls, ballrooms, banquet halls, conference centers, or any similar type of use. | One space for every four persons allowed within the maximum occupancy load as determined by the Uniform Building Code.<br>(Amended 2/7/2011)  |
| (11) Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs, or similar uses.   | One per every four persons of maximum anticipated capacity as determined by the Uniform Building Code.  |
| (12) Golf courses open to the general public.   | Five for each golf hole and one for each employee in the largest working shift, plus the amount required for accessory uses.  |
| (13) Colleges & Universities.   | One space per five classroom seats, one space per three seats for auditoriums, gymnasiums, and assembly halls, one space for each two employees and staff members. (Amended 2/6/2012)   |

C. Business and Commercial

- |  |   |
|--|---|
| (1) Retail centers.  | Five spaces per 1,000 square feet of NUA.   |
| (2) Freestanding and other retail not otherwise specified herein.                            | Five spaces per 1,000 square feet of NUA.   |
| (3) Furniture and home furnishing stores (not including appliance stores and carpet stores). | One for each 800 square feet of NUA. (Amended 2/7/2011)   |
| (4) Supermarket, self-service food or beverage shop.   | One for each 200 square feet of NUA.  |
| (5) Motor vehicle and mobile home sales establishments.                                      | One for each 1,000 square feet NUA of the showroom, plus one for each employee in the largest working shift, plus the requirements of any on-site vehicle repair facility as specified herein.              |
| (6) Restaurants and Bars.  | One space for each three persons allowed within the maximum occupancy load as established by the Uniform Building Code, plus one for every three employees in the largest working shift. (Amended 5/7/2012) |
| (7) Drive-in, Drive-through, and self-service restaurants.                                   | One for each 2.5 persons allowed within the maximum occupancy as established by the Uniform Building Code, plus one for each employee in the largest working shift.   |
| (8) Barber shops and beauty salons.  | 1.5 spaces for each barber or beauty shop operator chair/station, plus one for each two employees in the largest working shift. (Amended 2/7/2011)  |
| (9) Laundromats and coin operated dry cleaners.  | One for each two washing machines.  |
| (10) Self-service car washes.  | Two stacking spaces per wash bay at the entrance, and one space at the exit.  |

- (11) Full-service gas station. Two for each service bay, plus one for each employee in the largest working shift, plus one for each road service vehicle, plus one per each two hundred square feet of NUA devoted to non-gasoline sales of auto service, plus one at each fuel pump.
- (12) Self-service gas station with the sale of convenience goods. One per each two hundred square feet of NUA, plus one for each employee in the largest working shift, plus one at each fuel pump.
- (13) Bowling alley. Five for each bowling lane, plus amount required for accessory uses.
- (14) Miniature or Par 3 golf course. Two for each hole, plus one for each two employees.
- (15) Funeral home or mortuary. One for each fifty square feet in service parlors, chapels and reception areas plus one for each funeral vehicle maintained on the premises.
- (16) Hotel, motel or other commercial lodging establishment. One space for each guest room, plus one for each employee in the largest working shift, plus the amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein.
- (17) Outdoor sales areas. One for each 1,000 square feet of outdoor sales area.
- (18) Health clubs. One for each 4 persons allowed within the maximum occupancy load as established by the Uniform Building Code, plus one for each employee in the largest working shift.
- (19) Amusement Center. One for each game table, one space for each amusement device, and one for each employee in the largest working shift.
- (20) Tanning Salons and Massage Parlors. One for each tanning bed or massage table, plus one for each employee in the largest working shift.
- (21) Athletic facilities. One for each 4 persons allowed within the maximum occupancy load as established by the Uniform Building Code, plus one for each employee in the largest working shift.

- (22) Nail Salons. One space for each chair/station, plus one for each two employees in the largest working shift. (Amended 2/7/2011)
- (23) Outdoor Seating Areas for Restaurants and Bars One for each six (6) seats provided. (Amended 5/7/2012)

D. Offices

- (1) Banks, credit unions and savings and loan establishments. One for each 200 square feet of NUA, plus one for each employee, plus two for each automatic teller machine.
- (2) Business and professional offices, not otherwise specified herein. One for each 200 square feet of NUA.
- (3) Medical and dental offices or clinics. One for each 200 square feet of NUA.
- (4) Office space in a retail shopping center occupying greater than 10% of the center's GLA. One for each 200 square feet of NUA.
- (5) Business and professional offices, greater than 50,000 sq.ft. In a single building. One for each 300 square feet of NUA.

E. Industrial

- (1) Industrial or manufacturing establishment, research and testing labs. Two for each three employees in the largest working shift, plus one for each company vehicle stored on the premises.
- (2) Warehouses, truck terminals. One for each employee in the largest working shift.
- (3) Mini-warehouse, storage. See Chapter 18.

F. Barrier Free Parking Requirements

<u>Total Parking In Lot</u>	<u>Req'd. # of Accessible Spaces</u>
1 - 25 Spaces	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	8
301 - 400	12
Over 400	12 (plus 2 for every 250 or fraction thereof over 400)

G. Where a use is not specifically listed in Sec. 22.7.0, A through Sec. 22.7.0, E, the parking requirements of a similar use shall apply. The Zoning Administrator shall make such interpretation.

**SECTION 22.8.0 OFF-STREET LOADING REQUIREMENTS.**

- A. Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- B. Required loading spaces shall not be included in the count of off-street parking spaces.

**SECTION 22.9.0 PARKING RESTRICTIONS.**

- A. Vehicle Parking in Residential Zoning Districts: (Amended 4/19/2010)
  - (1) The parking or storage of the following upon private property shall be prohibited in the RA, RB, RC, RD and RE zoning districts:
    - (a) A vehicle with three (3) or more axles.
    - (b) A vehicle which exceeds twelve (12) feet in height or thirty-five (35) feet in length.
    - (c) Vehicles including, but not limited to, a construction vehicle, truck tractor, semi-trailer, garbage truck, crane, tow truck, flatbed car hauler, dump truck, backhoe, loader/excavator, tree trimming equipment, vehicles designed to transport sixteen (16) or more people (including the driver) and vehicles for hire designed to carry eight (8) or more people (including the driver).
    - (d) Vehicles that are being used in the normal course of making routine service calls are exempt from the parking prohibition, as well as equipment temporarily performing construction work.
- B. The parking of semi-truck trailers for more than a forty-eight (48) hour period in any off-street parking area in the Office (O), Local Service Commercial (B-1) or Community Commercial (B-2) zoning districts is prohibited.
- C. Parking of Recreational Vehicles and Equipment:

No mobile homes, tent and travel trailers, motor homes, boats and snowmobiles and trailers designed for them, general purpose trailers, and similar equipment, shall be parked or stored within the primary

front setback area in excess of forty-eight (48) hours, either consecutively or cumulatively, within a seven (7) day consecutive period. It is the intent of this section to provide clear vision areas in front of structures, to insure adequate emergency vehicle access to structures and to maintain the character of existing neighborhoods.

- D. In the RA, RB, and RC zoning districts, no motor vehicle parking space (driveway) shall be provided in the required front yard(s), except on a surface which is paved with concrete, bituminous, or concrete unit/brick pavers, that occupies no more than 35% of the total area of the required front yard(s). (Amended 10/16/00)
- (1) On a corner lot, the 35% figure may not be applied cumulatively on two streets to increase the parking area on any one street above the 35% of the total area of the front yard on a single street.
  - (2) If non-paved driveways presently exist on more than 50% of the properties on the same side of the street within 500 feet of the subject parcel, a non-paved driveway shall be permitted.
  - (3) A paved driveway shall not be required if the driveway connects to a public or private street which is non-paved.
  - (4) The entire width of the driveway shall be paved.
  - (5) Non-paved driveways which existed prior to the effective date of this Ordinance shall be permitted to remain and normal maintenance, such as the application of gravel and grading, shall be permitted.
- E. Vehicles may be parked for periods of eight hours or less in any yard for purposes including, but not limited to, delivery, pick-up, or service to a dwelling. (Amended 10/16/00)

## CHAPTER 23

### BOARD OF APPEALS

#### SECTION 23.1.0 MEMBERSHIP AND TERMS OF OFFICE.

- A. The Board of Appeals shall consist of seven members: a member of the Township Board, a member of the Township Planning Commission and five (5) citizens of the Township appointed by the Township Board who shall be representative of the various interests and population distribution of the Township. (Amended 10/16/95)
- B. Terms of Office:
  - (1) The members of the Township Board and Planning Commission shall serve three (3) year terms, except that such terms shall be concurrent with service on the Board and Commission.
  - (2) The five additional members shall serve for a three (3) year term.
  - (3) Should a vacancy occur, a successor shall be appointed not more than one (1) month after the vacancy has occurred. All such vacancies or unexpired terms shall be filled for the remainder of the term of the member being succeeded.
- C. The Board of Appeals as presently constituted shall continue in the manner and for the terms heretofore established.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called upon to serve as a regular member for the purpose of reaching a decision on a case in which the regular 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 Zoning Board of Appeals. The alternate member(s) shall serve at the call of the Chairperson of the Zoning Board of Appeals. (Amended 9/3/91)

#### SECTION 23.2.0 JURISDICTION OF THE BOARD OF APPEALS. (Amended 6/19/00)

- A. Subject to the provisions of this Chapter, the Board of Appeals, after public hearing, shall have the jurisdiction to decide applications for variances, appeals, and interpretations filed as hereafter provided:
  - (1) Where it is alleged by the appellant that there is an error in any order, requirement, permit, interpretation, decision or refusal made by the Building Official, Zoning Administrator or any other Township official, body, or agency in enforcing the provisions of this Ordinance. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, interpretation, decision or refusal as in its opinion ought to be done, and to that end shall have all the powers of the administrative official from whom the appeal was taken.
  - (2) Where by reason of the shape, topographical condition or other extraordinary situation or condition of the land, building or structure, or the use or development of property immediately

adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardships.

- (3) The Zoning Administrator shall have the authority to request interpretations of the provisions of this Ordinance from the Zoning Board of Appeals.
- B. The Board of Appeals shall interpret zoning district boundaries as provided in Chapter 4.
  - C. The Board of Appeals shall consider and decide upon applications for expansion of non-conforming buildings and structures.
  - D. The Board of Appeals shall hear and decide any other matter referred to it by this Ordinance or any other Township ordinance.

#### **SECTION 23.3.0 PROCEDURES OF THE BOARD OF APPEALS.**

- A. The Board of Appeals shall adopt rules and regulations to govern its procedures and shall determine its own officers, except that the member from the Township Board shall not serve as Chairman.
- B. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in its rules of procedure.
- C. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Building Official, Zoning Administrator or any other Township official or agency, or to decide in favor of an applicant on any matter upon which they are required to pass, or to effect any variation of the Ordinance.
- D. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk and shall be made available to interested parties upon request.

#### **SECTION 23.4.0 APPLICATION AND HEARING PROCEDURES.**

- A. Filing of Appeals:
  - (1) All applications for a variance from the Zoning Board of Appeals shall be processed and the required public hearing shall be noticed and conducted in compliance with the Michigan Zoning Enabling Act, as amended. (Amended 12/4/2006)
  - (2) A fee, the amount of which may be set by the Township Board from time to time, shall be paid at the time of the filing of the appeal.
  - (3) The filing of an appeal stays all proceedings in furtherance of the action from which appealed, unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator and on due cause shown.
- B. Public Hearings:
  - (1) The Zoning Administrator shall fix a reasonable time and date for a public hearing, not to exceed forty-five (45) days from the date of the filing of any application with the Zoning Administrator.

- (2) On behalf of the Board of Appeals, the Clerk shall give due notice of the hearing by regular mail to the applicant and to property owners within three hundred (300) feet of the subject property as shown in the most recent assessment roll. Hearings shall also be noticed in a newspaper of general circulation.
  - (3) All notices of a hearing shall be mailed and published not less than fifteen (15) days prior to the date on which the hearing is to be held. (Amended 3/16/2009)
- C. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.
- D. The applicant, or his agent, shall appear at the hearing in order for the application to receive consideration of the variance or other requested decision.

#### **SECTION 23.5.0 DECISIONS OF THE BOARD OF APPEALS.**

- A. The Board of Appeals shall have the power to authorize variances from the provisions of this Ordinance.
- B. A variance shall not be granted by the Board of Appeals unless evidence is submitted demonstrating that all of the following basic conditions are met:
- (1) Shall not be contrary to the public interest or to the intent and general purpose of this Ordinance.
  - (2) Shall not permit the establishment within a district of any use which is not permitted by right or special land use permit.
  - (3) Shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the zoning district in which the subject parcel is located.
  - (4) Shall relate only to property described in the application for the variance.
- C. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be met:
- (1) Where there are practical difficulties which prevent carrying out the strict letter of this ordinance. These difficulties shall not be deemed solely economic, but shall be evaluated in terms of the use of a particular parcel of land. (Amended 12/4/2006)
  - (2) Where absent a variance, a significant natural feature would be negatively affected or destroyed.
  - (3) Where absent a variance, public health, safety and welfare would be negatively affected.
  - (4) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- D. A non-conforming use of land, structure or building, whether legally non-conforming or not, shall not solely constitute grounds for the issuance of a variance.
- E. The Board of Appeals shall further find that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure. To this end the Board of Appeals may

authorize a lesser variance than that requested by the applicant, provided that the lesser variance also meets the standards of Section 23.5.0, B, (1)-(4).

- F. In granting any variance or any other ruling the Board of Appeals may prescribe reasonable conditions and safeguards necessary to meet the spirit and intent of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- G. Findings of Fact:
  - (1) Minutes shall be kept of each meeting by the Township Clerk or appointed agent. The Board of Appeals shall record into the minutes all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, and all of its official actions.
  - (2) To this end the Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:
    - (a) The relevant administrative records and orders issued relating to the appeal;
    - (b) The notice of the appeal;
    - (c) Such documents, exhibits, photographs or written reports as may be submitted to the Board of Appeals for its consideration.
    - (d) The findings of the Board of Appeals, in resolution form, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching such a decision, including compliance with the standards of Section 23.5.0, B, (1) - (4).
- H. The Board of Appeals shall decide upon all matters within a reasonable time, not to exceed thirty (30) days from the closing of the public hearing. The time limit may be extended by written agreement between the applicant and the Board of Appeals.
- I. Decisions and orders of the Board of Appeals shall become effective five (5) days after the decision is reached, unless the Board shall find immediate effect is necessary to preserve a substantial property right and shall so certify in the record.
- J. When considering variance requests, if the Board of Appeals determines that a particular variance request occurs so often as to necessitate an amendment to the zoning ordinances, the Board shall so advise the Township Board of Trustees.

#### **SECTION 23.6.0 VOIDING AND REAPPLICATION FOR VARIANCE.**

- A. Time Limit for Variances Granted:
  - (1) Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy or other actions authorized by such variance have commenced within two (2) years of the granting of such variances. (Amended 3/16/2009)
  - (2) Upon written application filed with the Township Clerk prior to the termination of the two year time period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the Board of Appeals that

the project has a reasonable expectation of being continued to construction. (Amended 3/16/2009)

- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one (1) year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid.

**SECTION 23.7.0 APPEALS OF BOARD OF APPEAL DECISIONS.**

The decision of the Board of Appeals shall be final. Appeals from decisions of the Board of Appeals shall be to the Circuit Court of Eaton County, as provided by law.

**SECTION 23.8.0 LIMITATIONS ON POWERS OF BOARD OF APPEALS.**

- A. The Board of Appeals shall not alter or change the zone district classification of any property, make any change in the terms of this Ordinance, or take any action which results, in effect, in making such legislative changes.
- B. The Board of Appeals shall not have the authority to grant a variance on the use of land, buildings or structures.

## CHAPTER 24

### NON-CONFORMITIES

#### SECTION 24.1.0 PURPOSE. (Amended 12/2/2013)

- A. It is the purpose of this Chapter to provide regulations governing lots, buildings, structures and the uses thereof, which were legal before this Ordinance was adopted, or amended, including legal non-conforming lots, uses, buildings and structures, that would be prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Chapter to permit these buildings and structures, herein referred to as non-conformities, to remain until the non-conformity is abandoned, discontinued, significantly damaged, destroyed, or removed.
- B. These non-conformities are declared by this Ordinance to be incompatible with the uses and buildings and structures lawfully permitted by this Ordinance. The regulations contained in this Chapter are designed to ensure that such non-conformities will be properly regulated so as to result in a minimum of disharmony in the districts in which they are located.
- C. It is the intent of these regulations to gradually eliminate non-conforming uses and structures over time.
- D. The tenancy, ownership, or management of any non-conforming use or non-conforming structure, may change without altering the legal status of the non-conforming use or non-conforming structure.

#### SECTION 24.2.0 NON-CONFORMING USES.

- A. Where, on the date of adoption or amendment of this Ordinance, a lawful principal use of a parcel or lot exists but is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful, subject to the provisions of this Chapter.
- B. Non-conforming uses shall not be changed to another non-conforming use, except after approval of the Board of Appeals. Before granting such approval, the Board of Appeals shall determine that such change in use will be more conforming to the intent of the zone district in which it is located than the existing non-conforming use. A person aggrieved by a decision by the Board of Appeals on a non-conforming use may appeal to Circuit Court. (Amended 12/4/2006)
- C. Non-conforming uses shall not be expanded or increased in such a way as to increase the non-conforming nature of the use, such as, the addition of dwelling units, additional manufacturing or selling area, or by the addition of facilities which would allow the establishment of other non-conforming uses.
- D. When a legal nonconforming use has been discontinued for the continuous period of one (1) year or for eighteen (18) months during any three (3) 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 reestablished, 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 Zoning Administrator shall provide written notice of the Township's 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 when the Township Board will hold a public hearing on the question of such abandonment or discontinuance with a final determination being made by the Township Board. Factors that the Township Board shall consider when determining whether there was intent to abandon the nonconforming use include, but shall not be limited to:

- (1) The length of time the use has ceased.
- (2) The disconnection of utility services.
- (3) The removal of buildings and structures.
- (4) The lack of normal maintenance of buildings and grounds. (Amended 12/2/2013)

### **SECTION 24.3.0 NON-CONFORMING BUILDINGS AND STRUCTURES.**

- A. Non-conforming buildings and structures may be altered or expanded without the prior approval of the Board of Appeals, provided that such alteration or extension shall not increase the extent of the non-conformity and shall satisfy all site development regulations which are applicable.
- B. Non-conforming elements of buildings and structures may be structurally altered so as to increase their non-conformity provided that the Board of Appeals shall give its approval for such alteration and then only if it is determined that:
  - (1) the proposed building or structure alteration or extension complies as nearly as it is practical with the requirements of this Ordinance, and;
  - (2) the granting of the approval for the construction of the proposed structure alteration or extension will not have a negative impact on neighboring property.
- C. Any non-conforming structure or structure housing a non-conforming use that is damaged by fire, flood, wind, or other Acts of God in excess of the structure's pre-catastrophe state equalized value (SEV), as determined by the Township Assessor, shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance. In the event that the damage is less than the structure's pre-catastrophe state equalized value, as determined by the Township Assessor, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Building Official and all construction shall be in full compliance with applicable provisions of this Ordinance and applicable Township codes. (Amended 12/2/2013)
- D. A non-conforming building or structure shall not be moved in whole or in part to another Township location unless such building or structure complies with all of the applicable site development standards and other provisions of this Ordinance. (Amended 12/2/2013)
- E. Nothing in this Ordinance shall prohibit the repair or maintenance of a non-conforming building or structure to correct deterioration, obsolescence, depreciation and wear. (Amended 12/2/2013)

### **SECTION 24.4.0 NON-CONFORMING LOTS OF RECORD.**

- A. Where the owner of a single, non-conforming lot of record in existence on the effective date of this Ordinance does not own sufficient land to enable him to conform to the requirements of this Ordinance relating to minimum lot area or width, or both, such lot of record may be used as a building site, provided that the other provisions and requirements of this Ordinance are complied with, except as provided in Sec. 24.4.0, B, below.
- B. The minimum side yard setback requirements for lots of record in the A1, A2, RA, RB, RC, and RD zoning districts which are non-conforming due to inadequate lot width shall be 10% of the lot width, but in no case shall the side setback be less than five (5) feet. In all other zoning districts, minimum side yard setback requirements contained in Schedule A through F herein shall be complied with. (Amended 3/2/92)

## CHAPTER 25

### AMENDMENTS

#### SECTION 25.1.0 INITIATION OF AMENDMENTS.

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

#### SECTION 25.2.0 APPLICATION PROCEDURE.

- A. An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Fees shall not be required for amendments proposed or initiated by any governmental agency or body.
- B. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
  - (1) a legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - (2) the name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
  - (3) the existing and proposed zoning district designation of the subject property.
- C. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

#### SECTION 25.3.0 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE.

- A. Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. All applications for an amendment shall be processed and the required public hearing shall be noticed and conducted in compliance with the Michigan Zoning Enabling Act, as amended. (Amended 12/4/2006)
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 25.4.0, below, in making its finding and recommendation.
- C. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the Official Zoning

Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 25.4.0, below.

**SECTION 25.4.0 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP.**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

- (1) Whether the area in question possesses physical, geological, hydrological and other environmental characteristics and features compatible with the zoning district proposed.
- (2) Whether the zoning district designation, as amended, will conform to the goals and policies expressed in the Delta Charter Township Comprehensive Plan.
- (3) Whether the proposed zoning change is justified by a change in conditions since the initial placement of the property in question in its current zoning district designation, or by an error in the Official Zoning Map.
- (4) Whether the proposed zoning change is consistent with the purposes of this Ordinance as stated in Chapter 1 of this Ordinance.

**SECTION 25.5.0 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE.**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

## CHAPTER 26

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 26.1.0 AUTHORITY.

The provisions of this Ordinance shall be administered by the Delta Charter Township Planning Commission and the Delta Township Board in accordance with the Michigan Planning Enabling Act, 2008 PA 33 (MCL 125.3801 et. seq.), as amended; The Michigan Zoning Enabling Act, 2006 PA 110 (MCL 125.3101 et. seq.), as amended; and the Charter Township Act, 1947 PA 359 (MCL 42.1 et. seq.), as amended. (Amended 12/15/2008)

#### SECTION 26.2.0 ZONING ADMINISTRATOR.

- A. The Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to effectuate administration of this Ordinance.
- B. The Zoning Administrator or his deputy shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- C. The Zoning Administrator, or his deputy, shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions .

#### SECTION 26.3.0 CERTIFICATES OF ZONING COMPLIANCE.

- A. A permit for erection, alteration, moving or repair of any building shall not be issued until a Certificate of Zoning Compliance has been issued therefor. Issuance of such a Certificate shall indicate that the use(s) and plans for which the permit is requested comply with the Zoning Ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The Certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection.
- D. Certificates of Zoning Compliance authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 26.6.0. Any change in approved plans shall occur only as provided for in this Ordinance and requires the issuance of an amended Certificate of Zoning Compliance.

#### SECTION 26.4.0 PERFORMANCE GUARANTEE.

- A. As a condition of any zoning approval, the Township Planning Commission shall recommend to the Township Board, in accordance with the standards adopted herein, a bond or other financial guarantee of sufficient sum to assure the installation of required on-site improvements. Said

improvements shall include but shall not be limited to the installation of roadways, landscaping, curbs, lighting, drainage, sidewalks, driveways, utilities and similar items.

B. Performance guarantees shall be processed in the following manner:

- (1) Prior to the filing of a final site plan, a pre-application conference may be held to provide an opportunity to the Township's staff to inform the owner/developer of the Township's requirements regarding performance guarantees.
- (2) Upon filing of the final site plan, the applicant shall prepare an itemized cost estimate of the required improvements. The cost estimate shall then be reviewed by the Zoning Administrator and Board, who will act in finality. The amount of the performance guarantee shall not exceed 100 percent of the cost of installing the required improvements.
- (3) If approved by the Board, the Zoning Administrator shall accept the required performance guarantee and issue a Certificate of Zoning Compliance for the zoning approval.
- (4) The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (5) When all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Board indicating either approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement rejected shall be set forth.
- (6) The Board shall either approve, partially approve or reject the improvements with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Board within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
- (7) A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

#### **SECTION 26.5.0 APPLICATION FEES.**

Before considering any application submitted in accordance with the requirements of this Ordinance, a fee shall be collected by the Township Clerk. The fee for the various applications shall be set from time to time by the Township Board by resolution.

#### **SECTION 26.6.0 VIOLATIONS AND PENALTIES.** (Amended 9/21/98)

- A. Failure to comply with any of the provisions of this Zoning Ordinance shall constitute a violation and shall be punishable as a municipal civil infraction as prescribed by Chapter 1 of the Code of Ordinances of the Charter Township of Delta.

- B. This Chapter shall be enforced by the Zoning Administrator, or designees who are hereby designated as the authorized Township Official to issue municipal civil infraction violation notices, directing alleged violators to appear at the Township of Delta Municipal Violations Bureau as provided by the Code of Ordinances of the Charter Township of Delta.
  
- C. The issuance of municipal civil infraction citations shall be pursuant to Chapter 2, Article VII of the Code of Ordinances of the Charter Township of Delta.

## CHAPTER 27

### TRAFFIC IMPACT STUDIES

(Amended 12/19/94)

#### SECTION 27.1.0 INTENT.

Delta Township recognizes the direct correlation between land development and traffic operations. The intent of this chapter is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This section is further intended to help achieve the following objectives:

- (1) Provide a standard set of analytic tools and a format for preparing traffic impact studies.
- (2) Allow the Township to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
- (3) Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed project.
- (4) Reduce the negative traffic impacts created by individual developments by helping to ensure that the transportation system can safely and efficiently accommodate the projected traffic increases.
- (5) Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of the Township rather than a piecemeal approach.
- (6) Provide direction to Township decision makers, transportation agencies, and developers of the expected impacts of a project.
- (7) Alert the Township, transportation agencies, and developers of improvements or modifications needed to the roadway, access, or site design.
- (8) Protect the substantial public investment in the existing street system.

#### SECTION 27.2.0 APPLICABILITY.

- A. A traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, special land use permit, site plan, or condominium subdivision requests which could generate at least 100 directional trips during the peak hour of the traffic generator, or the peak hour on the adjacent streets, or over 1,000 trips in an average day.
- B. Forecasted trip generation shall be based upon equations/rates outlined in the most recent edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual or other authoritative studies available.

#### SECTION 27.3.0 STUDY AREA DETERMINATION.

The Planning Director and the applicant shall meet to determine the study area boundaries. Other issues which shall be discussed include the availability of data, background rates to be used, horizon (design) year, acceptable trip generation rates and reduction factors, trip distribution, as well as the need to evaluate other issues. Generally the larger the project, the larger the study area will be and the more detailed the traffic study will be.

## SECTION 27.4.0 TRAFFIC IMPACT STUDY CONTENTS.

### A. Description of the site and surroundings:

Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements.

### B. Description of the requested rezoning or use:

- (1) For a rezoning request, a general description of the proposed use shall be provided.
- (2) For a site plan review, condominium subdivision, and special land use permit requests, a description of factors including, but not limited to, the number and types of dwelling units, the gross and usable floor area, and the number of employees shall be provided. Any intended phasing or potential expansion shall be noted.

### C. Description of existing traffic conditions:

- (1) Traffic counts: Existing conditions including existing daily and peak hour traffic volumes on adjacent street(s) and intersections in the vicinity which are expected to be impacted. Traffic count data shall not be over two years old, except the Planning Director may permit 24 hour counts up to three years old to be increased by a factor supported by documentation that traffic has increased at a rate of no more than two percent in the past 3-5 years. Traffic counts shall be taken Monday through Friday on non-holiday weeks under normal driving conditions. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The individual preparing the impact study shall obtain the traffic counts during average or higher than average volume conditions for the area under study.
- (2) Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, gaps in the traffic flow, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- (3) Existing driveways and turning movement conflicts shall be illustrated and described.
- (4) The existing right-of-way shall be identified and any planned or desired expansion of the right-of-way requested by the applicable road agency.
- (5) Traffic accident data covering the most recent three years for intersections analyzed in the impact study may be required, particularly for sites along corridors identified as critical or congested corridors. The Planning Director shall be responsible for obtaining traffic accident data if it is required.

### D. Trip Generation:

- (1) The impact study shall include forecasted trip generation of the proposed use for the a.m. and p.m. peak hours and the average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) or other authoritative studies available.

- (2) When a traffic study is required for a rezoning request, the study shall contrast the traffic impacts of the proposed use, or of a typical use permitted in the requested zoning district, with uses permitted in the current zoning district.
- (3) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE recommendations and documentation for the specific uses.
- (4) For projects intended to be developed in phases, the trip generation by phase shall be described in order to determine the need for improvements at the various stages of development.

E. Trip Distribution:

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution shall also be attached (gravity model, market studies, counts at existing driveways, etc.) For projects of regional significance, a network model projection may be required.

F. Impact Analysis:

- (1) For any project with a completion date beyond one year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on a network model (if available), historic annual percentage increases, and/or on expected development in the area. Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed, which may affect traffic operations for the subject site as determined by the Planning Director.
- (2) The impact study shall include capacity analysis (level of service) at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at all street intersections where the expected traffic generated at the site will comprise at least five percent of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the applicable road agency.
- (3) The impact study shall include gap studies for unsignalized intersections.
- (4) The Township may require that the impact on the street network be evaluated for a project of regional significance if a network model is available.

G. Access Design/Access Management Standards:

The impact study shall include a map and description of the location and design of proposed access (driveways or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within 350 feet on either side of the main roadway, other data to demonstrate that the design and number of access points proposed will provide safe and efficient traffic operation and be in accordance with the standards of this Ordinance and the standards of the applicable road agency.

H. Other Study Items:

- (1) The traffic impact study shall describe the need for, or provision of, any additional right-of-way where required.
- (2) The study shall note changes which should be considered to the site plan layout.
- (3) The study shall include a description of any non-motorized facilities.
- (4) If the use involves a drive-thru facility, the adequacy of the queuing (stacking) area shall be evaluated.
- (5) If a median crossover is desired, separate analysis shall be provided.
- (6) If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices shall be reviewed. Analysis shall also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.

I. Mitigation/Alternatives:

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Any mitigation measure shall include correspondence from the applicable road agency. The responsibility for and timing of roadway improvements shall be described.

J. Preparer's Qualifications:

A required traffic impact study shall be prepared under the direction of a traffic/transportation engineer registered in Michigan (PE) with a history of completing impact studies and other traffic engineering analyses. The preparer's resume shall accompany the study.

**SECTION 27.5.0 SUBMITTAL.**

- A. The applicant shall submit the traffic impact study to the Township's Planning Department with the request for a rezoning, special land use permit, condominium subdivision, and/or a site plan.
- B. The Township shall distribute the traffic impact study to the appropriate road agencies. A copy shall also be submitted to the Tri-County Regional Planning Commission for projects of regional significance.
- C. The road agencies shall provide the Township with comments prior to any action on the project. The Township Planning Department shall review and comment on the traffic impact study and prepare a report for the Planning Commission and/or Township Board.

**SECTION 27.6.0 APPEALS.**

Appeals for a waiver from the requirement of a traffic impact study shall be made to the Township Zoning Board of Appeals in accordance with the procedures contained in the Board of Appeals Chapter herein. Factors which the Zoning Board of Appeals shall consider when reviewing a variance request include:

- (1) Are roadway improvements scheduled which are expected to mitigate any impacts associated with the proposed project?

- (2) Is the existing level of service along the roadway not expected to drop to level C due to the proposed project?
- (3) Is the existing level of service not expected to be significantly impacted by the proposed project due to specific conditions at the subject location?
- (4) Has a similar traffic study been previously prepared for the site and is it still considered applicable?