



Zoning Ordinance

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DELTA CHARTER TOWNSHIP

ZONING ORDINANCE

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CHAPTER 1

TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as “The Delta Charter Township Zoning Ordinance”.

SECTION 1.02 AUTHORITY, FINDINGS, AND PURPOSES

- A. **Michigan Zoning Enabling Act.** The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement and amendment.
- B. **Necessity.** The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.
- C. **Comprehensive Plan Compliance.** The Township has prepared and adopted a [Comprehensive Plan](#) designed to guide growth in a logical fashion; to provide for the establishment of districts in the Township which regulate the use of land and structures; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.
- D. **Purposes.** The Township has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the Delta Charter Township [Comprehensive Plan](#) for the specific purposes of:
1. Promoting and protecting the public health, safety and general welfare;
 2. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas within Delta Township and promoting the orderly and beneficial [development](#) of such areas;
 3. Providing adequate light, air, privacy and convenience of access to property;
 4. Regulating the intensity of use of land and lot areas, and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
 5. Lessening and avoiding congestion on public highways and streets;
 6. Promoting adequate and efficient provisions for transportation systems, sewage disposal, water, energy, recreation, and other public service and facility requirements;
 7. Encouraging the use of lands and natural resources in the Township in accordance with their character and adaptability;



8. Limiting the improper use of land;
9. Fixing reasonable standards to which buildings and structures shall conform;
10. Prohibiting uses, buildings or structures which are incompatible with the character of [development](#) or the uses, buildings or structures permitted within specified zoning districts;
11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare;
12. Preventing the overcrowding of the land and undue concentration of buildings and structures so far as is possible and appropriate in each [zoning district](#) by regulating the use and bulk of buildings in relation to the land surrounding them; and
13. Otherwise reduce hazards to life and property.

SECTION 1.03 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. **Scope.** This Ordinance shall be liberally construed in such manner as to best effectuate its purposes. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to the minimum for promotion and protection of the public health, safety, convenience, comfort, prosperity, and general welfare.
- B. **Construction.** No building or [structure](#), or part thereof, shall be erected, constructed, reconstructed, or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.04 VALIDITY AND SEVERABILITY

- A. **Validity.** 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.
- B. **Severability.** 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 1.05 CONFLICT WITH OTHER LAWS

- A. **More Restrictive.** 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 a higher standard or requirement shall govern.
- B. **Abrogate or Annul.** 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. **Compliance.** Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or [premises](#) declared unsafe or unhealthy.

SECTION 1.06 EFFECTIVE DATE

This Ordinance shall become effective seven (7) days from the date of final publication.

SECTION 1.07 REPEAL OF PRIOR ORDINANCE

The Delta Charter Township Zoning Ordinance, effective December 14, 1990 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.



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CHAPTER 2

DEFINITIONS

SECTION 2.01 RULES OF CONSTRUCTION

The following rules of [construction](#) shall apply:

- A. The particular shall control the general.
- B. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “[occupied](#) for.”
- D. A “[building](#)” or “[structure](#)” includes any part thereof.
- E. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “either...or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- F. 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.
- G. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- H. Illustrations, diagrams, and schedules herein shall have the same force and effect as written text.
- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. Days mean calendar days unless otherwise stated.
- K. A reference to a public official of the Township is to that person who performs the function referred to, and may include a designee of the public official.



SECTION 2.02 GENERAL DEFINITIONS

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

Abutting ([lot](#) or [parcel](#)): A lot or [parcel](#) that is adjacent to or shares a common border with the subject lot or parcel.

Access: A way or means of approach to provide [vehicle](#) or pedestrian physical entrance to a property. In zoning and [subdivision](#) regulations, lots usually are required to have direct access to a [public street](#) or to a private street meeting public standards. This is done not only to permit entry of residents and other uses, but also to permit emergency vehicles to reach buildings.

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 Dwelling Unit: A [dwelling unit](#) attached to a principal dwelling unit which provides complete independent living facilities for one (1) or more persons. The accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

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.

ADA (American's with Disabilities Act): A 1990 federal law designed to bring Americans with disabilities into the economic mainstream by providing them equal access to employment, transportation, public facilities, and services.

Adaptive Reuse: The [development](#) of a new [use](#) for an older [building](#) or for a building originally designed for a special or specific purpose.

Adult Day-Care Facilities:

1. **Adult Day-Care Family Home:** A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care facility.
2. **Adult Group Day-Care Home:** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care home.



3. **Adult Day-Care Center:** A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Foster Care Facility: A state licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days per week and for two (2) or more consecutive weeks. The adult foster care [family](#) home licensee must be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home:** A private residence with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. **Adult Foster Care Large Group Home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks.
4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult Use Business: Includes all of the following:

1. **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 an establishment with a segment or section devoted to the sale or display of such material.
2. **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](#)", for observation by patrons.
3. **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 anatomical areas](#)”, for observation by patrons.

4. **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 “specific sexual activities” or “[specified anatomical areas](#)”.
5. **Adult Physical Culture Establishment:** An “Adult Physical Culture Establishment” is any establishment, [club](#), or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
 - (a) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (b) Electrolysis treatment by a licensed operator or electrolysis equipment;
 - (c) Continuing instruction in material or performing arts or in organized athletic activities;
 - (d) Hospitals, nursing homes, medical clinics, or medical offices; and
 - (e) Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
6. **Body-Piercing:** The perforation of human tissue other than an ear for a non-medical purpose.
7. **Body-Piercing Establishment:** An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
8. **Brand or Branding:** The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
9. **Burlesque Show:** An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, where beer or intoxicating liquors are not sold on the [premises](#).
10. **Escort Agency:** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainment or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
11. **Nude Modeling Studio:** An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph, or draw.



12. **Public Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a full opaque covering.
13. **Specified Anatomical Areas:** Means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
14. **Specified Sexual Activities:** Means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to: intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above; and (e) physical violence, bondage, mutilation, or rape (actual or simulated), as part of, or as related to, any of the activities described above.
15. **Tattoo Parlor:** An establishment where persons are [tattooed](#) for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where [tattooing](#) is regularly conducted whether or not it is in exchange for compensation.
16. **Tattoo, Tattooed, Tattooing:** Any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, with the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

Agricultural/Commercial Tourism: The act of visiting a working farm or any agricultural, horticultural, or agribusiness operation to enjoy, be educated, or be involved in agricultural activities. Activities might include: picking fruits and vegetables, riding [horses](#), tasting honey, learning about wine and cheese making, or shopping in farm gift shops and farm stands for local and regional produce or hand-crafted gifts.

Agricultural Land: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to: forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, [livestock](#), herbs, flowers, seeds, grasses, [nursery](#) stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agricultural Processing and Food Storage: A [structure](#) or [building](#) (or area within a [structure](#) or building) used for sorting, cleaning, packaging, and storing of agricultural products preparatory to sale or shipment in their natural form. Agricultural processing shall not include slaughtering or processing of animals or animal products. It shall also not include manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries, woodworking, and wood processing plants.

Alley: A public or legally-established private [right-of-way](#) primarily to provide secondary vehicular [access](#) to the rear or side of properties otherwise abutting upon a street.

Alteration: Any modification, addition, or change in [construction](#) or type of occupancy; any change or rearrangement in the structural parts of a [building](#), whether by increasing the height or extension of diminution; or the moving of a building from one location to another.



Animal or Rescue Shelter: A [building](#) supported by a governmental unit or agency or by a non-profit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

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: 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: 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 (3) or more dwelling units.

Arterial Street: A street built to carry high traffic volumes and provide connections to locations outside of the Township.

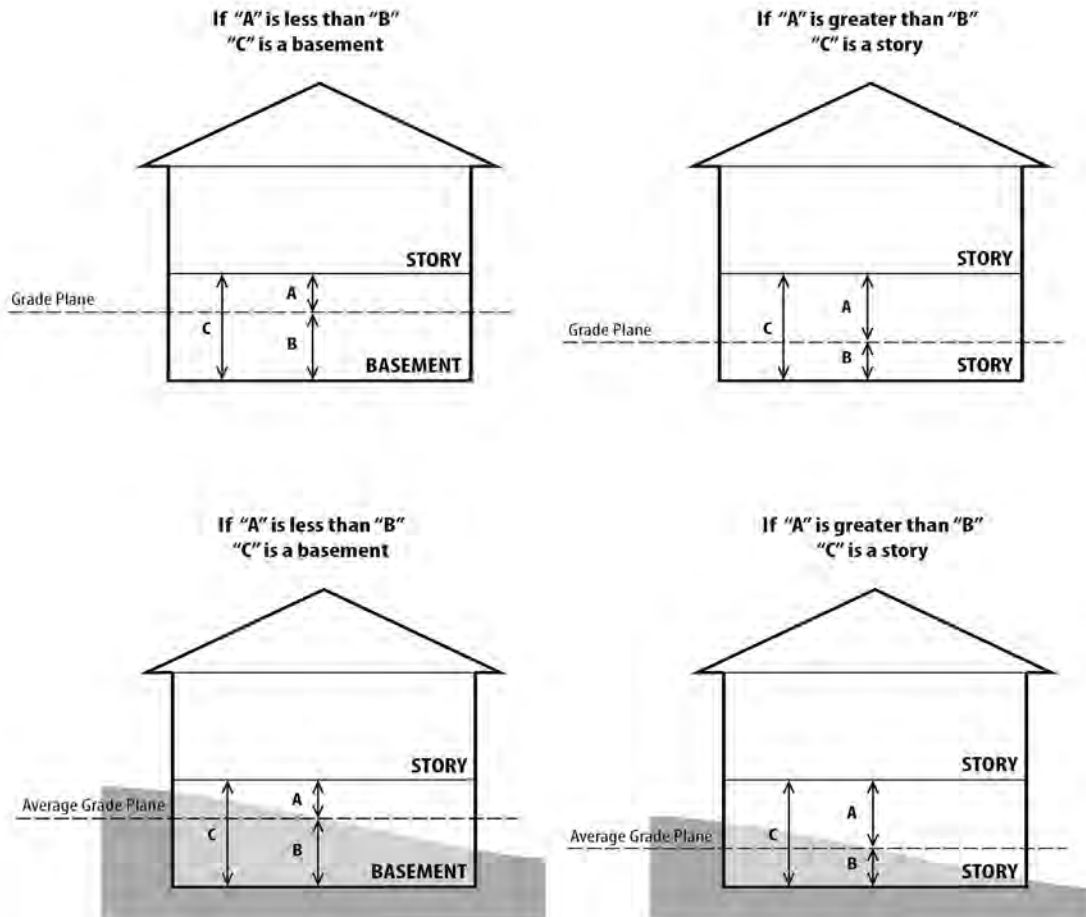
Base Flood: A [flood](#) having a one percent (1%) chance of being equaled or exceeded in any given year. This type of flood is also referred to as the 100-year [flood](#).

Basement: That portion of a [building](#) that 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](#).



FIGURE 2.02-A. BASEMENT & STORY

BASEMENT AND STORY

**Basin:**

1. **Detention:** A basin wherein water is stored for a relatively brief period of time, part of it being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are used for [flood](#) regulation.
2. **Retention:** A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for [flood](#) regulation.

Bed and Breakfast Establishment: A subordinate [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.

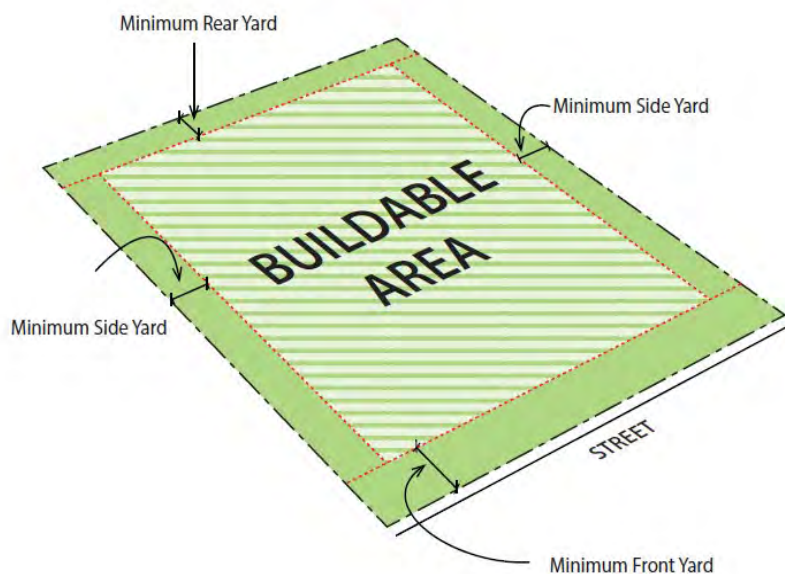


Bicycle Facilities: Improvements and provisions made by public agencies to accommodate or encourage bicycling, including shared roadways, bicycle lanes, or shared [use](#) paths.

Blood Plasma Center: A [building](#) and [premises](#) used for the primary function of the performance of plasmapheresis. Plasmapheresis means 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.

Buildable Area: The buildable area of a [lot](#) is the space remaining after the minimum [open space](#) requirements of this Ordinance are complied with.

FIGURE 2.02-B. BUILDABLE AREA



Building: A [structure](#) having a roof supported by columns or walls.

Building, Farm: Any [building](#) or [structure](#) other than a dwelling maintained, used, or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce, or farm animals.

Building, Mixed Use: A [building](#) containing a combination of residential, office, and commercial uses.

Building, Principal: A [building](#) in which the main or principal uses are conducted on the [lot](#) on which said building is located.

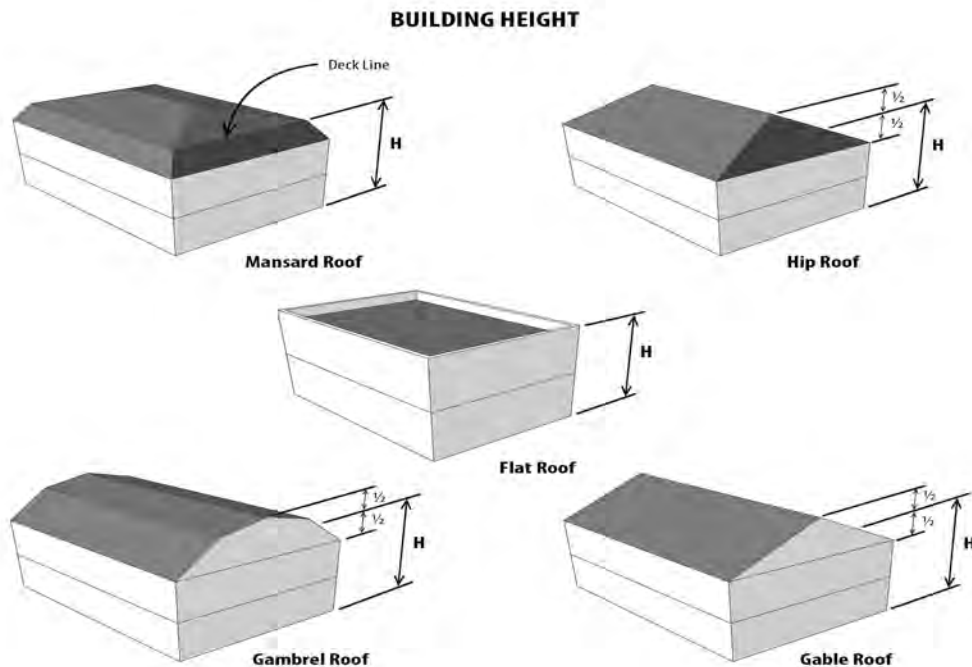
Building, Temporary: A [structure](#) erected on a property which is intended for limited duration.

Building Code: The currently adopted code or codes regulating [building construction](#) in Delta Charter Township.



Building Height: The [building](#) height is the vertical distance measured from the average [finished grade](#) to the highest point of the roof surface of a flat roof; to the [deck](#) line of mansard roofs; and the average height between eaves and the ridges of gable, hip, and gambrel roofs. Where a building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building [wall](#).

FIGURE 2.02-C. BUILDING HEIGHT



Building Inspector or Building Official: An individual appointed by the [Township Board](#) delegated to administer the Delta Charter Township [Building Code](#) Ordinance.

Building Material Sales: Establishments or places of business primarily engaged in retail or wholesale, from the [premises](#), of materials used in the [construction](#) of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include [building](#) material stores and home supply establishments.

Building Permit: A building permit is written permission issued by the [Building Official](#) for the [construction](#), [alteration](#), or expansion of buildings or improvements on the land in conformance with this Ordinance.

Building Setback 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](#). See [Figure 2.02 H](#), [Corner Lot](#) Layout and [Interior Lot](#) Layout.

Business Service and Repair: An establishment providing other businesses with various services including: maintenance, repair and service, testing, and rental.



Campgrounds: An area or an establishment intended to contain temporary or permanent buildings, tents, recreational vehicles such as motor homes or travel trailers, or other structures established or maintained as temporary living quarters, usually operated during the summer for recreation purposes.

Cellar: See definition for [basement](#).

Cemetery: Property used for the interring of the dead. This may include a [structure](#) and/or facilities for storing ashes of remains that have been cremated such as a mausoleum. Also may include structures for the internment of the dead in sealed crypts or compartments.

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 Day-Care Facilities: The following definitions shall apply in the [construction](#) and application of this Ordinance:

1. **Child Family Day-Care Home:** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the [family](#) by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. **Child Group Day-Care Home:** A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the [family](#) by blood, marriage, or adoptions. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
3. **Child Care Center:** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities: Means the following:

1. **Child Foster Care Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. **Child Foster Care Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.



Church or Synagogue: See [Places of Worship](#).

Clinic, Medical: 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.

Club or Lodge: 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 and open only to members and not the general public.

Commercial Fueling Station: An unmanned automated fuel service facility that dispenses gasoline and diesel fuel exclusively to commercial fleet vehicles.

Commercial Recreation Facility: 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.

Community Supported Agriculture: A marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically, the farm members receive their share once per week, sometimes coming to the farm to pick up their share; or farms deliver to a central point.

Comprehensive Plan: 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: A [building](#) or [lot](#) governed under Act 59, Public Acts of 1978, as amended. The following [condominium](#) terms shall apply in the application of this Ordinance:

1. **Condominium Documents:** The [master deed](#), recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the [condominium](#).
2. **Condominium Lot:** The land in a [condominium unit](#), together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
3. **Condominium Subdivision Plan:** The drawings and information prepared in accordance with Section 66 of the Condominium Act.



4. **Condominium Unit:** The portion of a [condominium](#) project designed and intended for separate ownership and [use](#), as described in the [master deed](#).
5. **Consolidating Master Deed:** The final amended [master deed](#) for a contractible or [expandable condominium](#) project or a condominium project containing convertible land or convertible space, which the final amended master deed fully describes the condominium project as completed.
6. **Contractible Condominium:** A [condominium](#) project containing condominium units some or all of which were [occupied](#) before the [filing](#) of a notice of taking reservations under Section 7 of the Condominium Act.
7. **Expandable Condominium:** A [condominium](#) project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
8. **General Common Elements:** A portion of the common elements reserved in the [master deed](#) for the [use](#) of all of the co-owners.
9. **Limited Common Elements:** A portion of the common elements reserved in the [master deed](#) for the exclusive [use](#) of less than all of the co-owners.
10. **Master Deed:** The [condominium](#) document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project, the [condominium subdivision plan](#) for the project, and all other information required by Section 8 of the Condominium Act.
11. **Notice of Proposed Action:** The notice required by Section 71 of the Condominium Act, to be filed with Delta Charter Township and other agencies.
12. **Site Condominium:** A [condominium development](#) containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the [zoning district](#) in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a [structure](#) or structures.

Conference, Meeting, and Banquet Facilities: 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-[premises](#) consumption.

Conservation Easement: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or public body.

Construction: Any assembly, erection, substantial repair, [alteration](#) or similar action, for or of public or private rights-of-ways, structures, utilities, or similar property.

Convalescent Center: A state licensed medical care facility for the care of children, of the aged, or infirm providing twenty-four (24) hour care for patients recovering from acute or post-operative conditions.

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 a street which allows for [vehicle](#) turnaround.

Data Processing and Computer Centers: Facilities which store, process, and serve large amounts of electronic data. This [use](#) also includes service and maintenance of electronic data processing equipment.

Deceleration Lane: An added roadway lane that permits vehicles to slow down and leave the main [vehicle](#) stream before turning.

Deck: A platform commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

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

Design Guidelines: A set of standards and recommendations intended to guide new [development](#) of individual properties and consolidated parcels along the corridor, and promote a cohesive and inviting pedestrian realm through abundant [landscaping](#) and public amenities, integrated transit infrastructure, and smart [access management](#).

Development: The [construction](#) of a new [use](#) or [building](#), or other [structure](#) on a [lot](#) or [parcel](#); the relocation of an existing use or building on another lot or parcel; or the use of acreage or open land for the new use or building.

Drainage:

1. Surface water runoff.
2. The removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during the [construction](#) or [development](#). The means for preserving the water supply and the prevention or alleviation of flooding.

Drive-Through: A business establishment providing retail goods or services to patrons while in a motor [vehicle](#), including customer communication facilities for banks or other uses.

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

Dumpster: 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 (1) room in addition to a kitchen and a bathroom.

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 (manufactured homes and modular homes) and site built units, but in no case shall include a travel trailer, motor home, trailer coach, automobile chassis, tent, or other portable building.

Dwelling Unit, Attached: A [dwelling unit](#) attached to one (1) 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 (1) or more of the property rights by a property owner to and/or for [use](#) by the public, or another person or entity.

Erect: Build, construct, alter, reconstruct, move upon, or any physical operations on the [premises](#) which are required for [construction](#). [Excavation](#), fill, [drainage](#), and the like, shall be considered a part of erection.

Equestrian Facilities:

1. **Riding Academy:** Any establishment where [horses](#) are kept for training, riding, driving, or stabling for compensation or incidental to the operation of any [club](#), association, ranch, or similar establishment.
2. **Stable, Commercial:** A stable with a capacity of five (5) or more [horses](#), mules, or donkeys which are rented, hired, used, or boarded on a commercial basis or for compensation. For the purpose hereof, five (5) or more animals kept and maintained as a [hobby stable](#), or for any other purpose, shall be deemed and considered a commercial stable.
3. **Stable, Hobby:** A stable with a capacity of four (4) or fewer [horses](#), mules, or donkeys which are used by the owners of the property.

Essential Service: 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.

1. **Major Essential Service:** A major [essential service](#) installation shall consist of [building\(s\)](#) and/or structures which cover one thousand (1,000) square feet or more of area.
2. **Minor Essential Service:** A minor [essential service](#) installation shall consist of [building\(s\)](#) and/or structures which cover less than one thousand (1,000) square feet of area.



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

Extractive Uses: A [use](#) involving removal of surface or subsurface mineral products of natural resources including, but not limited to: sand, gravel and stone operations, and soil mining, but not to include timber cutting and petroleum and natural gas wells.

Fall Zone: 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: A family shall be defined as one (1) of the following:

1. One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, or caregivers, including, but not limited to: a nurse, nanny, physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
2. Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees, care givers, including, but not limited to: a nurse, nanny, physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
3. A [functional family](#) living together as a single housekeeping unit.

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.

Farm Market: A place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily include a physical structure such as a building, and is considered part of a farm operation. The products marketed for sale at a farm market must be produced on and by the affiliated farm. [Farm Products](#) may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales.

Farm Operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to: irrigation and [drainage](#) systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products, and associated inputs necessary for farm operations on the roadway as authorized by the Michigan [vehicle](#) code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.



4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming, materials, or pesticides.
6. [Use](#) of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, [use](#), handling, and care of [livestock](#).
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a [farm operation](#) activity to other farm operation activities.
10. The employment and [use](#) of labor.

Farm Product: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to: forages and sod crops; grains and feed crops; field crops; dairy and dairy products; poultry and poultry products; cervidae; [livestock](#), including breeding and grazing; equine; fish and other aqua-cultural products; bees and bee products; berries; herbs; fruits; vegetables; flowers; seeds grasses; [nursery](#) stock; trees and tree products; mushrooms; and other similar products; or any other product which incorporates the [use](#) of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Fence: An [accessory structure](#) intended for [use](#) as a barrier to property ingress or egress, a [screen](#) from an 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](#).

Firearm Sales and Service: An establishment, or part thereof, devoted to the sale, lease, purchase, or servicing of firearms or ammunition.

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 (1%) 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](#).

Floodplain (see also [Flood Hazard Area](#)): That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year [flood](#) cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

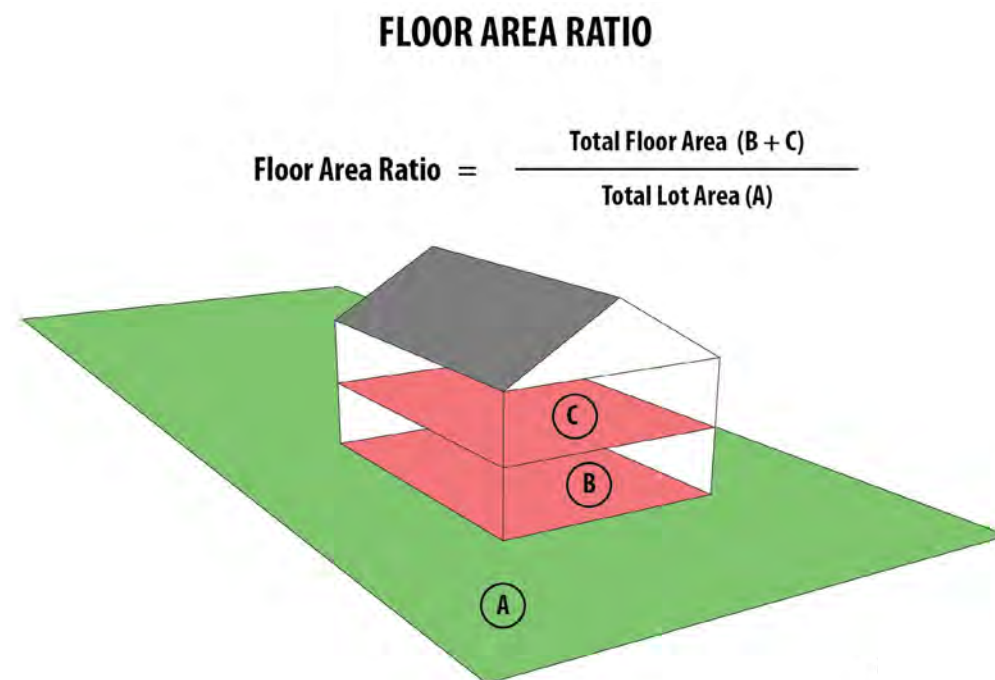
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate [flood](#) damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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 (FAR): 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.

FIGURE 2.02-D. FLOOR AREA RATIO (FAR)



Floor Area, Usable: 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.

Form Based District: A type of land [development](#) regulations that places primary emphasis on the physical form of buildings and site development with the end goal of producing a predictable built environment or specific type of place.

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.

Funeral Home/Mortuary: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Garage: A non-habitable attached or detached [accessory building](#) which is designed for the storage of private automobiles, materials, tools, or other equipment necessary to maintain the property.

Garden Center: A [building](#), room, or area usually chiefly of transparent material in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

Generally Accepted Agricultural and Management Practices (GAAMPS): Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United State Department of Agricultural Natural Resources Conservation Service and other Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

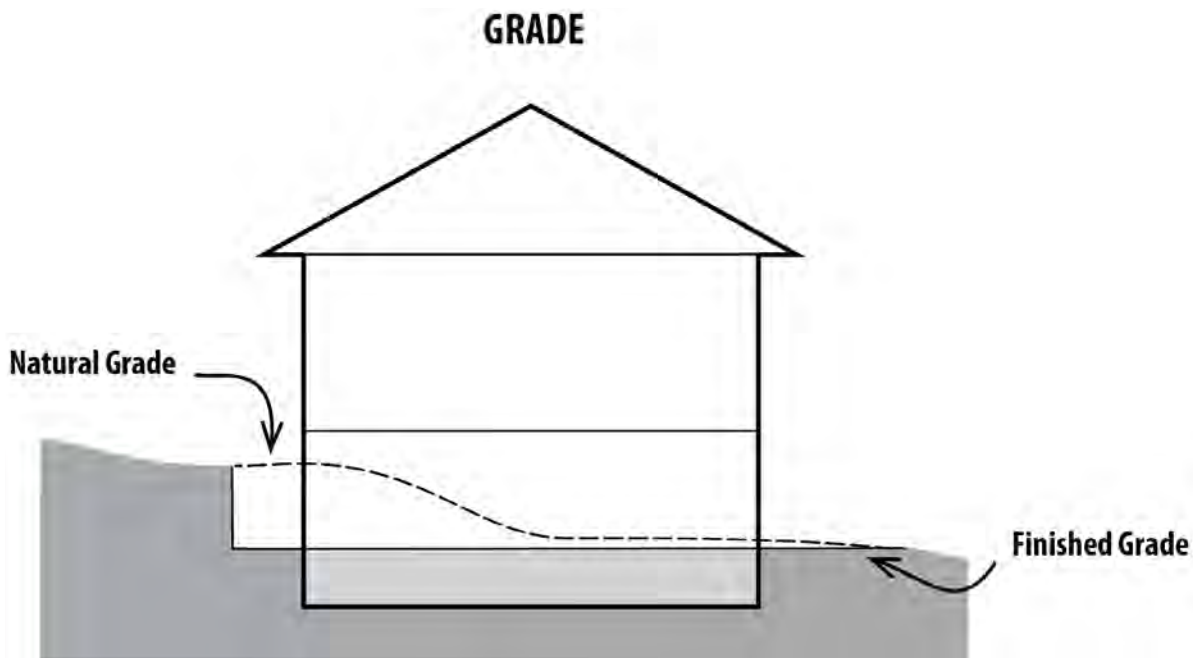
Geothermal Energy Systems: A system that uses a heat pump to extract heat from the earth in heating mode and/or reject heat into the earth in cooling mode.

Golf Course or Country Club: The [premises](#) upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club. Unlit driving ranges may be permitted as an [accessory use](#) to a golf course.

Grade: The degree of rise or descent of a sloping surface.



FIGURE 2.02-E. GRADE



Grade, Average: 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 which is intended to provide a transition between a public road [right-of-way](#) and an existing or proposed land [use](#).

Gross Site Area: The total area of a [planned unit development](#) site including flood plains and water bodies.

Habitable Space: Space in a [structure](#) for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

High-Rise Buildings: A [building](#) located within an office or commercial [zoning district](#) over sixty (60) feet in height, which is permitted only as a [Special Land Use](#).

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.

Horses: See [Equestrian Facilities](#).

Hospital: A facility offering primarily in-patient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative conditions 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 out-patient 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](#).

Impervious Surface: Any surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

Kennel: Any [lot](#) or [premises](#) on which four (4) or more dogs six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer. Dogs which are utilized as service animals shall not be counted for the purpose of this definition.

Laboratory: A place in which the [principal use](#) is devoted to experimental, routine, or basic study including, but not limited to, testing and analytical operations.

Landscaping: The following definitions shall apply in the application of this Ordinance:

1. **Berm:** A landscaped mound of earth which blends with the surrounding terrain.
2. **Buffer:** A landscaped area composed of living material, [wall](#), [berm](#), or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
3. **Conflicting Non-Residential Land Use:** Any non-residential [use](#), including, but not limited to: office, commercial, industrial, research, parking, or public road [right-of-way](#) land use which abuts a residential land use.
4. **Conflicting Residential Land Use:** Any residential land [use](#) developed at a higher [density](#) which abuts a residential land use developed at a lower density.
5. **Opacity:** The state of being impervious to sight.
6. **Plant Material:** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.
7. **Screen:** A [structure](#) providing enclosure, including, but not limited to, a [fence](#), and /or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

Livestock: Animals including, but not limited to, [horses](#), cattle, sheep, goats, swine, poultry, and rabbits.



Livestock Production Facility: All facilities where [livestock](#) are kept with a capacity of fifty (50) animal units or greater and/or the associated manure facilities. Sites such as loafing areas, confinement areas, or feed-lots which have livestock densities that preclude prominence of desirable forage species are considered part of a livestock production facility. This does not include pastureland.

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: 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](#).

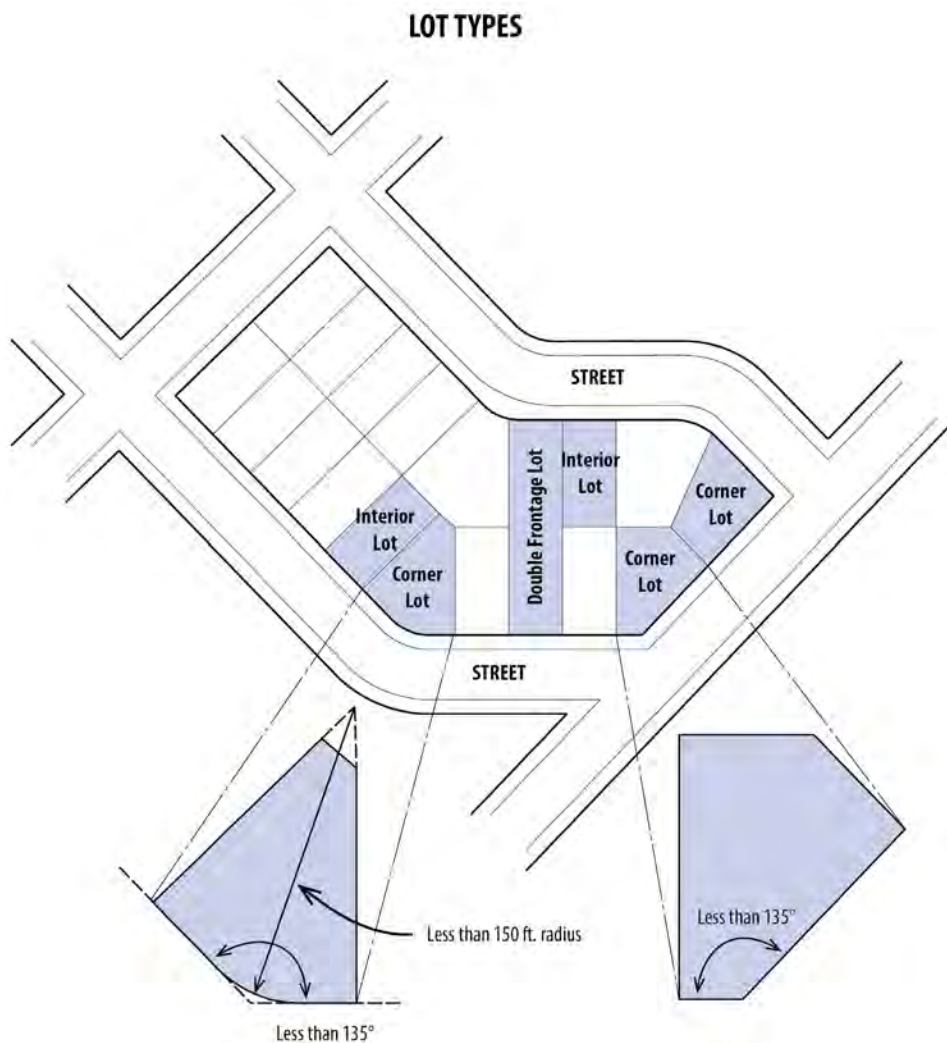
Lot, Corner: A [lot](#) with frontage on two (2) intersecting streets.

Lot, Interior: A [lot](#) other than a [corner lot](#) that has only one (1) [lot line](#) fronting on a street.

Lot, Through (also called double frontage): An [interior lot](#) having frontage on two (2) more or less parallel streets.



FIGURE 2.02-F. LOT TYPES



Lot Area, Gross: The area contained within the [lot lines](#) or property boundary including street [right-of-way](#) if so included.

Lot Area, Net: 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:

1. **For Planned Unit Developments:** The [net lot area](#) less area devoted to water bodies; water bodies being defined as areas greater than one (1) acre in size (either before or after project implementation) which are periodically or permanently covered with water.

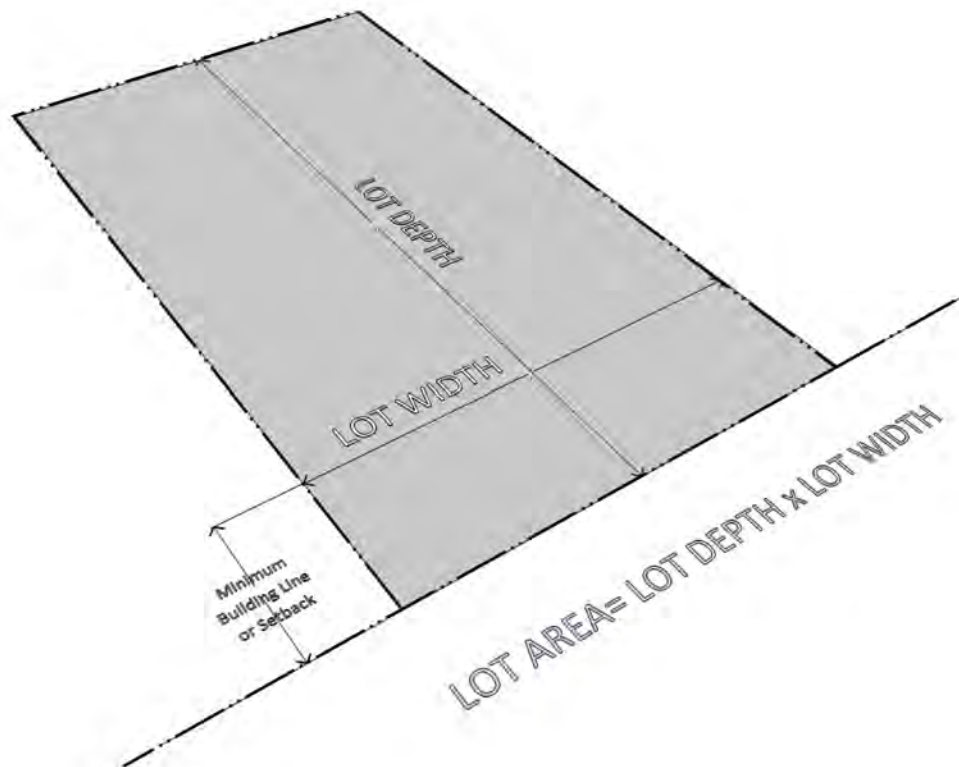


2. **For Non-Planned Unit Developments:** The [net lot area](#) less area devoted to floodplains or water bodies; water bodies being defined as areas greater than one (1) acre in size (either before or after project implementation) which are periodically or permanently covered with water.

Lot Coverage: The part or percent of a [lot occupied](#) by buildings and accessory buildings.

Lot Depth: The horizontal distance between the front and rear [lot lines](#), measured along the mid-point between side lot lines.

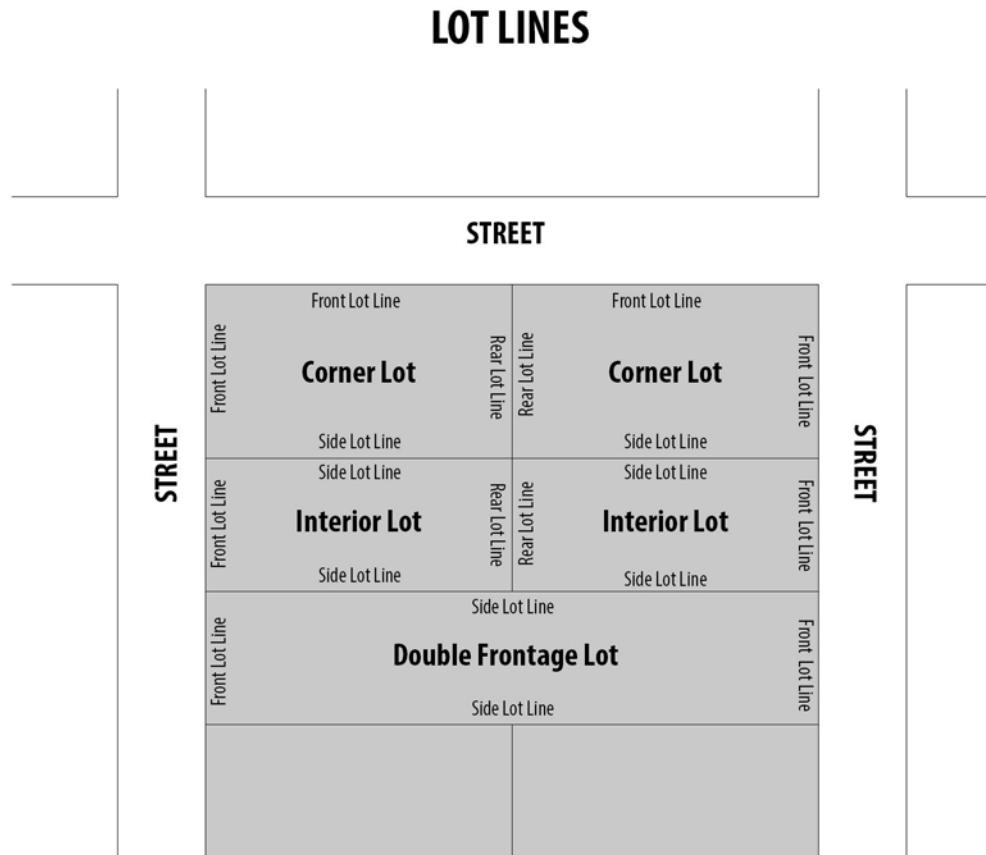
FIGURE 2.02-G. LOT DEPTH AND LOT WIDTH



Lot Frontage: The length of the [front lot line](#).

Lot Lines: The lines bounding a [lot](#) or [parcel](#).

FIGURE 2.02-H. LOT LINES



Lot Line, Front: The line(s) separating the [lot](#) from any street [right-of-way](#), [private road](#) or other [access easement](#).

Lot Line, Rear: 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 (10) feet in length entirely within the lot or [parcel](#), parallel to, and at a maximum distance from the front lot line.

Lot Line, Side: 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: The horizontal distance between side [lot lines](#) measured parallel to the [front lot line](#) at the minimum required front [setback](#) line (see [Figure 2.02-F](#)).



Manufactured Home: A [structure](#), transportable in one (1) 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 manufactured home shall not include modular homes, motor homes, or travel trailers.

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 manufactured homes and modular housing units.

Manufactured Housing Development: A [parcel](#) or tract of land upon which three (3) or more manufactured 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 [manufactured home](#) and which is not intended for use as temporary housing.

Medical Laboratories: A [laboratory](#) where tests are usually done on clinical specimens in order to obtain information about the health of a patient as pertaining to the diagnosis, treatment, and prevention of disease.

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](#))

Natural Features: Natural features shall include soils, [wetlands](#), floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Non-Conforming Building or Structure: A [structure](#) or [building](#) lawfully constructed that does not conform to the requirements of the district in which it is situated.

Non-Conforming Lot: A [lot of record](#) which does not meet the dimensional requirements of this ordinance.

Non-Conforming 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.

Non-Commercial Parks and Recreational Facilities: Parks owned and maintained by the Township and/or residential developments through designated common space.

Nursery: Any land, space, [building](#) or [structure](#), or combination thereof, used for the storage of live trees, shrubs, or plants, but not including medical marijuana; 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.

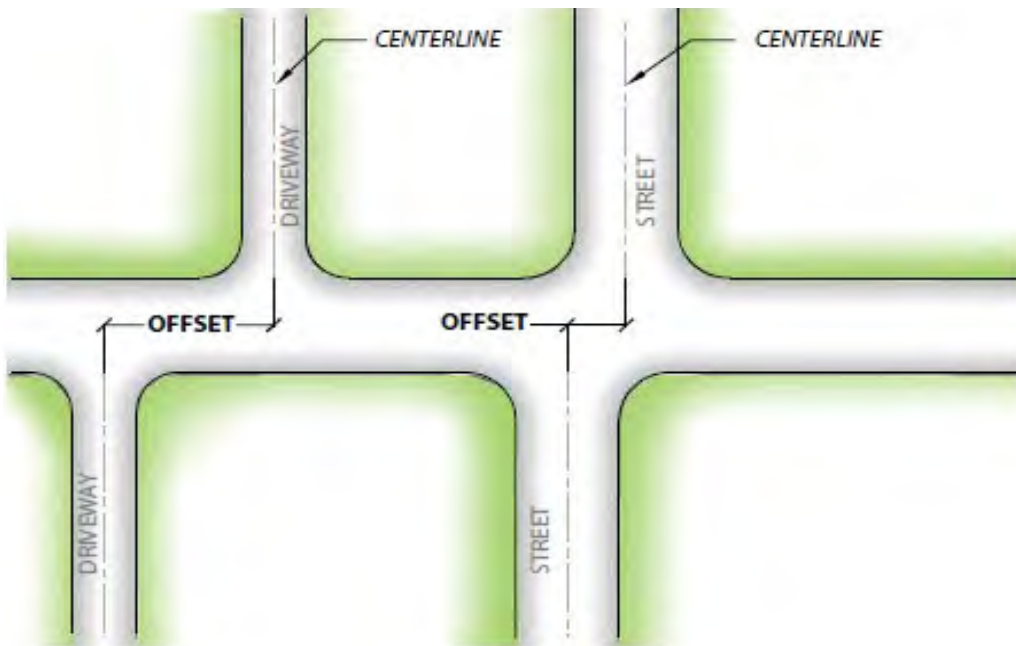
Occupancy, change of: A discontinuance of an existing [use](#) and the substitution of a use of a different kind or class, or the expansion of a use.

Occupied: The [use](#) of any [structure](#), [parcel](#), or property for human endeavor, but not including the preparation of any structure of land for occupancy.

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



FIGURE 2.02-I. OFFSET



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 (3) or more automobiles or trucks.

Open Air Business: A business operated for profit, substantially in the open air, usually without buildings or structures, including, but not limited to the following:

1. Bicycle, utility truck or trailer, motor [vehicle](#), boats or home equipment sale, repair, or rental services.
2. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar products.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, and/or fertilizer.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open Space: Any land area suitable for growing vegetation, recreation, gardens, or household service activities, but not [occupied](#) by any buildings or other structures, except as provided in this Ordinance.

Open Space Use: Any principal or [accessory use](#) of a [lot](#) or [parcel](#) not involving the [use](#) of buildings or structures.

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.



Outdoor Storage: A land area [occupied](#) and used for outdoor storage of [building](#) materials, sand, gravel, stone, lumber, equipment, and other supplies.

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.

Permitted Use: A [use](#) allowed by right in a [zoning district](#) and subject to the restrictions applicable to that zoning district.

Personal Service Establishment: A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, and shoe repair shops.

Places of Assembly: Unless otherwise identified and defined by this Ordinance, “places of assembly” means any [building](#), [structure](#), and/or grounds where groups meet or assemble. Places of assembly shall include, but are not limited to: auditoriums, [stadiums](#), sports [arenas](#), fine and performing art venues, and other similar facilities.

Places of Worship: A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

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 Delta Charter Township [Planning Commission](#) as duly created under Act 33 of 2008, as amended.

Plat: A map of a [subdivision](#) of land showing location, boundaries, and ownership of individual properties.

Portable Storage Units: A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, [building](#) materials, or merchandise.

Post-Secondary Schools: Any education institution that provides classes to students who have already completed high school. Post-secondary schools include trade schools, traditional colleges, or graduate schools.

Practical Difficulty: See “[Variance](#)”.

Premises: All portions of contiguous land in the same ownership that are not divided by any public highway, street, or [alley](#), and upon which is located a residence or place of business.

Principal Building or Structure: The main [building](#) or [structure](#) in which the primary [use](#) is conducted.

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 Service Building and Facilities: Building or facility used for a public service or purpose.

Public Street: A public thoroughfare which affords the principal means of [access](#) to abutting property.

Reasonable Access: A property owner's legal right, incidental 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: A facility for audio, video, film recording and production, and similar activities. This may also include radio and television broadcast facilities without towers.

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 motor 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: 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 two thousand (2,000) square feet for the drop-off or deposit of recyclable materials.
2. **Recycling Center - Small Collection Facility:** A [recycling center](#) of two thousand (2,000) square feet or less for the drop-off or deposit of recyclable materials.

Recycling Units: 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.

Restaurant: An establishment whose principal business is the sale of food and beverages to the customer in



a ready-to-consume state, and whose method of operation is characteristic of a [carry-out](#), [drive-in](#), [drive-through](#), [fast food](#), [sit-down restaurant](#), or [bar/lounge](#), or combination thereof, as defined below:

1. **Restaurant, Carry-Out:** A carry-out restaurant is a [restaurant](#) whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the [premises](#).
2. **Restaurant, Drive-In/Drive-Through:** A drive-in/[drive-through](#) restaurant shall be deemed to be any [restaurant](#) designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the [premises](#), or permitted to be consumed by patrons elsewhere on the site outside of the main [building](#).
3. **Restaurant, Fast Food:** A fast food restaurant is a [restaurant](#) whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the [structure](#), or for consumption off the [premises](#), but not in a motor [vehicle](#) at the site.
4. **Restaurant, Sit Down:** A standard [restaurant](#) whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed [building](#), or the prepared food is acquired by customers at a cafeteria line, and is subsequently consumed by the customers at tables within a completely enclosed building.
5. **Bar/Lounge:** A bar or lounge is a type of [restaurant](#) which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the [structure](#) so designated or operated.

Research and Development Facilities: A [structure](#) or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

Retail, General: Any [building](#) or [structure](#) in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Retail, Large-Scale: A retail establishment commonly referred to as a “big box” store, which exceeds fifty thousand (50,000) square feet in [gross floor area](#).

Retail, Wholesale: A commercial activity, [building](#), or land primarily engaged in or used for the display, storage, and sale of goods to other firms for resale, or an off-price and/or a retail/[warehouse](#) establishment offering a range of general merchandise to the public.

Right-of-Way: A street, [alley](#), or other thoroughfare, or an [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. See [Recycling Center](#).



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.

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 extraterrestrial-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 one thousand five hundred (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.

Self-Storage Facility: A [building](#) or group of buildings, each of which consists of several individual storage units, each with a separate door and lock, and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled [access](#) compound.

Senior Housing: A [building](#) or group of buildings containing dwellings intended to be [occupied](#) by older persons as defined by the Fair Housing Act. Senior housing may include independent and/or assisted living arrangements, but shall not include convalescent homes or homes for the aged regulated by the State. The following additional definitions shall apply in the application of this Ordinance:

1. **Assisted Living for the Elderly:** Housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents may receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security, and housekeeping. Individual dwellings may contain kitchen units.
2. **Independent Living for the Elderly:** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project sites shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

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

Service Animal: In accordance with the Americans with Disabilities Act (ADA), as amended, a service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals. Service animals



are working animals, not pets. The work tasks performed by a service animal must be directly related to the individual's disability. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or this Ordinance.

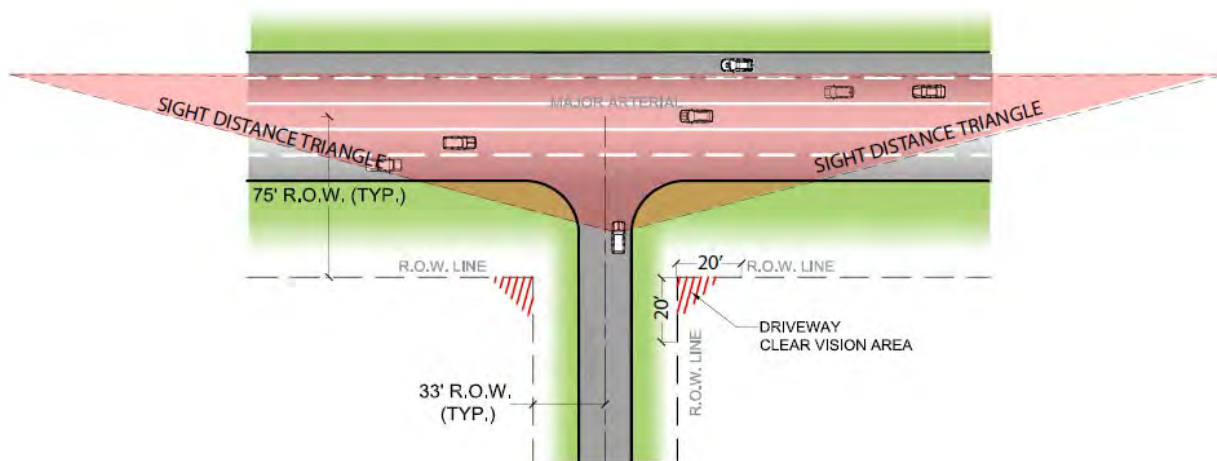
Service Drive: A drive which generally parallels the public [right-of-way](#) but runs along the back of a land [use](#) which fronts on the [public street](#). A service drive may provide [access](#) to properties on both sides, and vary in width and design.

Setback: The minimum unoccupied distance between a front, side, or [rear lot line](#) and the principal and accessory buildings, as required herein (see [Figures 2.02-K. Corner Lot Layout](#) and [2.02-L. Interior Lot Layout](#)).

Shopping Center: More than one (1) commercial establishment, planned, developed, owned, and managed as a unit with off-street parking provided on the property.

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.

FIGURE 2.02-J. SIGHT DISTANCE



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.

Sketch Plan: A preliminary drawing illustrating the general [development](#) of a site.

Solar Energy Systems:

1. **Building Integrated Photovoltaic (BIPV) Systems:** A [solar energy system](#) that consists of integrating photovoltaic modules into the [building structure](#), such as the roof or the façade, and which does not alter the relief of the roof.



2. **Ground-Mounted Solar Energy System:** A [solar energy system](#) that is directly installed in the ground and is not attached or affixed to an existing [structure](#).
3. **Photovoltaic (PV) Systems:** A [solar energy system](#) that produces electricity by the [use](#) of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.
4. **Rooftop Solar System:** A [solar energy system](#) in which solar panels are mounted on top of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted.
5. **Solar Collector:** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
6. **Solar Energy System:** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar.
7. **Solar Panel:** A device for the direct conversion of solar energy into electricity.
8. **Solar-Thermal Systems:** Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
9. **Wall-mounted Solar Energy System:** A [solar energy system](#) that is installed flush to the surface of the [wall](#) of a permanent [building](#).

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: A large open or enclosed place used for sporting events and major events and partly or completely surrounded by tiers of seats for spectators. (See also [Places of Assembly](#).)

Storage Container: A steel enclosure without wheels that is greater than two hundred (200) square feet in area designed for shipment, storage and handling. The container is typically used for the storage, but not limited to, merchandise, fixtures, building materials, lay-aways, and used articles.

Story: That portion of a [building](#) included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it (See [Figure 2.02-A](#). Basement & Story.)

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.

Subdivision: A partitioning or dividing of a [parcel](#) or tract of land by the owner or any legal representatives for the purpose of sale, or lease for more than one (1) year, or [building development](#).



Substantial Improvement: Any repair, reconstruction, or improvement of a [structure](#) located within the 100-year [floodplain](#), the cost of which equals or exceeds fifty percent (50%) 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.

Temporary Use of Building or Land: A [use](#) of a [building](#) or [premises](#) permitted to exist during [construction](#) of the main building, or for a specified period of time.

Township Board: The Charter Township of Delta Board.

Trade Contractor: A [building](#) or portion thereof where building and [construction](#) trade services are provided to the public. “Trade Contractor” shall include, but will not be limited to, contractor offices, including landscaper’s showrooms, [construction](#) supplies and storage including plumbing, heating, air conditioning, and building equipment and materials, and other uses similar in nature and impact.

Trip: A single or one-way [vehicle](#) movement either to or from a site or a specific land [use](#).

Trip Ends: The total number of trips entering or leaving a site or a specific land use over a designated period of time.

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 Terminal: A [structure](#) to which goods, except raw or unprocessed agricultural products, natural minerals, or the resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

U-Pick Operation: A farm that provides the opportunity for customers to harvest their own farm products directly from the plant.

Use: The lawful purpose for which land, [premises](#), a [structure](#), or [building](#) thereon is designed, arranged, intended, or for which is [occupied](#), maintained, let, or leased for a use or activity.

Variance: A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of



the applicant, a literal enforcement of the Ordinance would result in a [practical difficulty](#). Variances are authorized by the [Zoning Board of Appeals](#) under the provisions of this Ordinance and the Michigan Zoning Enabling Act as amended.

Vehicle: Unless specifically stated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans, and motorcycles, and other vehicles defined as motor vehicles by the Michigan vehicle code.

Vehicle/Equipment Storage Yards: Any operation or 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 sold. Such operation or business shall not include [salvage](#) activities.

Vehicle Fueling Station: A [building](#) or [premises](#) used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as: filling tires with air, checking fluid levels, adding water to radiators, and similar activities; as well as, selling convenience foods and other such items through a convenience store. Minor or major automobile repair is expressly excluded from this definition.

Vehicle Rental Facility: Commercial establishments where motor vehicles are kept and maintained for lease, where such vehicles are dropped off or picked up, and where customers complete all transactions necessary for the short-term lease of such vehicle.

Vehicle Repair Station, Major: A facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including: transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops.

Vehicle Repair Station, Minor: A facility which offers or provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs. Collision shops, transmission repair shops, shops used for the internal repair of engine components and drive train repair, and radiator repair, are expressly excluded from this definition.

Vehicle Sales/Leasing and Service Facility: A [building](#) or [premises](#) used primarily for the sale, lease, or rental of new and/or used vehicles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

Vehicle Wash: The primary purpose of a [building](#), or portion, thereof, to wash vehicles either by automatic or self-service means.

Veterinary Clinic: An enclosed [building](#) wherein animals including domestic household pets and farm animals are given medical or surgical treatment, and used as a boarding place for such animals limited to short time boarding incidental to [clinic](#) or [hospital use](#). Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Wall: An obscuring [structure](#) of definite height and location, constructed of masonry, concrete, or similar approved material.

Warehouse: A [building](#) used primarily for storage of goods and materials.



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.

Wetlands: Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wild Animal: A dangerous, wild, or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm.

Wind Energy Conversion System: “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: 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, or RM zoning districts exceeds fifty (50) feet (as defined herein), or if located in the NR, AG1, AG2, O, or C zoning districts exceeds seventy (70) feet (as defined herein), or if located in the I [zoning district](#) has a rated capacity of more than ten (10) Kilowatts (kW).

Wind Energy Conversion System, Small: 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 ten (10) Kilowatts (kW) and which is intended to reduce or replace the onsite consumption of utility power.

Wireless Communication Facilities: Shall mean and include all structures and accessory facilities relating to the [use](#) of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to: radio towers; television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment; and [building](#) and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities; short wave facilities; ham



amateur radio facilities; satellite dishes; and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

1. **Attached Wireless Communications Facilities:** Any wireless communication facility affixed to an existing [structure](#), including, but not limited to a [building](#), tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
2. **Colocation:** The location by two (2) or more wireless communication providers of [wireless communication facilities](#) on a common [structure](#), tower, or [building](#), with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
3. **Stealth Wireless Facility Design:** A wireless communications facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead is disguised, concealed, or architecturally integrated into a [building](#)'s design in such a fashion as to conform to its surroundings.
4. **Wireless Communication Support Structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support [structure](#).

Yard: 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:

1. **Front Yard:** 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](#).
2. **Rear Yard:** 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 (1) rear yard which shall be determined by the Zoning Administrator.
3. **Side Yard:** 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.



FIGURE 2.02-K. CORNER LOT LAYOUT

YARDS, CORNER LOT LAYOUT

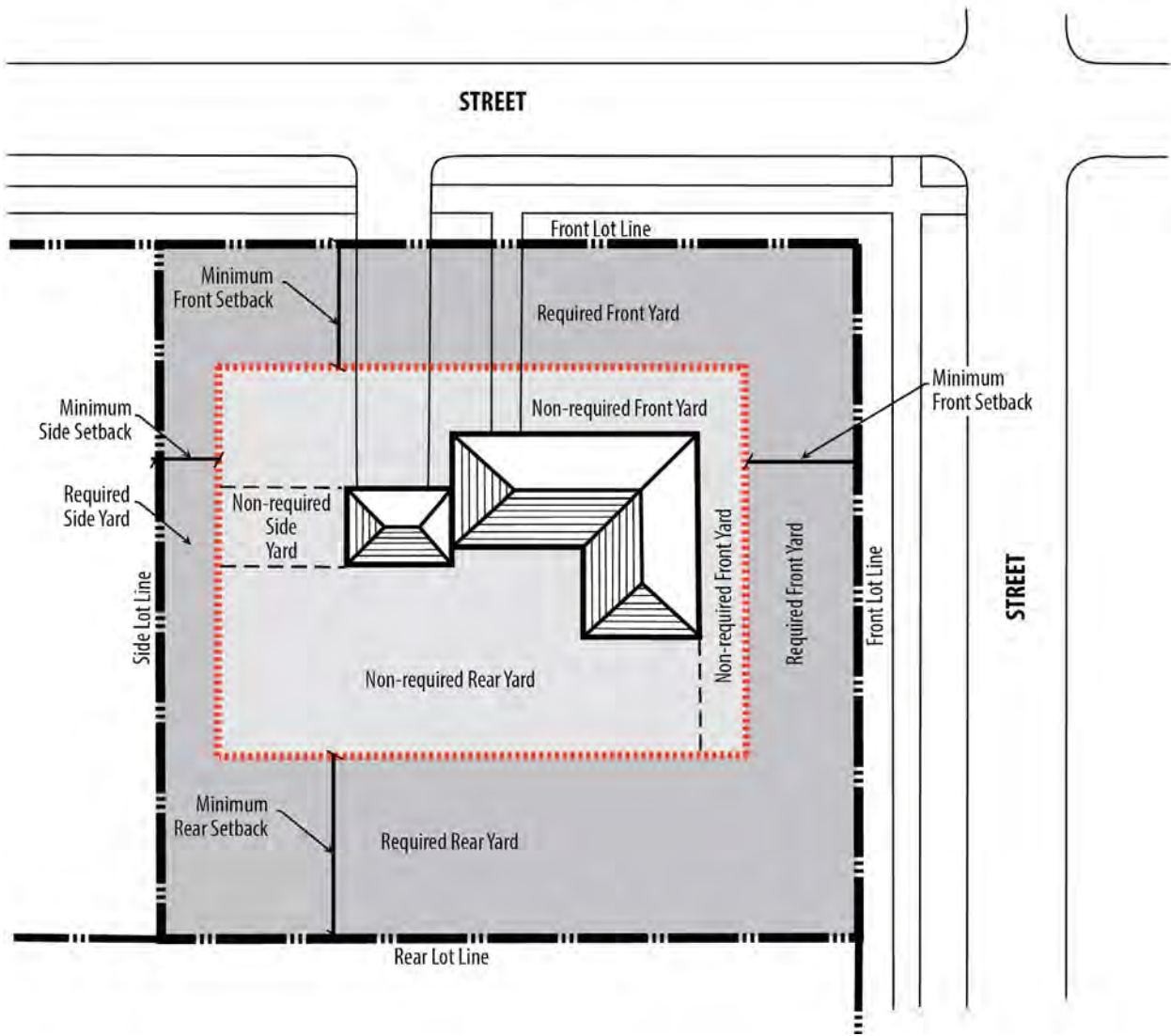
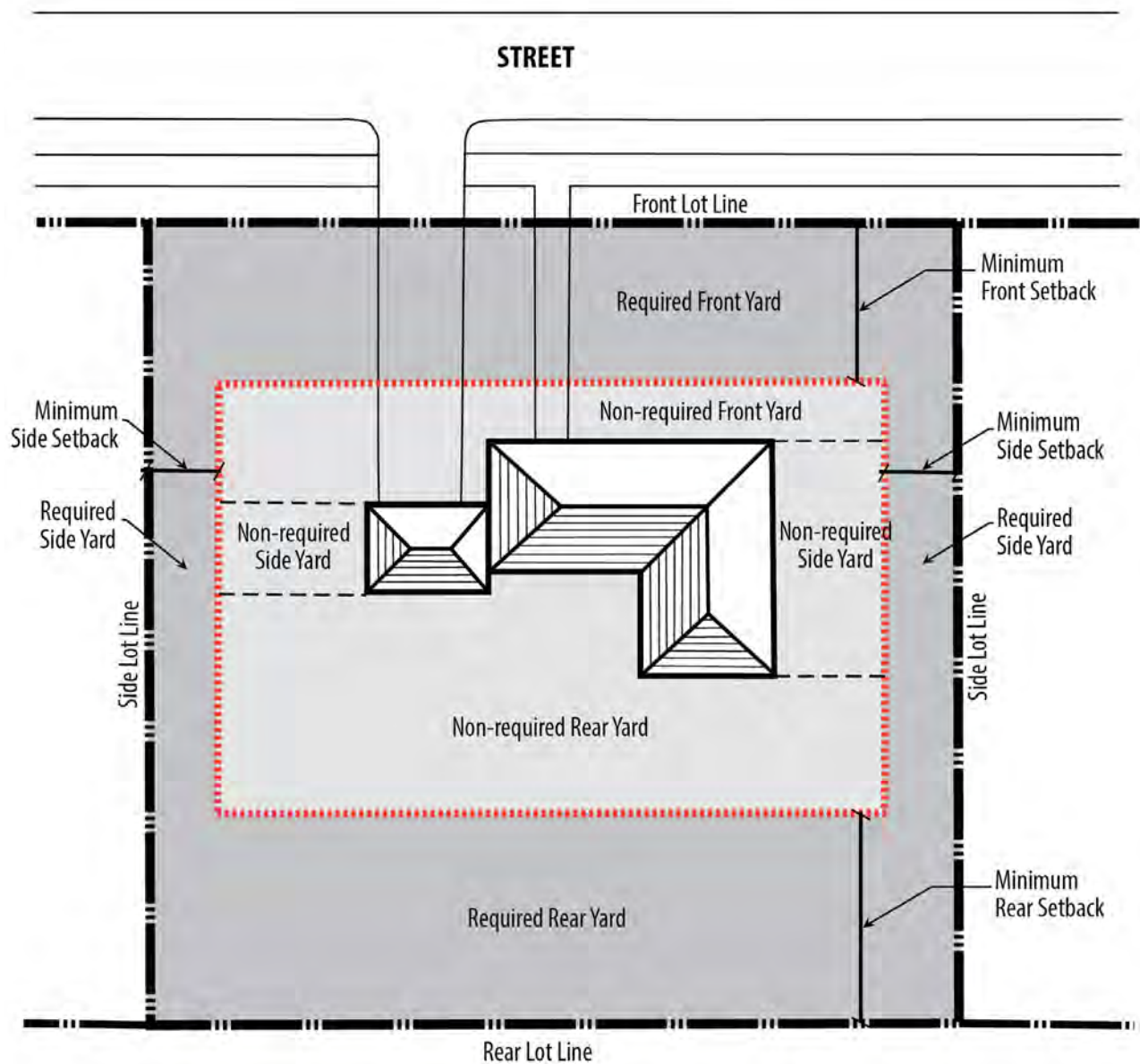


FIGURE 2.02-L. INTERIOR LOT LAYOUT

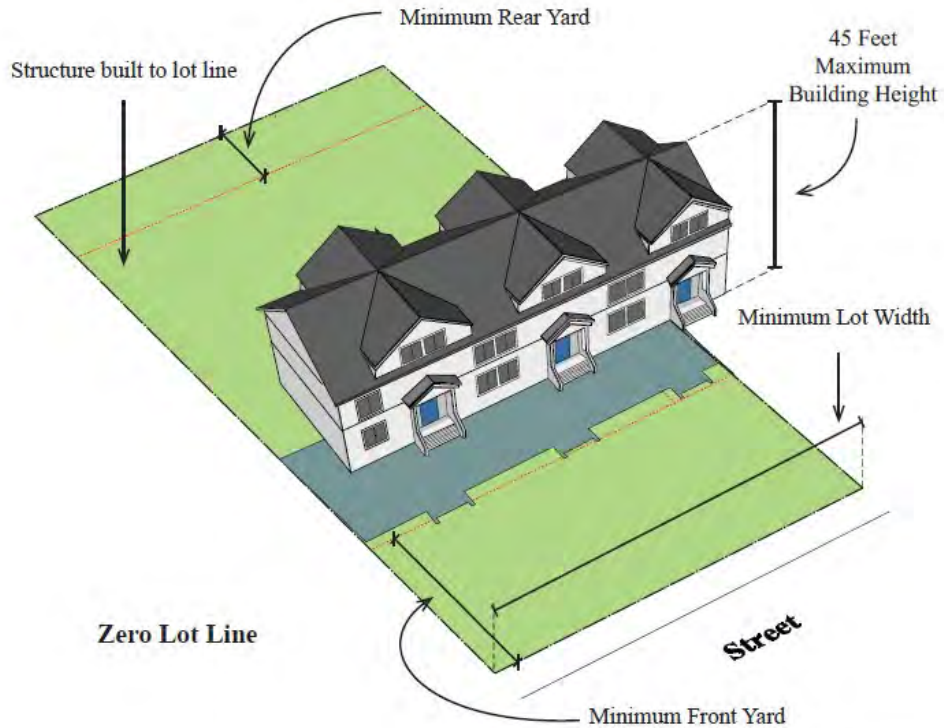
YARDS, INTERIOR LOT LAYOUT



Zero Lot Line: 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](#).



FIGURE 2.02-M. ZERO LOT LINE



Zoning Administrator: An individual, or his/her deputy, appointed by the [Township Board](#) delegated to administer the Delta Charter Township Zoning Ordinance.

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

Zoning District: An area of land for which there are uniform regulations governing the [use](#) of buildings and [premises](#), [density](#) of [development](#), [yard](#) requirements, and height regulations.



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CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 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.

SECTION 3.02 ZONING ADMINISTRATOR

- A. The [Township Board](#) shall employ a [Zoning Administrator](#) to effectuate administration of this Ordinance.
- B. The [Zoning Administrator](#) or their deputy shall have the power to grant certificates of zoning compliance and to make inspections of [premises](#) necessary to carry out their duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- C. The Zoning Administrator, or their deputy, shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

SECTION 3.03 CERTIFICATES OF ZONING COMPLIANCE

- A. **Purpose.** A permit for erection, [alteration](#), or moving of any building shall not be issued by the [Zoning Administrator](#) until a [Certificate of Zoning Compliance](#) has been issued. It shall be unlawful to [use](#), occupy or permit the use or occupancy of any building or [premises](#), or both, or part thereof hereafter created, erected, changed, converted, wholly or partly altered, or enlarged in its use or [structure](#) until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. The Certificate shall state that the building, structure, lot, and use thereof, conform to the requirements of this Ordinance.
- B. **Requirements.** When a [building permit](#) is required for new [construction](#), application for a [Certificate of Zoning Compliance](#) shall accompany or precede the application for a building permit. In all other cases in which a building permit is not required, the application for a Certificate of Zoning Compliance shall be made prior to the date when a new or enlarged [use](#) of a building or lot or part thereof is intended to begin. The [Zoning Administrator](#) shall retain the original copy for their files and said record shall be open for public inspection.

SECTION 3.04 NOTICES

Notices of hearings regarding zoning amendments, special land uses, and matters before the [Zoning Board of Appeals](#) shall be provided as required by the Zoning Enabling Act.



SECTION 3.05 PERFORMANCE GUARANTEE

- A. **Purpose and Intent.** In the interest of ensuring compliance with the Zoning Ordinance provisions, the [Zoning Administrator](#) may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed [use](#) as required by this Ordinance including but not limited to: the installation of roadways, [landscaping](#), curbs, lighting, [drainage](#), sidewalks, pathways, driveways, utilities, and similar items.

A performance guarantee may be a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the cost of the improvements based upon an itemized estimate submitted by the applicant and verified by the Township. The Township shall be authorized to employ the [Zoning Administrator](#), Township Engineer and/or Township consultants to review cost estimates, and conduct periodic inspection of the progress of improvements.

- B. **Procedure.** Performance guarantees shall be processed in the following manner:
1. Upon receipt of the required performance guarantee, and provided all other applicable standards and requirements have been met, the [Zoning Administrator](#) or designee shall issue a [Certificate of Zoning Compliance](#).
 2. 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.
 3. Upon completion of the required improvements, the obligor shall provide the [Zoning Administrator](#) with a written notice of the completion. Within thirty (30) days of the obligor's notice, the Zoning Administrator shall inspect the improvements and inform the obligor whether the improvements are approved, partially approved, or rejected. If rejected, the Zoning Administrator shall provide a written statement of the reasons for rejection. If the improvements are partially approved, the Zoning Administrator shall release the obligor from liability pertaining to the relevant portions of the performance guarantee, and inform the obligor of the remainder of the performance guarantee retained.
 4. In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township shall have the right to [use](#) the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including, specifically, the right to enter upon the subject property to make the improvements.
 5. If the performance guarantee is not sufficient to allow the Township to complete the required improvements for which such guarantee was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee, or a portion thereof, to complete the required improvement. Any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning con-



sultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

6. A record of authorized performance guarantees shall be maintained by the [Zoning Administrator](#).

SECTION 3.06 APPLICATION FEES

Before considering any application submitted in accordance with the requirements of this Ordinance, a fee shall be collected by the [Zoning Administrator](#). The fee for the various applications shall be set from time to time by the [Township Board](#) by resolution.

SECTION 3.07 VIOLATIONS AND PENALTIES

- 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 Ordinance 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 the Code of Ordinances of the Charter Township of Delta.

SECTION 3.08 COMPLIANCE WITH PERMITS AND CERTIFICATES

Building permits or Certificates of Zoning Compliance issued on the basis of approved plans and application 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 3.07](#), herein.



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CHAPTER 4

DISTRICT REGULATIONS

SECTION 4.01 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 (AG1)
Agricultural/Residential District (AG2)
Very Low Density Residential District (RA)
Low Density Residential District (RB)
Moderate Density Residential District (RC)
Multiple-Family Residential District (RM)
Office District (O)
Commercial District (C)
Industrial District (I)
West Saginaw Overlay District (WSOD)

SECTION 4.02 OFFICIAL ZONING MAP

- A. **Official Zoning Map of Delta Charter Township.** The zoning districts are bounded and defined as shown on a map entitled “Official Zoning Map of Delta Charter Township” and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- B. **Signature and Seal.** 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 “ together with the effective date of this Ordinance.
- C. **Changes due to the Zoning Enabling Act.** 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.



- D. **Damaged, Destroyed, Lost, or Difficult to Interpret.** 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. **Location.** 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 4.03 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

- A. **Centerline.** A boundary indicated as approximately following the centerline of a highway, street, [alley](#), or [easement](#) shall be construed as following such centerline.
- B. **Recorded Lot Line.** A boundary indicated as approximately following a recorded [lot line](#) or the line bounding a [parcel](#) shall be construed as following such line.
- C. **Corporate Boundary.** A boundary indicated as approximately following the municipal boundary line of a city, village, or township shall be construed as following such line.
- D. **Railroad.** A boundary indicated as following a railroad line shall be construed as following the [right-of-way](#) line.
- E. **Shoreline.** 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.
- F. **Body of Water.** 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.
- G. **Parallel or Extension.** A boundary indicated as parallel to, or an extension of, a feature indicated in this Section shall be so construed.
- H. **Variance.** 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 [Zoning Board of Appeals](#) shall interpret the location of the [zoning district](#) boundary.



- I. **Distance.** A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- J. **Division through a Lot.** 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](#).

SECTION 4.04 APPLICATION OF REGULATIONS

No [structure](#) shall be constructed, erected, placed or maintained and no [use](#) shall be commenced or continued within Delta Charter Township except as specifically, or by necessary implication, authorized by this Ordinance, in the [zoning district](#) in which said [structure](#) or use is to be located. Special Land Uses shall be allowed only if listed as a special use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a [Special Land Use](#) permit has been approved by the [Township Board](#). Where a lot is devoted to a [principal use](#), either permitted by right or as a special use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of [accessory use](#), building or structure in this Ordinance.

SECTION 4.05 SCOPE OF PROVISIONS

- A. **Effective Date.** Where a [building permit](#) for a building or [structure](#), [use](#) of building or structure, or use of lot or [parcel](#), has been issued in accordance with the law prior to effective date of this Ordinance and provided that [construction](#) is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, and said building or structure, [use](#) of building or structure, or use of lot or [parcel](#), may be completed in accordance with the approved plans on the basis of which the [building permit](#) has been used, and further, may upon completion be [occupied](#) by the use for which originally designated, subject thereafter to the provisions of [Chapter 14](#) of this Ordinance.
- B. **Minimum Requirements.** No [yard](#) or lot existing at the time of adoption of this Ordinance shall be reduced in dimension 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 by this Ordinance.

SECTION 4.06 NATURAL RESOURCES DISTRICT (NR)

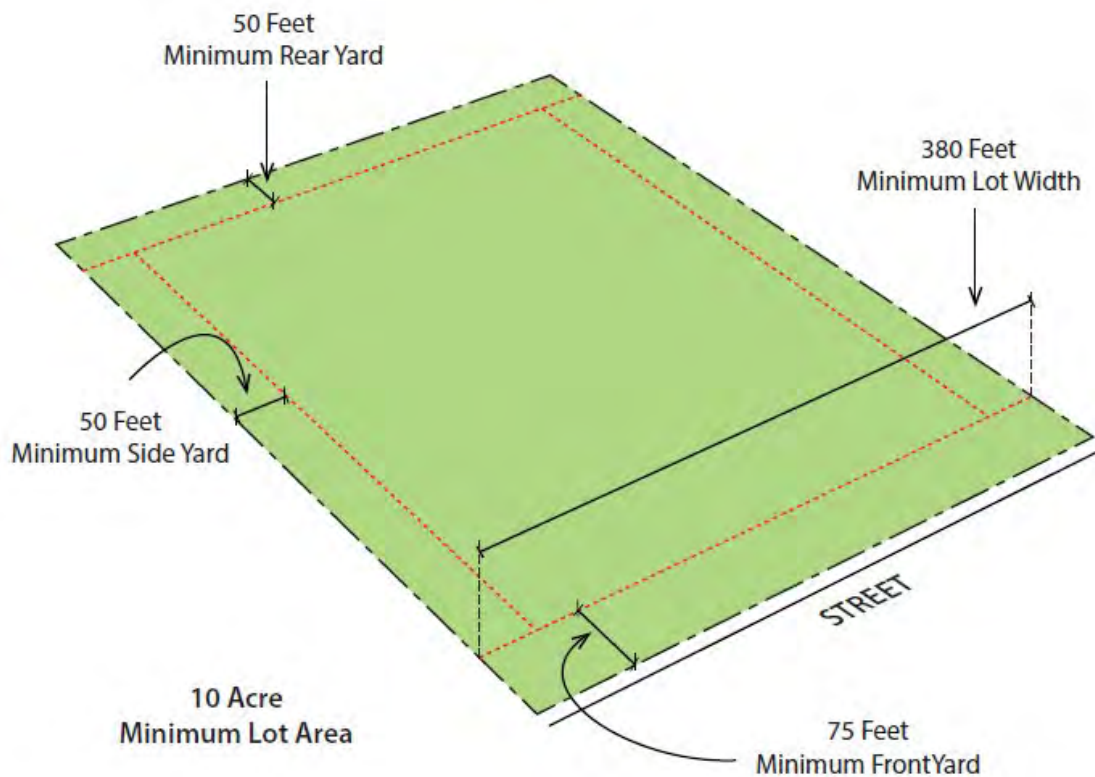
- A. **Intent.** It is the intent of this district to create, preserve, and enhance parkland, [open space](#), and undeveloped natural amenities to meet the active and passive recreational needs of township residents, encourage and protect the conservation of undeveloped areas, promote recreational uses that are compatible with surrounding land uses, and prevent the encroachment of incompatible land uses on undeveloped areas. This district is designed to protect and enhance the natural resources, natural amenities and natural habitats of wildlife, and public recreation areas.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory and special land uses within the NR district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to [development](#) within the NR District:



TABLE 4.06-C.1. NATURAL RESOURCES (NR) DISTRICT DIMENSIONAL REQUIREMENTS

NATURAL RESOURCES (NR) DISTRICT DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		10 acres
Minimum Lot Width and Frontage		380 feet
Maximum Lot Coverage Ratio		5%
Minimum Required Yards for Principal Buildings	Front	75 feet
	Side	50 feet
	Rear	50 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,200 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade

FIGURE 4.06-C.1. NATURAL RESOURCES (NR) DISTRICT DIMENSIONAL REQUIREMENTS



D. **Site Development Standards.**

1. In addition to those bulk regulations as listed in [Table 4.06-C.1.](#), all development shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. [Single family dwellings](#), either constructed on the site or manufactured off the site, shall comply with the following regulations.
 - (a) 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.
 - (b) The foregoing regulations shall not apply to a manufactured dwelling or mobile home located in a licensed manufactured housing development, except to the extent required by state or federal law or otherwise specifically required herein.

SECTION 4.07 AGRICULTURAL DISTRICT (AG1)

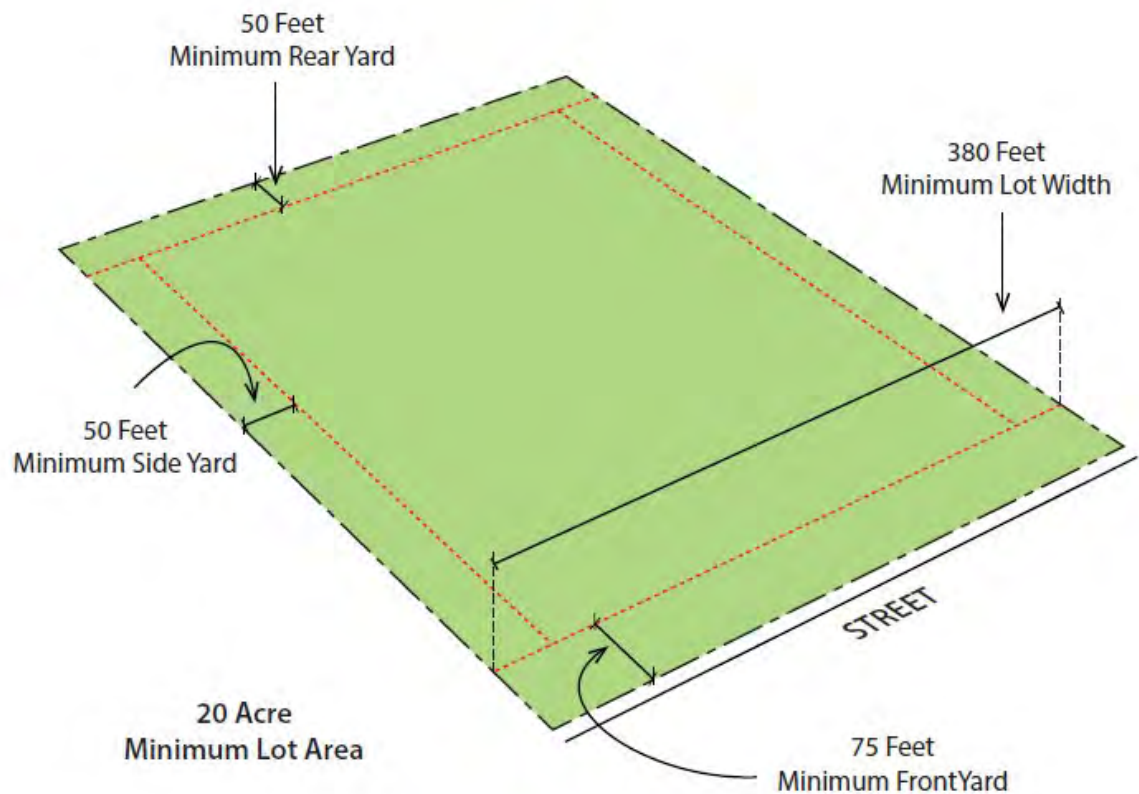
- A. **Intent.** It is the intent of this district to preserve, enhance and stabilize existing areas within the Township which are presently used for general farming as well as areas which, because of their soil characteristics, should be conserved for agricultural uses. In addition, premature urban [development](#) within rural areas can result in increased public costs because of the necessity of serving scattered urban development with water, sanitary sewers, storm drains, improved roads and other public services.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory and special land uses within the AG1 district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the AG1 District:



TABLE 4.07-C.1. AGRICULTURAL DISTRICT (AG1) DIMENSIONAL REQUIREMENTS

AGRICULTURAL DISTRICT (AG1) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		20 acres
Minimum Lot Width and Frontage		380 feet
Maximum Lot Coverage Ratio		5%
Minimum Required Yards for Principal Buildings	Front	75 feet
	Side	50 feet
	Rear	50 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,200 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade

FIGURE 4.07-C.1. AGRICULTURAL DISTRICT (AG1) DIMENSIONAL REQUIREMENTS



D. **Site Development Standards.**

1. In addition to those bulk regulations as listed [Table 4.07-C.1.](#), all [development](#) shall comply with supplemental development regulations as listed in [Section 4.17](#).
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02](#).
4. The same requirements for [single family dwellings](#) as contained in [Section 4.06 D.4](#).

SECTION 4.08 AGRICULTURAL/RESIDENTIAL DISTRICT (AG2)

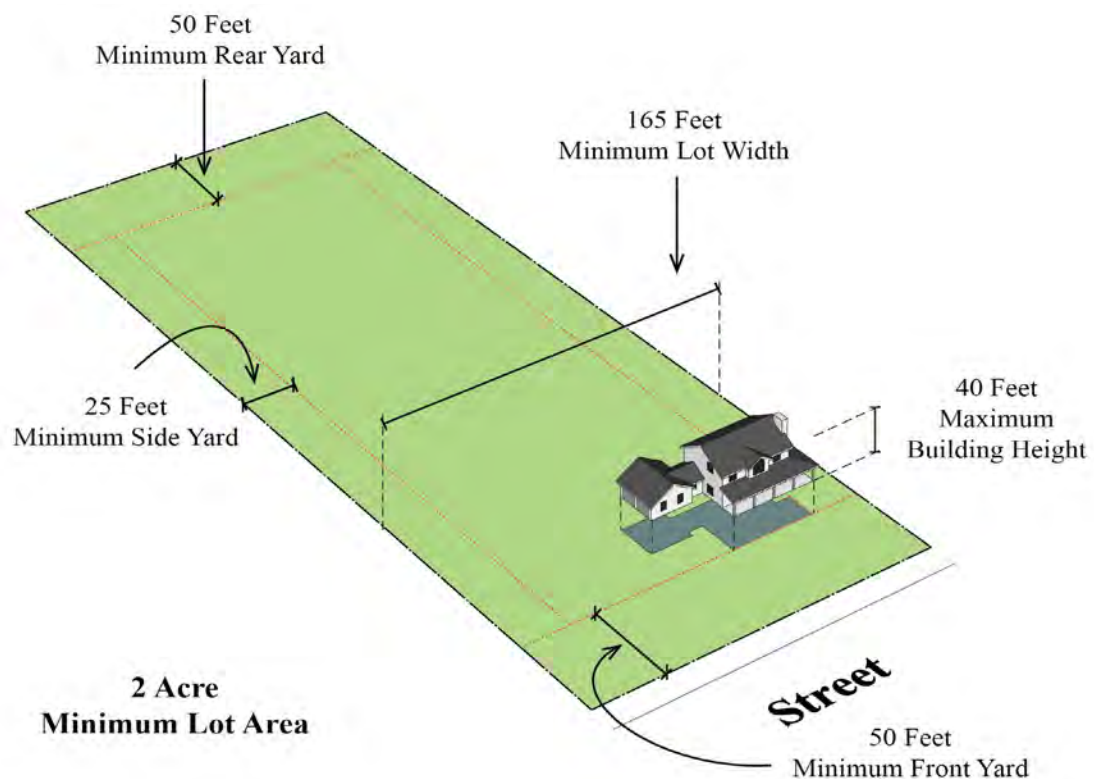
- A. **Intent.** It is the intent of this district to preserve a predominately rural character while permitting limited agricultural activities. In addition to the [single family dwellings](#) permitted in this district, there are specific permitted uses which are regulated to ensure compatibility. Properties in this district can typically be served by private wells and on-site sewage disposal systems.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the AG2 district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the AG2 district:



TABLE 4.08-C.1. AGRICULTURAL/RESIDENTIAL DISTRICT (AG2) DIMENSIONAL REQUIREMENTS

AGRICULTURAL/RESIDENTIAL DISTRICT (AG2) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		2 acres
Minimum Lot Width and Frontage		165 feet
Maximum Lot Coverage Ratio		10%
Minimum Required Yards for Principal Buildings	Front	50 feet
	Side	25 feet
	Rear	50 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,200 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade

FIGURE 4.08-C.1. AGRICULTURAL RESIDENTIAL DISTRICT (AG2) DIMENSIONAL REQUIREMENTS



D. **Site Development Standards.**

1. In addition to those bulk regulations as listed in [Table 4.08-C.1.](#), all development shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. The same requirements for [single family dwellings](#) as contained in [Section 4.06 D.4.](#)

SECTION 4.09 VERY LOW DENSITY RESIDENTIAL DISTRICT (RA)

- A. **Intent.** It is the intent of this district to provide for large lot residential development primarily limited to single family detached dwellings. Properties in this district generally are not served by the public water supply and sanitary sewage system. Specific non-residential uses are permitted in this district with the intent that they will be compatible with the residential character of this district.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the RA District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the RA District:



TABLE 4.09-C.1. VERY LOW DENSITY RESIDENTIAL DISTRICT (RA) DIMENSIONAL REQUIREMENTS

VERY LOW DENSITY RESIDENTIAL DISTRICT (RA) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		1 acre
Minimum Lot Width and Frontage	Interior Lot	100 feet
	Corner Lot	120 feet
Maximum Lot Coverage Ratio		20%
Minimum Required Yards for Principal Buildings	Front	50 feet
	Side	10 feet
	Rear	40 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,200 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade
Maximum Residential Density		1 dwelling unit / acre

FIGURE 4.09-C.1. VERY LOW DENSITY RESIDENTIAL DISTRICT (RA) DIMENSIONAL REQUIREMENTS



D. **Site Development Standards**

1. In addition to those bulk regulations as listed in [Table 4.09-C.1.](#), all development shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. The same requirements for [single family dwellings](#) as contained in [Section 4.06 D.4.](#)

SECTION 4.10 LOW DENSITY RESIDENTIAL DISTRICT (RB)

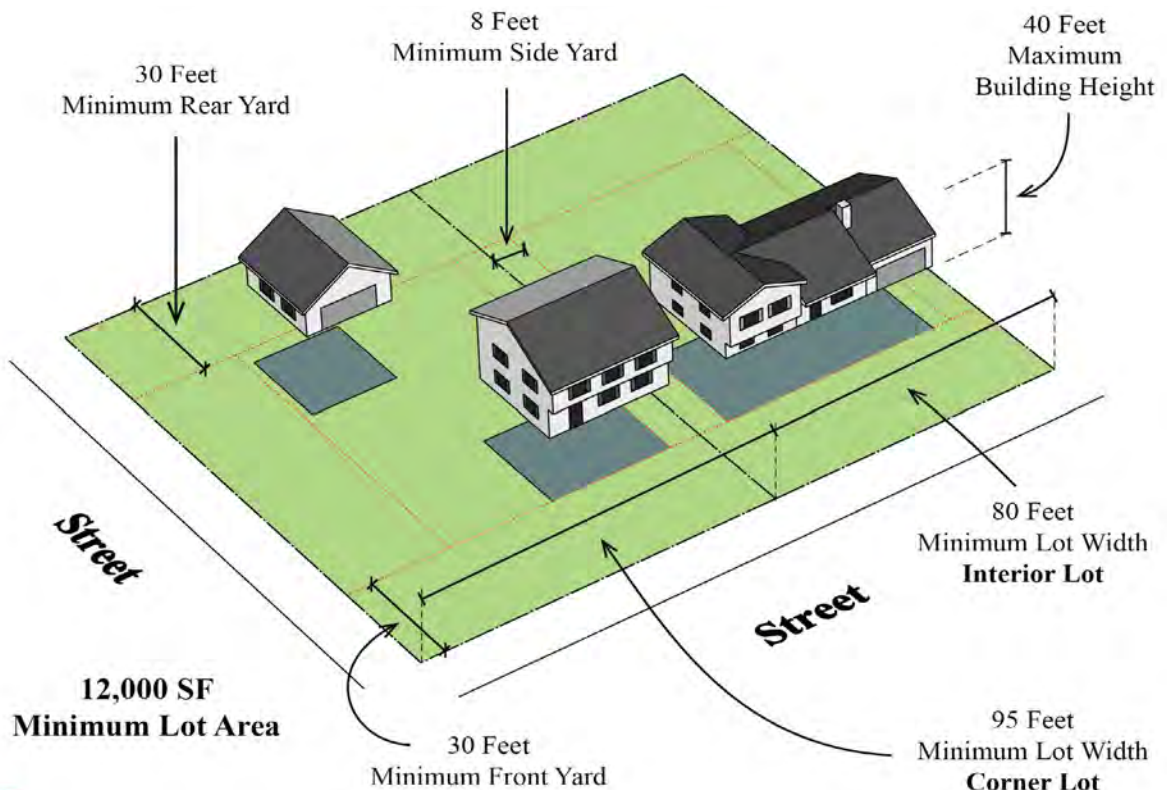
- A. **Intent.** It is the intent of this district to provide for low density residential development consisting primarily of single-family detached dwellings. The regulations for this district are designed to create and preserve a suburban character in those areas served by the public water supply system and the sanitary sewage system. Specific non-residential uses are permitted in this district subject to regulations intended to ensure their compatibility with residential uses.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the RB district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the RB district:



TABLE 4.10-C.1. LOW DENSITY RESIDENTIAL DISTRICT (RB) DIMENSIONAL REQUIREMENTS

LOW DENSITY RESIDENTIAL DISTRICT (RB) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		12,000 square feet
Minimum Lot Width and Frontage	Interior Lot	80 feet
	Corner Lot	95 feet
Maximum Lot Coverage Ratio		30%
Minimum Required Yards for Principal Buildings	Front	30 feet
	Side	8 feet
	Rear	30 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,200 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade
Maximum Residential Density		3.63 dwelling units / acre
*Accessory Building Standards - Table 9.02-A.1 *		

FIGURE 4.10-C.1. LOW DENSITY RESIDENTIAL DISTRICT (RB) DIMENSIONAL REQUIREMENTS



D. **Site Development Standards.**

1. In addition to those bulk regulations as listed in [Table 4.10-C.1.](#), all development shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. The same requirements for [single family dwellings](#) as contained in [Section 4.06 D.4.](#)

SECTION 4.11 MODERATE DENSITY RESIDENTIAL DISTRICT (RC)

- A. **Intent.** It is the intent of this district to achieve the same character, stability and sound residential environment as provided in the RB district. The primary difference in the RB and RC districts is that the latter permits a slightly higher density as well as attached housing options. There is no intent that the RC district will result in a residential development pattern of a lower quality than the RB district.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the RC district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the development of residential dwellings within the RC District:



TABLE 4.11-C.1. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) SINGLE FAMILY DIMENSIONAL REQUIREMENTS

MODERATE DENSITY DISTRICT (RC) SINGLE FAMILY DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		10,000 square feet
Minimum Lot Width and Frontage	Interior Lot	65 feet
	Corner Lot	80 feet
Maximum Lot Coverage Ratio		30%
Minimum Required Yards for Principal Buildings	Front	30 feet
	Side	6.5 feet
	Rear	30 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,000 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet at grade
Maximum Residential Density		4.36 dwelling units / acre
Accessory Building Standards - Table 9.02-A.1		

FIGURE 4.11-C.1. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) SINGLE FAMILY DIMENSIONAL REQUIREMENTS

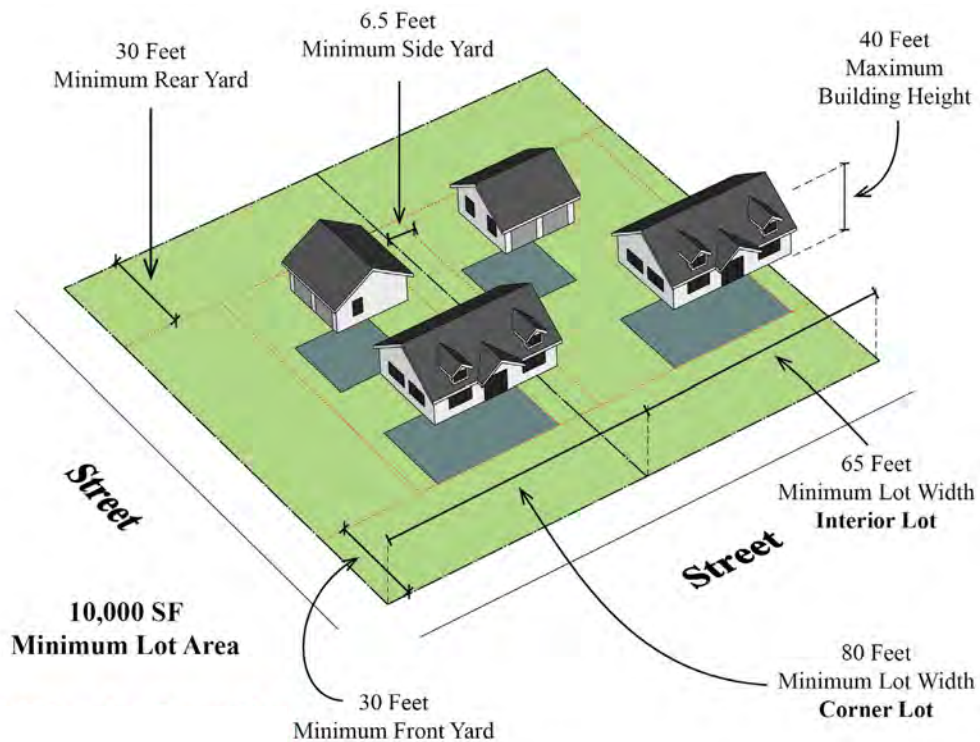


TABLE 4.11-C.2. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) TWO-FAMILY DIMENSIONAL REQUIREMENTS

MODERATE DENSITY RESIDENTIAL DISTRICT (RC) TWO-FAMILY DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		9,000 square feet/d.u.
Minimum Lot Width and Frontage	Interior Lot	80 feet
	Corner Lot	80 feet
Maximum Lot Coverage Ratio		30%
Minimum Required Yards for Principal Buildings	Front	30 feet
	Side	8 feet
	Rear	30 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit		700 square feet / dwelling unit
Maximum Residential Density		4.84 dwelling units /acre

FIGURE 4.11-C.2. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) TWO-FAMILY DIMENSIONAL REQUIREMENTS

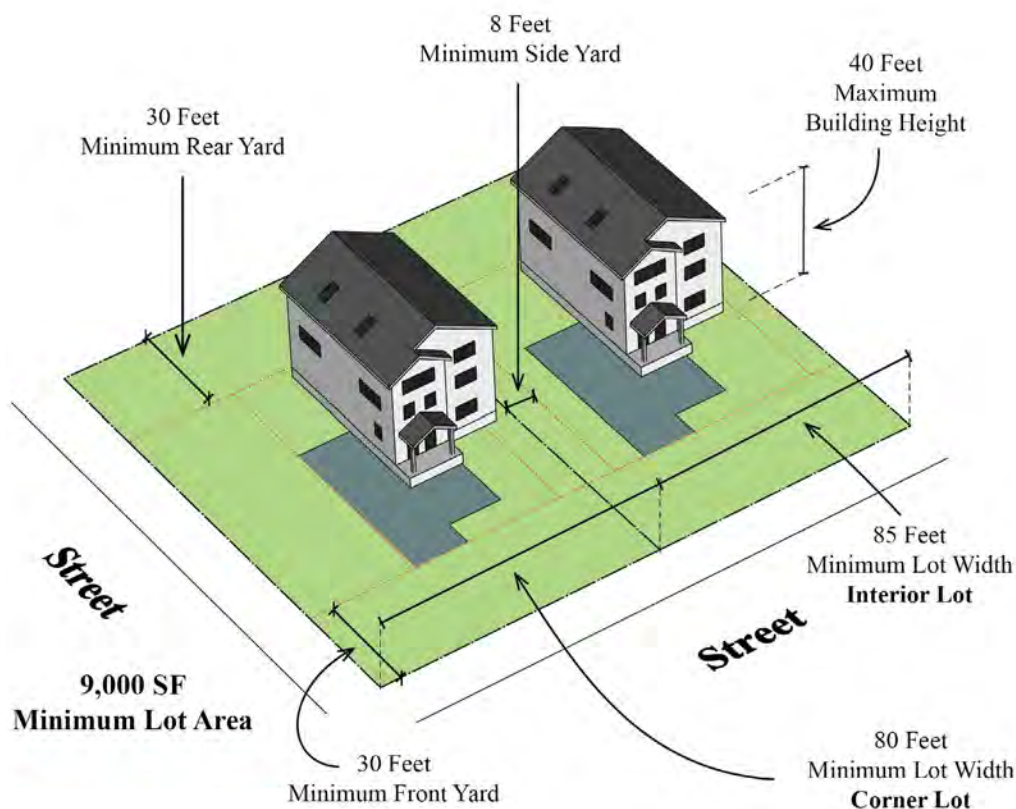
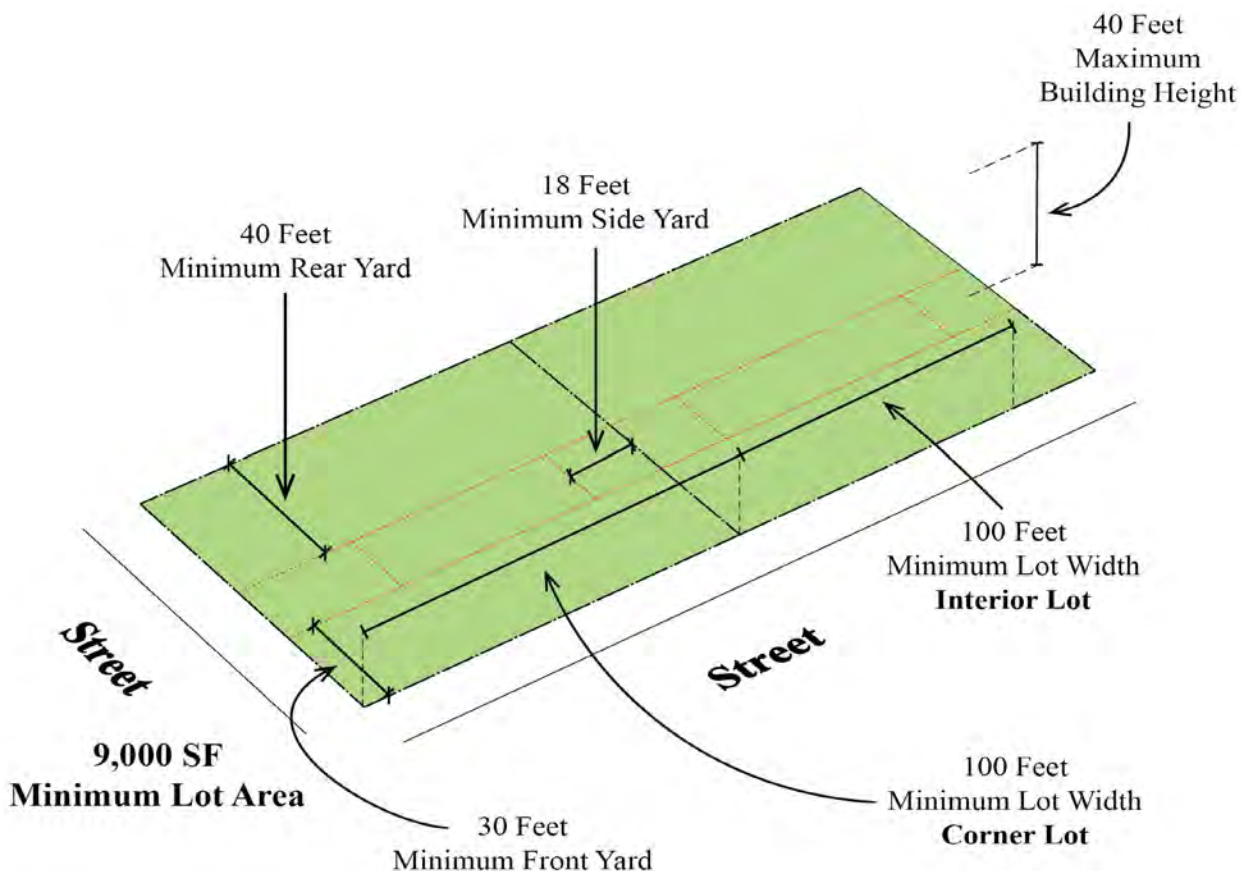


TABLE 4.11-C.3. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS

MODERATE DENSITY RESIDENTIAL DISTRICT (RC) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		18,000 square feet/d.u.
Minimum <u>Lot Width</u> and Frontage	<u>Interior Lot</u>	100 feet
	<u>Corner Lot</u>	100 feet
Maximum <u>Lot Coverage</u> Ratio		30%
Minimum Required Yards for Principal Buildings	Front	30 feet
	Side	18 feet
	Rear	40 feet
Maximum <u>Building Height</u>		40 feet
Minimum Floor Area per <u>Dwelling Unit</u>		550 square feet / <u>dwelling unit</u>
Maximum Residential <u>Density</u>		4.84 dwelling units /acre

FIGURE 4.11-C.3. MODERATE DENSITY RESIDENTIAL DISTRICT (RC) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS



D. **Site Development Standards.**

1. In addition to those bulk regulations as listed in [Tables 4.11-C.1.](#); [4.11-C.2.](#); and [4.11-C.3.](#), all [development](#) shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. The same requirements for [single family dwellings](#) as contained in [Section 4.06 D.4.](#)

SECTION 4.12 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)

- A. **Intent.** It is the intent of this district to provide multiple-[family](#) residential uses at a higher [density](#) than single-family districts, but at no lower standards of quality. Uses in this district are required to be served by adequate public infrastructure. The regulations herein provide compatibility with adjacent properties while achieving the strategies recommended in the [Comprehensive Plan](#).
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the RM district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the RM district.



TABLE 4.12-C.1. MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) TWO-FAMILY DIMENSIONAL REQUIREMENTS

MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) TWO-FAMILY DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		18,000 square feet
Minimum Lot Width and Frontage	Interior Lot	70 feet
	Corner Lot	80 feet
Maximum Lot Coverage Ratio		40%
Minimum Required Yards for Principal Buildings	Front	30 feet
	Side	7 feet
	Rear	25 feet
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit		700 square feet / dwelling unit
Maximum Residential Density		4.84 dwelling units / acre

FIGURE 4.12-C.1. MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) TWO-FAMILY DIMENSIONAL REQUIREMENTS

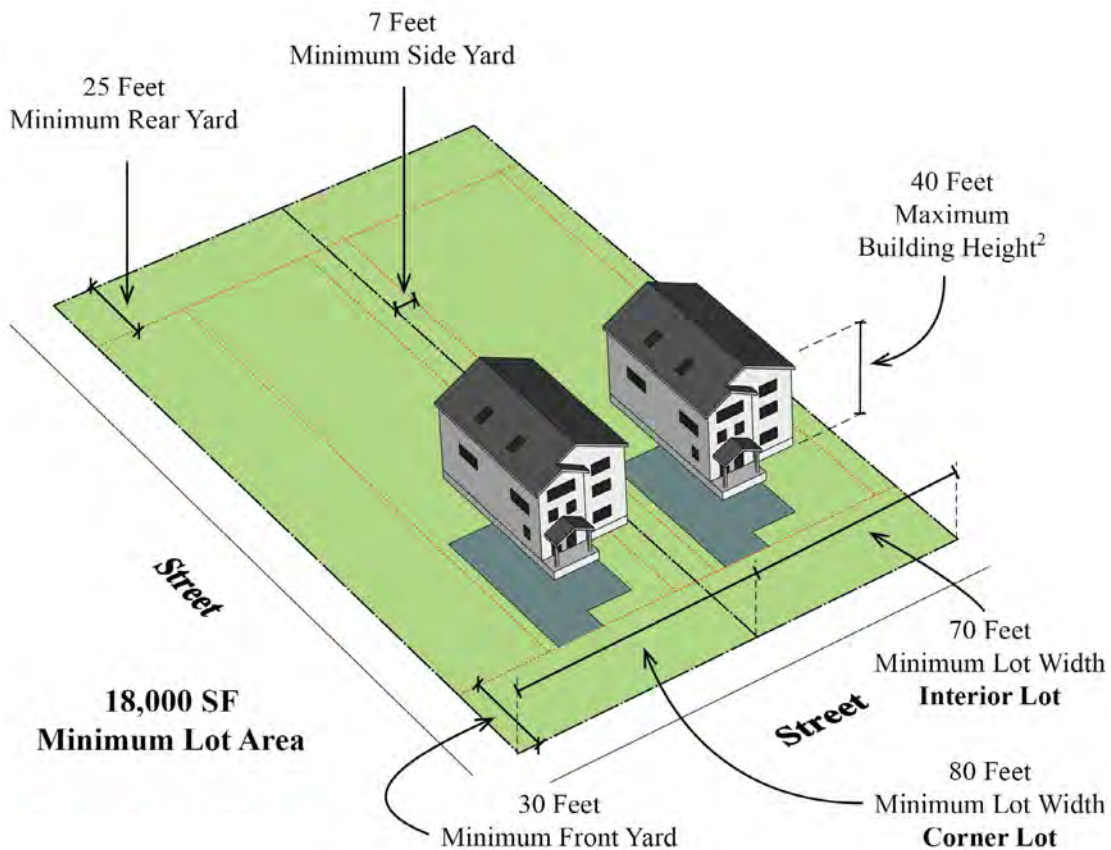


TABLE 4.12-C.2. MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS

MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		2 acres
Minimum Lot Width and Frontage		200 feet
Maximum Lot Coverage Ratio		40%
Minimum Required Yards for Principal Buildings	Front	40 feet ¹
	Side	40 feet ¹
	Rear	40 feet
Maximum Building Height		40 feet ²
Minimum Floor Area per Dwelling Unit		550 square feet / dwelling unit
Maximum Residential Density		Up to 11 dwelling units / acre
¹ Required side and rear setbacks shall be increased to 60 feet when abutting RA or RB zoning districts.		
² 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.		

FIGURE 4.12-C.2. MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) MULTIPLE-FAMILY DIMENSIONAL REQUIREMENTS

D. **Site [Development](#) Standards.**

1. In addition to those bulk regulations as listed in [Tables 4.12-C.1.](#) and [4.12-C.2.](#), all [development](#) shall comply with supplemental development regulations as listed in [Section 4.17](#).
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02](#).

SECTION 4.13 OFFICE DISTRICT (O)

- A. **Intent.** It is the intent of this district 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 district to direct office uses to areas having [access](#) to arterial streets. The regulations contained herein are designed to encourage a harmonious relationship between the Office district and abutting land uses.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the O district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the O district.



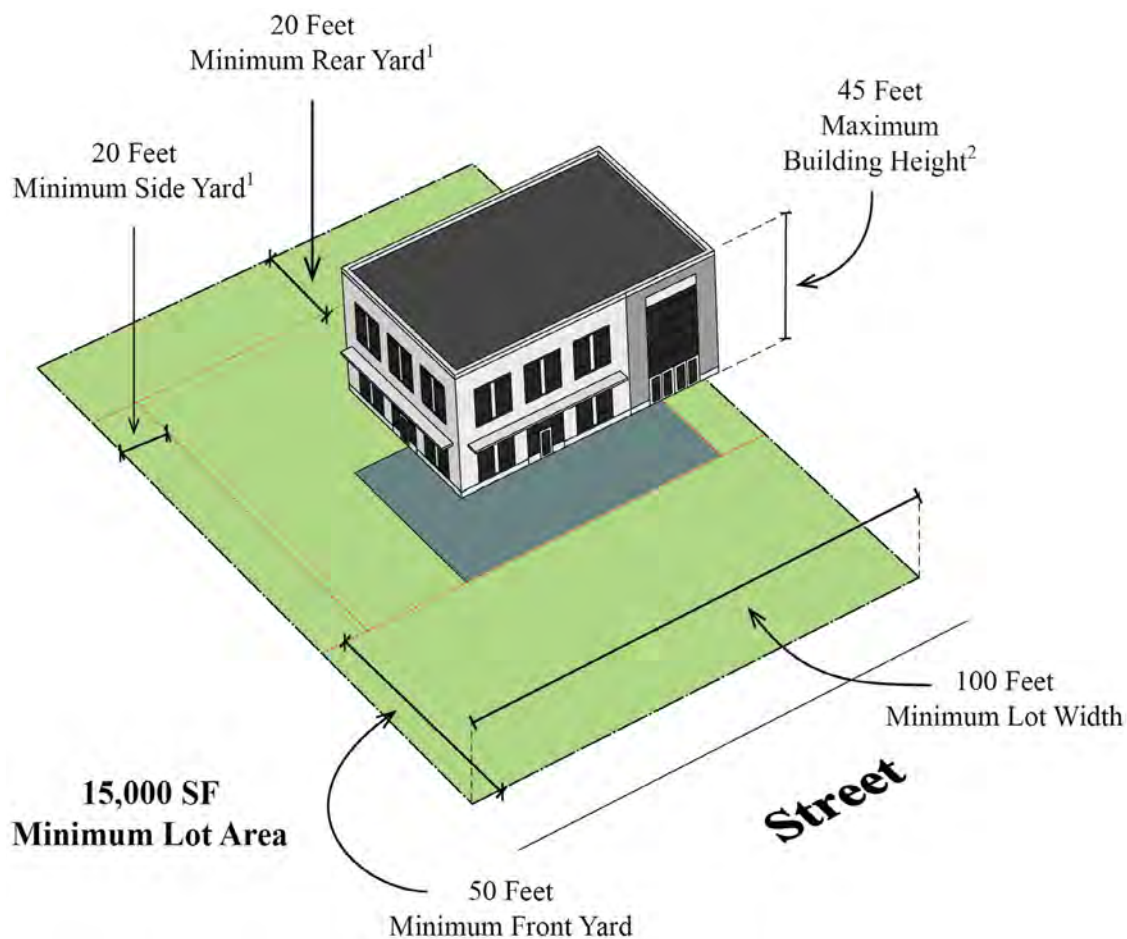
TABLE 4.13-C.1. OFFICE DISTRICT (O) DIMENSIONAL REQUIREMENTS

OFFICE DISTRICT (O) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		15,000 square feet
Minimum <u>Lot Width</u> and Frontage		100 feet
Maximum <u>Lot Coverage</u> Ratio		40%
Minimum Required Yards for Principal Buildings	Front	50 feet
	Side	20 feet (total both sides) ¹
	Rear	20 feet ¹
Maximum <u>Building Height</u>		45 feet ²

¹ Required side and rear setbacks shall be increased to 40 feet when abutting RA, RB, RC or RM zoning districts.

² 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 60 feet.

FIGURE 4.13-C.1. OFFICE DISTRICT (O) DIMENSIONAL REQUIREMENTS



D. Site Development Standards.

1. In addition to those bulk regulations as listed in [Table 4.13-C.1.](#), all development shall apply to supplemental [development](#) regulations as listed in [Section 4.17](#).
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02](#).

SECTION 4.14 COMMERCIAL DISTRICT (C)

- A. **Intent.** It is the intent of this district to provide commercial enterprises which provide convenient shopping and services addressing day to day demands as well as serving the community-wide needs. The regulations are designed to provide compatibility with surrounding land uses and ensure the provision of adequate infrastructure. Commercial areas are to be located and designed as recommended in the [Comprehensive Plan](#) with the resulting [development](#) being safe, attractive and walkable.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the C district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the C district.



TABLE 4.14-C.1. COMMERCIAL DISTRICT (C) DIMENSIONAL REQUIREMENTS

COMMERCIAL DISTRICT (C) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		15,000 square feet
Minimum <u>Lot Width</u> and Frontage		100 feet
Maximum <u>Lot Coverage</u> Ratio		40%
Minimum Required Yards for Principal Buildings	Front	50 feet
	Side	20 feet (total both sides) ¹
	Rear	20 feet ¹
Maximum <u>Building Height</u>		45 feet ²

¹ Required side and rear setbacks shall be increased to 40 feet when abutting RA, RB, RC or RM zoning districts.

² 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 60 feet.

FIGURE 4.14-C.1. COMMERCIAL DISTRICT (C) DIMENSIONAL REQUIREMENTS



D. **Site [Development](#) Standards**

1. In addition to those bulk regulations as listed in [Table 4.14-C.1.](#), all [development](#) shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)

SECTION 4.15 INDUSTRIAL DISTRICT (I)

- A. **Intent.** It is the intent of this district to provide areas suitable for a variety of warehousing, industrial and manufacturing uses as recommended in the [Comprehensive Plan](#). The regulations for this district are designed to result in industrial areas which will be compatible with one another as well as adjacent land uses. Properties in this district are to be served by public water and sanitary sewage and also adequate infrastructure. These regulations are also intended to protect existing industrial uses and prevent the establishment of uses which are more suitably provided in other districts.
- B. **Use Regulations.** [Section 4.18](#) sets forth permitted, accessory, and special land uses within the I district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the I district:



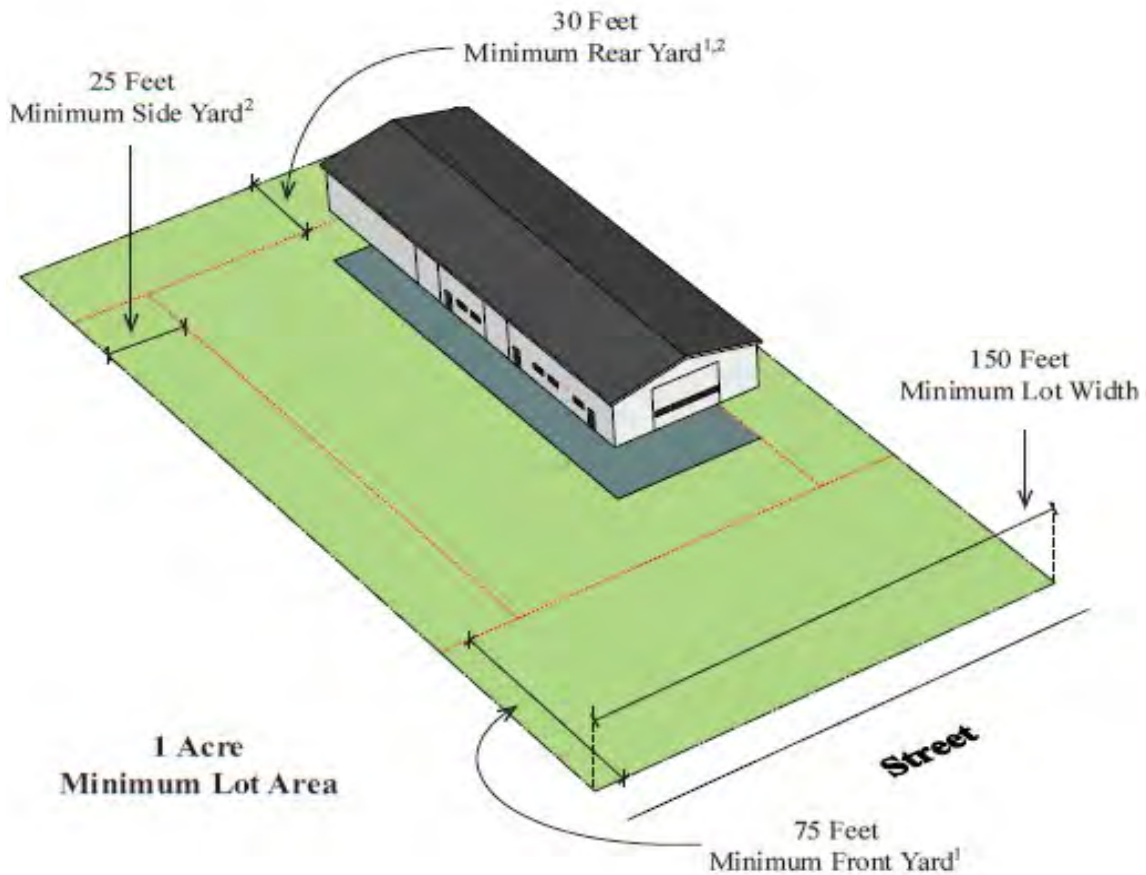
TABLE 4.15-C.1. INDUSTRIAL DISTRICT (I) DIMENSIONAL REQUIREMENTS

INDUSTRIAL DISTRICT (I) DIMENSIONAL REQUIREMENTS		
Minimum Lot Area		1 acre
Minimum <u>Lot Width</u> and Frontage		150 feet
Maximum <u>Lot Coverage</u> Ratio		50%
Minimum Required Yards for Principal Buildings	Front	75 feet ¹
	Side	25 feet (each side) ²
	Rear	30 feet ^{1,2}
Maximum <u>Building Height</u>		No Limit

¹ Industrially zoned subdivision lots existing as of December 14, 1990 shall be permitted a minimum front setback of 50 feet, and a minimum rear setback of 25 feet.

² Required side and rear setbacks shall be increased to 100 feet when abutting RA, RB, RC or RM zoning districts.

FIGURE 4.15-C.1. INDUSTRIAL DISTRICT (I) DIMENSIONAL REQUIREMENTS



D. Site Development Standards.

1. In addition to those bulk regulations as listed in [Table 4.15-C.1.](#), all [development](#) shall comply with supplemental development regulations as listed in [Section 4.17.](#)
2. [Site Plan](#) Review is required as per the requirements of [Section 6.02](#), herein.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of [Section 9.02.](#)
4. Living quarters of a watchman or caretaker may be provided on the [premises](#). Such quarters shall meet the minimum floor area requirements of the RM District and meet all [setback](#) requirements as outlined in [Table 4.15-C.1.](#)
5. 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.

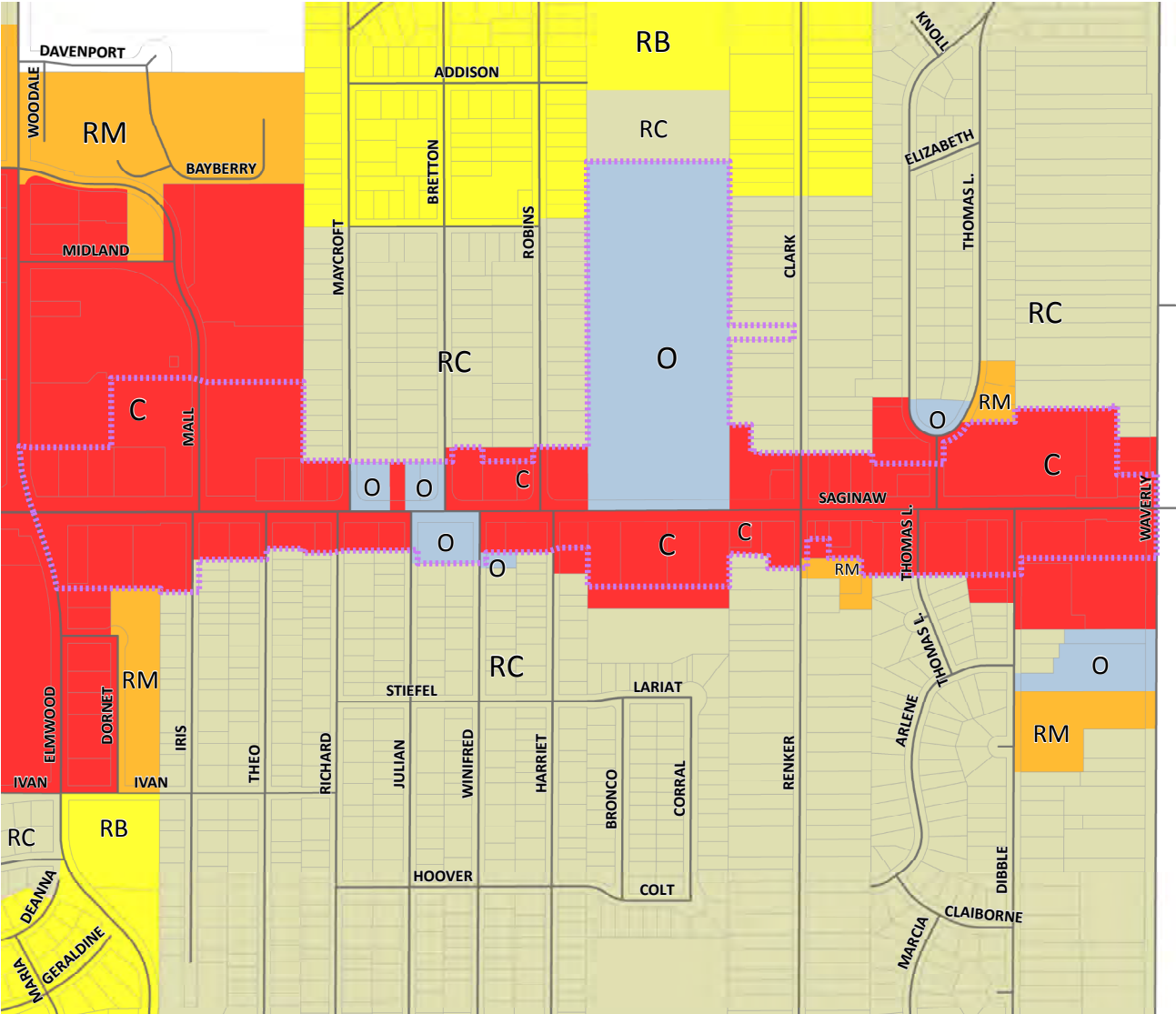
SECTION 4.16 WEST SAGINAW OVERLAY DISTRICT (WSOD)

- A. **Intent.** It is the intent of this district to encourage the redevelopment of existing properties in a manner that permits flexibility while maintaining compatibility with adjacent uses and provides adequate infrastructure. The district is typified by smaller parcels with limited depth, older buildings and numerous non-conforming buildings and parcels. The regulations herein are intended to promote mixed land uses, enhance the streetscape, facilitate walkability, and improve aesthetics.
- B. **District Boundaries.** The WSOD includes all properties having direct frontage on West Saginaw Highway between Elmwood Road and Waverly Road.



FIGURE 4.16-B.1. WEST SAGINAW OVERLAY DISTRICT BOUNDARIES

- RB Low Density Residential
- RC Moderate Density Residential
- RM Multiple Family Residential
- O Office
- C Commercial



C. Permitted Land uses.

1. Stand-alone uses allowed within the WSOD shall include those uses listed on the District [Use Table](#), [Section 4.18](#) as permitted uses, accessory uses, or special land uses in the underlying [zoning district](#).
2. Mixed [use](#) Buildings shall be permitted within the WSOD as a [special land use](#) and comply with the requirements of [Chapter 7](#) herein.

D. **Setbacks.** The following minimum required yards shall apply to the WSOD:

TABLE 4.16-D.1. WEST SAGINAW OVERLAY DISTRICT SETBACKS

WEST SAGINAW OVERLAY DISTRICT SETBACKS	
Front	40 feet, if no front yard parking is provided, a 25-foot setback shall apply
Side	10 feet (total of both sides)
Rear	20 feet, if the parcel abuts a residentially zoned property, a 30-foot setback shall apply

E. **Building Height.** The maximum [building height](#) shall be sixty-five (65) feet except all buildings or portions of buildings less than fifty (50) feet from a residentially zoned [parcel](#) shall not exceed forty-five (45) feet in height.

F. Parking and Circulation.

1. Since the WSOD is served by fixed route public transit service and public sidewalks, the minimum parking requirements of [Section 11.03](#) may be reduced by fifteen percent (15%) for commercial and office uses on WSOD properties.
2. A minimum of one (1) [parking space](#) shall be required for each residential unit in a mixed-[use](#) building. Parking spaces for residential units shall be located on the same lot as the unit or on a separate lot if it is located within three hundred (300) feet of the unit that it serves and there is an existing enforceable agreement with the owner of said lot.
3. **Arterial Access Management Regulations.** The regulations pertaining to arterial [access management](#), as provided in [Chapter 10](#), shall be applied to all properties in the WSOD.
4. **Pedestrian Circulation.** Vehicular [access](#) and circulation shall be provided such that safe pedestrian movements are ensured within the [development](#). Pedestrian connections shall be provided from sidewalks in the public rights of way to the building entrances.
5. **Bicycle Parking.** Properties with ten (10) parking spaces or more shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the main building entrance.
6. **MDOT Review.** West Saginaw Highway is under the jurisdiction of the Michigan Department of Transportation. The installation of new driveways and modifications to existing driveways are subject to MDOT permit requirements.



- G. **Landscaping.** A minimum of ten percent (10%) of the site area shall be comprised of landscaping which may include the preservation of existing trees, planting of new trees and plant materials, installation of planting beds, and other practices as approved by the [Zoning Administrator](#). Greenbelts, [buffer](#) strips, and parking lot landscaping shall be credited towards the ten percent (10%) minimum.

H. **Building Design.**

1. Building materials for principal buildings shall include, but not be limited to, wood, brick, clapboards, glass, stone, and integrally tinted/textured concrete masonry units. No more than twenty-five percent (25%) of the total exterior [wall](#) area of any [principal building](#) shall consist of, or be composed of vinyl, metal, aluminum, plastic, plain faced concrete masonry unit, precast concrete, cement plaster, exterior insulation finishing system, glass block, canvas awnings, asphalt shingles, or other materials determined by the [Zoning Administrator](#) to be comparable in [grade](#) and quality, or any combination thereof. The walls (north, south, east and west) of each building shall be considered separately for the purpose of calculating the percentages of materials in compliance with the aforementioned standard.
2. Ground floor exterior façades that face West Saginaw Highway shall have transparent windows and doorways that cover no less than forty (40) percent of their horizontal length. The windows and doors shall maintain the required transparency and shall not be covered over with boards, film, or paint. Security gates or grillwork on the inside or outside of the windows or doors must be primarily transparent. Window signs shall be regulated as per the requirements of the Delta Township Sign Ordinance.
3. Building facades and exterior walls greater than fifty (50) feet in length, measured horizontally, shall incorporate recesses or projections with a minimum depth of five (5) feet along at least twenty percent (20%) for the length of the façade or [wall](#).
4. Parapets shall be provided to conceal flat roofs and rooftop equipment such as HVAC units from public view. Buildings with pitched roofs shall provide overhanging eaves a minimum of twelve (12) inches including gutter, and an average slope greater than 4:12.
5. Ground mounted HVAC and similar systems shall be screened from street level view on all sides by an opaque [structure](#) or appropriate landscape materials.

- I. **General Design Practices.** The following practices are encouraged when redeveloping properties in the WSOD:

1. Rehabilitation of properties which have become deteriorated or have non-conforming buildings.
2. [Construction](#) of mixed-[use](#) buildings with a combination of residential, office, and/or retail tenants.
3. Construction of multi-[story](#) buildings.



4. Limiting parking in the required [front yard](#) and, if such parking is provided, screening options shall be considered.
 5. [Use](#) of ground signs, rather than pole signs for identification.
 6. Provision of pedestrian-friendly features such as benches and shaded outdoor seating areas.
 7. [Use](#) of underground storm water storage facilities rather than open detention/retention ponds.
- J. **Signage.** Signage within the WSOD shall be subject to the provisions of the Delta Township Sign Ordinance.
- K. **Lighting.** All lighting within the WSOD shall be subject to the provisions of [Section 12.05](#).

SECTION 4.17 SUPPLEMENTAL DIMENSIONAL REGULATIONS

- A. **Continued Conformity with Bulk Regulations.** The maintenance of [setback](#), height, floor area ratio, coverage, [open space](#), transition strip, lot area and lot area per [dwelling unit](#) required for one (1) [use](#), lot, building or [structure](#) shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or [structure](#) is in existence. Furthermore, no [setback](#), height, floor area ratio, coverage, [open space](#), transition strip, lot area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building or structure.
- B. **Division of a Lot.** No one (1) lot, once designated and improved with a building or [structure](#), shall be reduced in area, or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all of the bulk and [yard](#) regulations of the [zoning district](#) in which it is located.
- C. **Dwellings per Lot or Parcel.** A lot or [parcel](#) zoned NR, AG1, AG2, RA, RB, RC, or RM shall contain no more than one (1) [single-family dwelling](#), nor more than one (1) [two-family dwelling](#) if [two-family dwellings](#) are permitted. This sub-section shall not apply to authorized Planned Unit Developments, [Condominium](#) Subdivisions, or [Multiple-Family Dwelling](#) Developments.
- D. **Permitted Front Setback Reductions.** Where the front [setback](#) of existing building is less than the required minimum front setback required in the underlying [zoning district](#), 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 two hundred (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 two hundred (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 the underlying zoning district shall apply. In no case shall the minimum required front setback be less than twenty (20) feet.
- E. **Permitted Yard Encroachments.**
1. Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and simi-



- lar 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 setback area.
2. An unenclosed porch, [deck](#), balcony or awning may project from a [principal building](#) into the required rear [setback](#) area 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 in [Section 9.02](#). Physical structures relating to barrier-free [access](#), such as ramps, shall not be required to comply with setback requirements.
 3. There shall be a minimum distance of five (5) feet between the outside of a swimming pool [wall](#) and any property line.
 4. Fire escapes and outside stairways, if of open [construction](#), may project into a required [yard](#) to a maximum of five (5) feet.
- F. **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, ventilators, bulkheads, personal radio towers including masts and aerials, personal television antennas, poles and towers for electric power transmission and distribution, 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 9.07.
 3. Structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, may extend a maximum of five (5) feet above the maximum [building height](#) limitations, and shall have no window openings.
- G. **[Cul-de-Sac](#) Lots.**
1. A lot shall be considered to be a [cul-de-sac](#) lot if the lot has more than one-half (0.5) of its required frontage on the cul-de-sac. The one-half (0.5) required frontage shall be determined prior to reducing the required frontage permitted by subsection 3, below.
 2. 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.
 3. A lot on a [cul-de-sac](#) shall have frontage on a cul-de-sac which is not less than eighty percent (80%) of the minimum [lot width](#) required for the [zoning district](#) in which it is located.



H. Corner Lots.

1. General provisions for corner lots:
 - a. The required front [setback](#) shall be measured from both front [lot lines](#). For a [corner lot](#) with three (3) front setbacks, the remaining setback shall be a rear setback.
 - b. The remaining setbacks shall be a rear and a side [setback](#).
 - c. The minimum [lot width](#) for corner lots as contained in the underlying [zoning district](#) shall apply to the two (2) [lot lines](#) adjacent to both streets.
 - d. The width of a [corner lot](#) shall be determined by the entire length of that front line which is opposite the [rear lot line](#).
2. Provisions regarding corner lots in the office and commercial zoning districts:
 - a. For a [corner lot](#) which is completely within the 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 4.18 DISTRICT USE TABLE

- A. **Specified Uses.** In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Chapter.
- B. **Schedule of Uses.** The Schedule of Use Regulations identifies uses as follows:
 1. "P" identifies uses permitted by right.
 2. "S" identifies uses requiring [Special Land Use](#) Approval as outlined in [Chapter 8](#).
 3. "A" identifies accessory uses.
 4. No marking identifies uses not permitted.



TABLE 4.18-B.1. DISTRICT USE TABLE

DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Agricultural											
Agricultural Processing and Food Storage	S	S								P	8.07
Agricultural/Commercial Tourism	S	S									8.08
Equestrian Facilities	P	P	P								
Farm Market	P	P									8.27
Farm Operations	P	P	P								
Keeping of Livestock	P	P									
Livestock Production Facilities	P										8.37
U-Pick Operation	P	P									8.27
Residential											
Accessory Dwelling Units	S	S		S	S	S					8.02
Bed and Breakfast	S	S		S	S	S					8.10
Condominium Subdivisions (Non-Residential only in O, C, & I districts)	S	S	S					S	S	S	8.17
Dwellings, Multiple-family						S	P				
Dwellings, Multiple-family (on upper floors only in a mixed-use building)									S		8.39
Dwellings, Single-Family Detached	P	P	A	P	P	P					
Dwellings, Single-Family Attached						S	P				8.58
Dwellings, Two-Family						S	P				8.58
Fraternities / Sororities							S				8.28
Functional Family Dwellings	S	S	S	S	S	S	S				8.29
Home Occupations	S	S	S	S	S	S					8.32

DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Manufactured Housing Communities							S				8.38
Planned Unit Developments					S	S	S				
Senior Assisted Living							P				
Senior Independent Living							P				
Recreation											
Commercial Marinas, Boat Launching Facilities, and similar water related uses		S	S								8.18
Commercial Recreational Facility (Outdoor)	S	S							S		8.19
Commercial Recreational Facility (Indoor)									P		
Conservation Area / Game Refuge / Forest Preserve	P	P	P								
Country Clubs				S	S	S	S				8.21
Golf Courses				S	S	S					8.30
Golf Driving Range									S		
Non-Commercial Parks, and Recreational Facilities	P	P	P	P	P	P	P				
Playground	P	P	P	P	P	P	P				
Public and Private Campground	S	S	S								8.48
Institutional / Cultural											
Adult Day Care Center								S	S		8.03
Adult Family Day Care Home		P		P	P	P					
Adult Group Day Care Home				S	S	S					8.05
Adult Foster Care, Congregate Facility							S	S	S		8.04
Adult Foster Care, Family Home		P		P	P	P	P				8.04
Adult Foster Care, Large Group Home							S				8.04



DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Adult Foster Care, Small Group Home					S	S	S				8.04
Cemeteries	S	S		S	S	S	S				8.13
Child Day Care Center/Pre-schools								S	S		8.14
Child Family Day Care Homes	P	P	P	P	P	P	P				
Child Group Day Care Homes	S	S		S	S	S	S				8.15
Convalescent Centers					S	S	S	S	S		8.20
Essential Service, Minor Installation	P	P	P	P	P	P	P	P	P	P	
Essential Service, Major Installation	S	S	S	S	S	S	S	S	S	S	8.24
Geothermal Energy Systems	A	A	A	A	A	A	A	A	A	A	
Hospitals								S	S		8.33
Places of Worship	S	S		S	S	S	S	S			8.45
Post-Secondary Schools (technical, colleges, business schools)								P	P	P	8.46
Primary / Secondary Schools				S	S	S	S	S	S		8.47
Publicly Owned/Operated Office & Service Facilities								P	P	P	
Solar Energy Systems	<i>(Refer to Table 8.57-D.1.)</i>										
Wind Energy Conversion System – large	S	S	S	S	S	S	S	S	S	S	8.65
Wind Energy Conversion System –small	A	A	A	A	A	A	A	A	A	A	8.66
Retail, Entertainment, and Service											
Adult Use Business									S		8.06
Animal or Rescue Shelter								S	S		8.09
Bar / Lounge									P		
Blood Plasma Center									S		8.11



DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Building Materials, Garden Centers, Nurseries and Similar Uses									P		8.12
Business Service and Repair									P	P	
Club or Lodge								P	P		
Conference, Meeting and Banquet Facilities								P	P		
Dance, Martial Arts, Music, and Art Studios								P	P		
Drive-Up/ Drive-Through Facilities									S		8.23
Durable Medical Supplies									P		
Financial Institutions, without Drive-Through Facilities								P	P		
Financial Institutions with Drive-Through Facilities								S	S		8.23
Firearm Sales									P		
Hotel/Motel								S	P		8.34
Funeral Home / Mortuary								P	P		
Kennels/Veterinary Care/ Pet Day Care	S	S						S	S		8.35
Mixed Use Building									S		8.39
Open Air Business , as a principal use									S		8.40
Outdoor Seating and Service								A	A		8.42
Personal services								P	P		
Pharmacies								P	P		
Places of Assembly									S		8.44
Radio and Television Broadcast facilities (without towers)								P	P		



DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Recording Studios								P	P	P	
Restaurants, Drive-In/ Drive-Through									S		8.23
Restaurants, Sit-Down								S	P		8.56
Retail, General									P		
Retail, Large-Scale									P		8.36
Retail, Wholesale									P	P	
Shopping Centers									P		
Office											
Business Services								P	P		
Data Processing and Computing Centers								P	P	P	
High-Rise Buildings								S	S		8.31
Medical Clinics								P	P		
Medical Laboratories								P	P		
Offices, General								P	P		
Professional and Medical Offices								P	P		
Veterinary Care								S	S		8.35
Industrial											
Assembly, Compounding, or Processing										P	
Commercial Fueling Stations									S	S	8.16
Crematorium										S	8.22
Extractive Uses	S	S									8.25
Lumber Yards									P	P	
Manufacturing and Assembly										P	
Material Distribution Facilities										P	
Outdoor Displays and Sales									A	A	8.41
Outdoor storage										P	8.43



DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Printing and Publishing										P	
Radio and Television Broadcast Towers								S	S	S	8.49
Recycling Center, Large Collection Facility										S	8.50
Recycling Center, Small Collection Facility	A	A	A	A	A	A	A	A	A	A	8.51
Refuse and Garbage Incinerators										S	8.52
Research, development , design, testing, technical training, and related activities for industrial scientific, medical, and technological enterprises; including experimental and wet laboratories.										P	
Salvage Yards										S	8.53
Scrap Tire Collection/ Processing										S	8.54
Self-Storage facilities									S	S	8.55
Tool and Die / Plating Shops										P	
Trade Contractors / Home Service Repair										P	8.59
Truck Terminal Facilities										P	
Warehouse Establishments										P	
Wireless Communication Facilities	S	S	S	S	S	S	S	S	S	S	8.67
Automotive / Transportation											
Farm Equipment Sales/Leasing and Repair									S	S	8.26



DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Section)
	Agricultural/ Natural Resources			Residential				Office/ Commercial/ Industrial			
	AG1	AG2	NR	RA	RB	RC	RM	O	C	I	
Vehicle/ Equipment Storage Yards										S	8.63
Vehicle Fueling Stations									S	S	8.60
Vehicle Repair Stations (minor & major)									S	S	8.61
Vehicle Sales/Leasing and Service Facility									S	S	8.62
Vehicle Washes									S		8.64



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CHAPTER 5

PLANNED UNIT DEVELOPMENTS

SECTION 5.01 PURPOSE

The purpose of this Chapter is to provide a process to permit flexibility in the regulation of land [development](#), to allow a mixture of uses, to encourage innovation in land [use](#) and variety in design, layout, and type of [structure](#) constructed, to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, to encourage the creation of useful open spaces, and provide better housing, employment and shopping opportunities. This chapter is not intended as a device to disregard the Township's zoning regulations nor the planning concepts advocated in the [Comprehensive Plan](#).

SECTION 5.02 AUTHORIZATION

Planned Unit Developments (PUDs) shall be permitted as stipulated in the District [Use](#) Table via the granting of a [Special Land Use](#) permit by the [Township Board](#) following a public hearing and a recommendation from the [Planning Commission](#). The Special Land Use Permit shall be processed as per the requirements of [Chapter 7](#) of this Ordinance. All PUD applications shall be accompanied by the necessary fees and a preliminary [site plan](#) as per the requirements of Chapter 6 of this Ordinance.

SECTION 5.03 GENERAL STANDARDS FOR REVIEW

The [Planning Commission](#) and [Township Board](#) shall apply the following general standards when reviewing PUD applications:

- A. The proposed [development](#) shall be consistent with, and further the implementation of the [Comprehensive Plan](#) or represent land [use](#) policies which are a logical and acceptable change in the Comprehensive Plan.
- B. The proposed [development](#) shall be adequately served by public facilities and services including, but not limited to, streets, sidewalks and pathways, water and sanitary sewer facilities, [drainage](#) improvements, and police and fire protection, or the applicant shall confirm that these facilities and services can be provided.
- C. The [development](#) shall encourage the provision of useful open spaces and long-term conservation of [natural features](#) and resources.
- D. The mix of housing types and densities and the relationship between residential and non-residential uses shall be acceptable in terms of convenience, privacy, and compatibility.
- E. A PUD may be used to redevelop or improve an existing property where current ordinances do not provide the flexibility required for the [adaptive reuse](#) of the property, infrastructure and buildings.



SECTION 5.04 SITE DEVELOPMENT STANDARDS FOR PUDs

The following site [development](#) standards for PUDs shall apply:

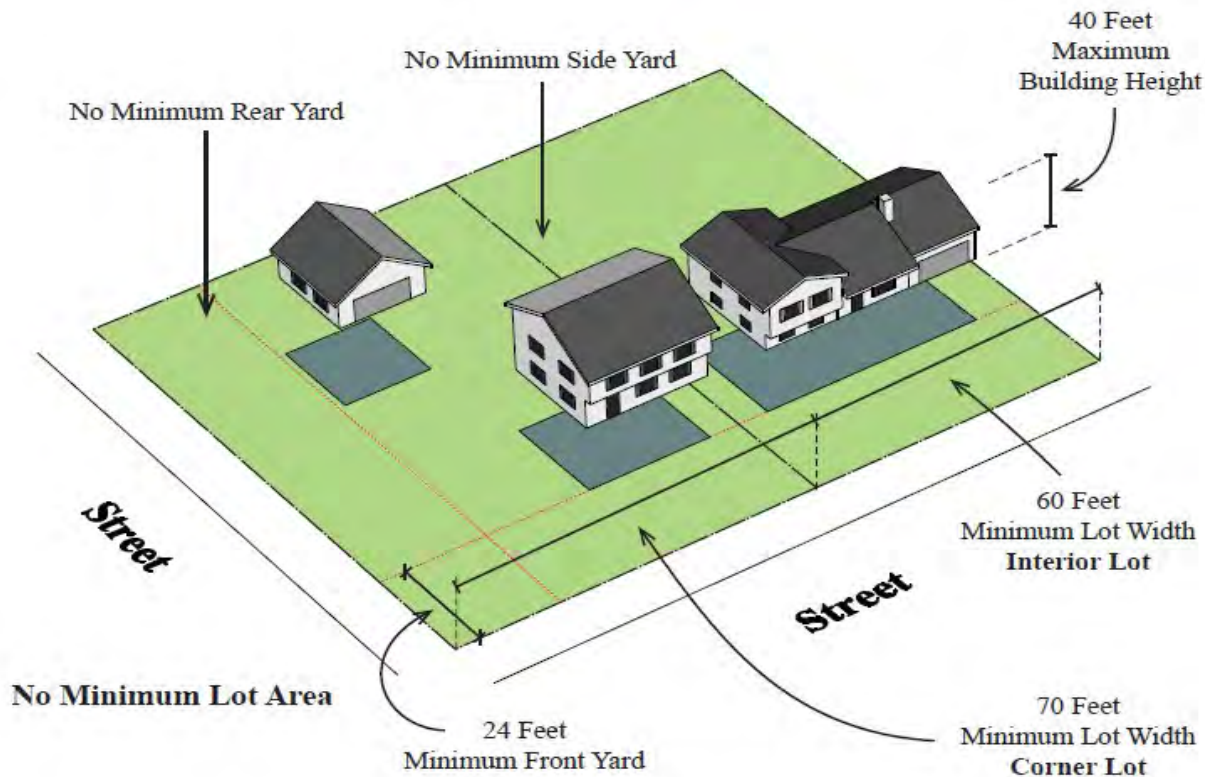
- A. **Low Density Residential (RB) PUD Use and Dimensional Requirements.** [Table 5.04-A.1.](#) outlines the [use](#) and dimensional requirements for PUD developments in the RB district.

Table 5.04-A.1. Low Density Residential (RB) PUD Use and Dimensional Requirements

LOW DENSITY RESIDENTIAL DISTRICT (RB) PUD USE AND DIMENSIONAL REQUIREMENTS		
Permitted Uses		Single- and Two-Family Dwellings
Minimum Lot Area		None
Minimum Lot Width and Frontage	Interior Lot	60 feet
	Corner Lot	70 feet
Maximum Lot Coverage Ratio		None
Minimum Required Yards for Principal Buildings	Front	24 feet
	Side	None
	Rear	None
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	1,000 square feet at grade
	1.5 story	750 square feet at grade
	2 story	900 square feet at grade
	Split/Bi-level	900 square feet above grade
Minimum Floor Area per Dwelling Unit for a Two-Family Dwelling		700 square feet at grade



Figure 5.04-A.1. Low Density Residential District (RB) PUD Dimensional Requirements



- B. Moderate [Density](#) Residential District (RC) PUD Use and Dimensional Requirements. [Table 5.04-B.1.](#) outlines the [use](#) and dimensional requirements for PUD developments in the RC district.

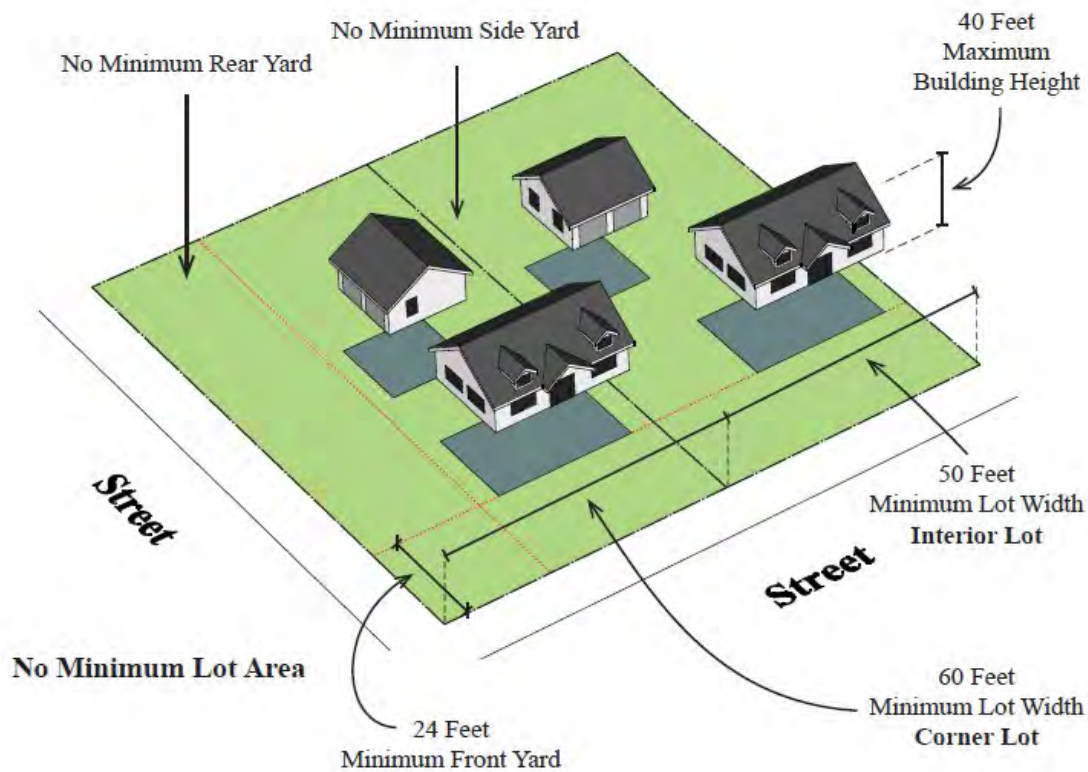


Table 5.04-B.1. Moderate Density Residential (RC) PUD Use and Dimensional Requirements

MODERATE DENSITY RESIDENTIAL DISTRICT (RC) PUD USE AND DIMENSIONAL REQUIREMENTS		
Permitted Uses		Single- , Two-Family , and Multiple-Family Dwellings (not to exceed 6 units per building)
Minimum Lot Area		None
Minimum Lot Width and Frontage	Interior Lot	50 feet
	Corner Lot	60 feet
Maximum Lot Coverage Ratio		None
Minimum Required Yards for Principal Buildings	Front	24 feet
	Side	None
	Rear	None
Maximum Building Height		40 feet
Minimum Floor Area per Dwelling Unit	1 story	900 square feet at grade
	1.5 story	750 square feet at grade
	2 story	700 square feet at grade
	Split/Bi-level	900 square feet above grade
Minimum Floor Area per Dwelling Unit for a Two-Family Dwelling		700 square feet at grade
Minimum Floor Area per Dwelling Unit for a Multiple-Family Dwelling		550 square feet at grade



Figure 5.04-B.1. Moderate Density Residential District (RC) PUD Dimensional Requirements



- C. **Multiple-Family Residential District (RM) PUD Use and Dimensional Requirements.** [Table 5.04-C.1](#) outlines the use and dimensional requirements for PUD developments in the RM district.



Table 5.04-C.1. Multiple-Family Residential District (RM) PUD Use and Dimensional Requirements

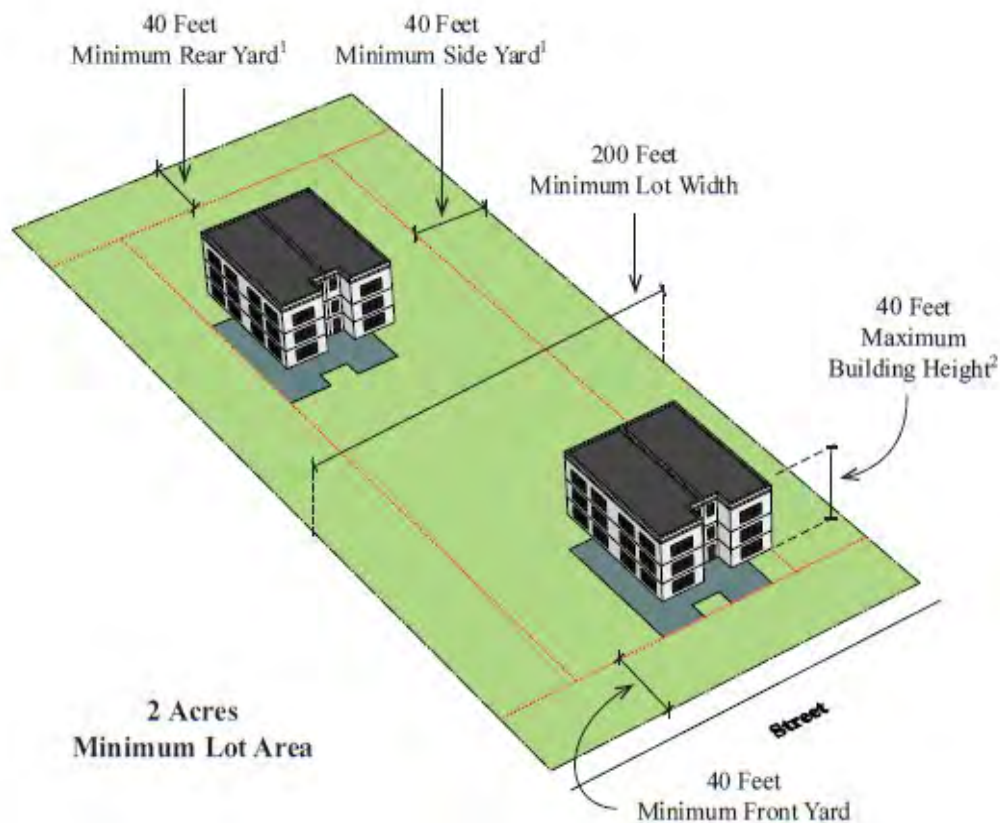
MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM) PUD USE AND DIMENSIONAL REQUIREMENTS		
Permitted Uses		Two- and Multiple-Family Dwellings
		Permitted Uses in O and C Districts
Minimum Lot Area		2 acres
Minimum Lot Width and Frontage		200 feet
Maximum Lot Coverage Ratio		None
Minimum Required Yards for Principal Buildings	Front	40 feet
	Side	40 feet ¹
	Rear	40 feet ¹
Maximum Building Height		40 feet ²
Minimum Floor Area per Dwelling Unit		550 square feet at grade

1 Required side and rear setbacks shall be increased to 60 feet when abutting RA, RB, and RC zoning districts.

2 Maximum building height may be increased by one (1) foot for each two (2) feet of additional front, side, or rear setback provided over and above the minimum required to a maximum of 60 feet.



Figure 5.04-C.1. Multiple-Family Residential District (RM) PUD Dimensional Requirements



- D. Each [principal building](#) shall be connected to public water and sanitary sewers.
- E. Electrical, telephone, and cable television lines shall be placed underground with the exception that the [Township Board](#) may approve the [use](#) of overhead distribution lines.
- F. Each [parcel](#), lot, or [principal building](#) shall have adequate [access](#) from a public or private street/road as required by the [Township Board](#).
- G. Each [parcel](#), lot, or [principal building](#) shall have adequate pedestrian and non-motorized [access](#) via sidewalks, pathways, or other such facilities as required by the [Township Board](#).
- H. The proposed [development](#) shall be designed to create a cohesive community/development by providing [common open space](#) areas for passive or active recreation and resident/tenant interaction. All [open space](#) areas shall be equally available to all residents of the [Planned Unit Development](#).
- I. [Open Space](#) areas shall be conveniently located in relation to dwelling units and have minimum dimensions which are useable for the intended functions. Public or [private road](#) easements and rights-of-ways shall not be considered open space areas. Buildings, parking lots, driveways and

similar improvements may be permitted in [open space](#) areas if related and necessary to the functions of the open space. Open space areas may include land temporarily or permanently inundated by water.

- J. When completed, the PUD shall have significant areas, but not less than twenty-five percent (25%) of total land area, devoted to [open space](#), which shall remain in a natural state and/or be restricted for [use](#) for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important [natural features](#) on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the [site plan](#).
- K. The parking requirements of [Chapter 11](#) of this Ordinance shall apply, with the exception that the [Township Board](#) may reduce the total number of required spaces upon a finding that adequate parking will result.
- L. [Development](#) of a PUD may be phased as depicted on the required site plans.
- M. The PUD shall comply with all other applicable regulations as required by this Ordinance.
- N. The mix of housing types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility, and similar measures. Office and/or commercial uses within a PUD shall not occupy more than fifty percent (50%) of the total PUD land area. Land area devoted to the development of office and/or commercial uses shall not be utilized in calculating the permitted residential density within a PUD.

SECTION 5.05 PROJECT DENSITIES

A. **Residential** [Density](#).

- 1. Residential densities in a PUD project shall not exceed the maximum permitted by-right residential [density](#) specified for the underlying zoning districts. However, density bonuses allowing an increase in density above that permitted by-right up to the maximum permitted PUD density may be achieved as follows:
 - a. PUDs providing a minimum of thirty percent (30%), but less than forty percent (40%), of [open space](#) shall be entitled to a [density](#) increase of an additional fifteen percent (15%).
 - b. PUDs providing a minimum of forty percent (40%), but less than fifty percent (50%), of [open space](#) shall be entitled to a density increase of an additional twenty-five percent (25%).
 - c. PUDs providing fifty percent (50%) or more of [open space](#) shall be entitled to a [density](#) increase equivalent to the maximum permitted PUD density specified for the underlying [zoning district](#).



Table 5.05-A.1 Residential Densities.

	RB	RC Single Family	RC Two-Family & Multiple-Family	RM
By-Right Max.	3.63 d.u./acre	4.36 d.u./acre	4.84 d.u./acre	11.00 d.u./acre
15% Bonus	4.17 d.u./acre	5.01 d.u./acre	5.57 d.u./acre	12.65 d.u./acre
25% Bonus	4.54 d.u./acre	5.45 d.u./acre	6.05 d.u./acre	13.75 d.u./acre
PUD Max.	5.00 d.u./acre	6.00 d.u./acre	7.00 d.u./acre	15.00 d.u./acre

2. A PUD may be developed in phases. The [Zoning Administrator](#) may require, prior to [site plan](#) approval, that land depicted on the [site plan](#) as [open space](#) be held in reserve as part of the phase to be developed to ensure that [density](#) limits for the entire PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the [development](#) of subsequent phases of the PUD if the [density](#) limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

SECTION 5.06 OPEN SPACE AGREEMENT

Prior to final [site plan](#) approval of a PUD, an Open Space Agreement shall be provided to the [Township Board](#) by the developer to ensure preservation and maintenance of the [open space](#) areas. The Agreement shall comply with the terms and conditions of the [Special Land Use](#) Permit authorizing the PUD. The Agreement shall include the following:

- A. A legal description and map depicting the total site area.
- B. A legal description and map depicting the lands reserved as [open space](#) to comply with the twenty-five (25%) requirement, as well as, open space areas designated to qualify for bonus densities.
- C. A plan for permanent maintenance of the area reserved for [open space](#).
- D. Prior to the issuance of any building permits for any principal buildings in a PUD, the Township Clerk shall record the Open Space Agreement at the Eaton County Register of Deeds Office. The Agreement shall be binding upon Delta Charter Township, the developer and all successors and assigns.

SECTION 5.07 STATUS OF PRIOR APPROVED PLANNED UNIT DEVELOPMENTS (PUD) OR PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD)

Any PUD or PURD which was approved prior to the effective date of this Ordinance shall be a [permitted use](#), and shall not be considered a [non-conforming use](#). Prior authorized PUDs and PURDs shall be developed in compliance with the Delta Charter Township Zoning Ordinance which was in effect at the time it was approved.



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CHAPTER 6

SITE PLAN REVIEW

SECTION 6.01 PURPOSE

The [site plan](#) review requirements of this Chapter are intended to provide a consistent and uniform method of review of proposed [development](#) plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws. The intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; achieve efficient [use](#) of the land; encourage innovative design solutions; protect natural resources; ensure safety for both internal and external vehicular and pedestrian users; and prevent adverse impacts on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate [development](#) in accordance with the Township's land use objectives.

SECTION 6.02 BUILDINGS, STRUCTURES AND USES SUBJECT TO SITE PLAN REVIEW

A. **Site Plan Review Requirement.** The following buildings, structures, and uses require [site plan](#) review:

1. All proposed and permitted uses and related buildings, except [single-family](#) and [two-family dwellings](#).
2. All proposed Special Land Uses and related buildings except that home occupations, [functional family](#) dwellings, bed and breakfast establishments, group child care homes, foster care group homes, and farm markets shall only be required to provide the following information for preliminary [site plan](#) review:
 - a. [Site Plan](#) application form supplied by the [Zoning Administrator](#).
 - b. A Site Plan containing the following information:
 - i. Legal description of site dimensions of site boundary lines, total site area, water courses and water bodies. 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.
 - ii. Required and proposed building setbacks, and if applicable, distances between buildings on the site.
 - iii. Location of abutting streets and proposed alignment of streets, drives and easements serving the [development](#), including existing rights-of-way and pavement widths.
 - iv. The [Planning Commission](#) and/or [Zoning Administrator](#), as applicable, may require written statements relative to the impact on existing utilities, [natural features](#), or the environment.



3. Any [alteration](#), addition, or expansion of an existing permitted or [Special Land Use](#) and/or related building;
4. Any building or [use](#) for which [site plan](#) review is required by this Ordinance; and
5. Any parking lot or addition thereto.

B. Status of Site Improvements.

1. The [Zoning Administrator](#) shall not issue a [certificate of zoning compliance](#) and the Township [Building Official](#) shall not issue a [building permit](#) for [construction](#) of, or addition to, any one of the above listed buildings or structures until a final [site plan](#) has been approved. A [use](#) not involving a building or [structure](#), as above listed, shall not be commenced or expanded, nor shall the Zoning Administrator issue a Certificate of Zoning Compliance until a final site plan has been approved.
2. 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 Environmental Quality.

SECTION 6.03 PRE-APPLICATION CONFERENCE (Optional)

Any [site plan](#) review applicant may schedule an informal conference with the [Zoning Administrator](#).

SECTION 6.04 SITE PLAN REVIEW

- A. **Application and Fee for a Site Plan.** An application for [site plan](#) review shall be filed with the [Zoning Administrator](#) and include the required fee, the information specified in [Section 6.06](#), and other data exhibits, and information hereinafter required. The application, fees, and supporting documentation as specified herein shall generally be filed a minimum of thirty (30) days prior to a regularly scheduled meeting of the [Planning Commission](#).
- B. **Planning Commission Review of a Site Plan.** If the [Zoning Administrator](#) determines that the [site plan](#) includes the required information set forth in this Chapter, he/she shall transmit the application, site plans and other information to the [Planning Commission](#) prior to its next regularly scheduled meeting. The Planning Commission shall review the same and shall, within sixty (60) days from the date of the first Planning Commission meeting at which the application and site plan are received from the [Zoning Administrator](#), issue an approval or disapproval of the site plan unless mutually agreed upon by both the applicant and the Planning Commission to extend the review period. The Planning Commission shall inform the applicant in writing of any changes or modifications to the proposed site plan which are needed to achieve conformity to the standards specified in this Ordinance.



C. **Variance Requests.** [Site plan](#) review applicants who intend to seek a [variance](#) from the [Zoning Board of Appeals](#) shall first file an application with the Zoning Board of Appeals prior to the [Planning Commission](#) reviewing the site plan.

D. **Zoning Administrator Review of a Site Plan.**

1. After the [Planning Commission](#) conducts their review of a [site plan](#), the [Zoning Administrator](#) shall review the site plan to ensure that it reflects any changes or modifications as mandated by the Planning Commission.
2. The [Zoning Administrator](#) shall approve, approve with conditions, or deny the submitted plan. If denied, the Zoning Administrator shall cite the reasons for denial and transmit them in writing to the applicant. The Zoning Administrator shall inform the Township [Building Official](#) of the [site plan](#) approval.
3. The applicant shall submit a PDF copy and three (3) paper copies of the final [site plan](#), which shall be signed, sealed, and drafted by the professional (licensed in the State of Michigan) responsible for the accuracy of the plan.
4. The [Zoning Administrator](#) shall affix a stamp and signature to the approved [site plan](#).

E. **Effective Term of Site Plan Approval.**

1. Approval of a [site plan](#) by the [Zoning Administrator](#) 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 site plan shall be null and void. Site plans whose approval has expired shall be required to be resubmitted and processed as an original application.
2. Upon written application, filed prior to the termination of the two (2) year review period, stated in [Section 6.04 E.1.](#), the [Zoning Administrator](#) may authorize a single extension of the [site plan](#) approval for 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 period.

SECTION 6.05 ADMINISTRATIVE SITE PLAN REVIEW

- A. **Authority.** The [Zoning Administrator](#) shall have the authority to conduct an Administrative Review of a [Site Plan](#), provided all other standards of this Ordinance are met as set forth in [Section 6.07](#). The Zoning Administrator may seek the review and comments of applicable Township staff and/or consultants, County, State, and Federal agencies; and reserve the right to refer the matter to the [Planning Commission](#), if necessary.
- B. **Projects to be Reviewed Administratively.** Administrative review of a [site plan](#) may be conducted for the following projects or under the following circumstances:
1. Properties less than two (2) acres in size.



2. Minor changes, as determined by the [Zoning Administrator](#) during [construction](#) that are required by outside governmental agencies.
3. Increase in parking area up to twenty-five percent (25%) or ten thousand (10,000) square feet in area without any building changes.
4. Changes to the [building height](#) that do not add additional floor area nor exceed the maximum height requirements of the district.
5. An increase in floor area of up to twenty-five percent (25%) of the existing floor area.
6. A change in [use](#) to a similar or less intense use.
7. Accessory buildings associated with a non-residential [use](#).
8. Aesthetic and architectural changes to a non-residential [structure](#).
9. Site improvements such as installation of walls, fences, lighting, or [landscaping](#) consistent with the Ordinance standards.
10. Temporary uses, sales, and seasonal events.
11. [Construction](#) of a [Wind Energy Conversion System](#) where such construction is considered an [accessory use](#) in the district.
12. Construction of Solar Collection Systems where such [construction](#) is considered an [accessory use](#).

SECTION 6.06 DATA REQUIRED FOR SITE PLANS

Site Plans shall include the information set forth in [Table 6.06-A.1](#).



TABLE 6.06-A.1. DATA REQUIRED FOR SITE PLANS

DATA REQUIRED FOR SITE PLANS	
1. Application Form	
a.	Name and address of the applicant and property owner.
b.	Address and common description of property and complete legal description.
c.	Dimensions of land and total acreage.
d.	Zoning on the site and all adjacent properties
e.	Description of proposed project or use , type of building or structures, and name of proposed development , if applicable.
f.	Name and address of firm or individual who prepared the site plan .
g.	Proof of ownership of the property.
2. Site and Zoning Data	
a.	Existing lot lines , structures, parking areas and other improvements on the site and within 100 feet of the site.
b.	Proposed lot lines , lot dimensions, property lines, setback dimensions, structures, parking areas, and other improvements to the site and within 100 feet of the site.
c.	All existing and proposed easements including type.
d.	Zoning district of site and all adjacent properties.
e.	Land use of site and all adjacent property.
f.	Proposed use of site.
g.	Gross and net lot area , and areas in proposed rights-of-way, access easements, wetlands , and bodies of water (including streams, ponds, lakes).
h.	Ground floor and total floor area to be constructed.
i.	Lot coverage (ground floor area divided by net lot area)
j.	Impervious surface (total impervious area and percentage of impervious area to total net lot area)
k.	Number and type of dwelling units and density , for residential projects
l.	Required yards/setbacks.
3. Natural Features	
a.	General location of existing plant materials, with identification of materials to be removed, and materials to be preserved.
b.	Topography on the site and within 100 feet of the site at two (2)-foot contour intervals, referenced to a U.S.G.S. Benchmark.
c.	Location of existing drainage courses, floodplains, lakes and streams, and wetlands .



DATA REQUIRED FOR SITE PLANS

- d. Existing wetland areas must be shown for each wetland. All impacted areas and mitigation areas shall be shown with calculations provided.
- e. General soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Eaton County Soil Survey or equivalent information.

4. Access and Circulation

- a. Dimensions, curve radii and centerlines of existing and proposed [access](#) points, roads and road rights-of-ways or access easements.
- b. Driveways and intersections within 100 feet of the site.
- c. Location of proposed roads, driveways, parking lots. Sidewalks and non-motorized pathways.
- d. Cross-section details of proposed roads, driveways, parking lots, sidewalks and non-motorized pathways.
- e. Dimensions of acceleration, deceleration and passing lanes.
- f. Calculations for required number of parking spaces including location and layout.
- g. Dimensions of parking spaces, islands, circulation aisles and loading zones.
- h. Designation of fire lanes.
- i. Traffic regulatory signs and pavement markings.

5. Landscape Plans

- a. General landscape plan, including location and type of all proposed shrubs, trees, and other live [plant material](#).
- b. Existing live plant materials to remain, and if materials will be applied to [landscaping](#) requirements.
- c. Existing and proposed topography, by contours, correlated with the grading plan.
- d. Location of all proposed landscape improvements.
- e. Planting list for proposed landscape materials with caliper size or height of material, botanical and common names, and quantity.
- f. Irrigation system plan for watering and draining landscape areas.
- g. Cross-sections and details for required landscape improvements including berms, walls, fences, retaining walls, etc.

6. Building, [Structure](#), and Miscellaneous Site Information

- a. Location, height, number of floors, and outside dimensions of all proposed buildings and structures.
- b. Building floor plans and total floor area.
- c. Details on accessory structures and any screening
- d. Location of proposed free-standing signs such as billboards, pole signs, and ground signs.
- e. Location of exterior lighting (site and building lighting).



DATA REQUIRED FOR SITE PLANS

- f. Lighting details, including height, initial lumen rating, type of lamp, method of shielding, and depiction of lighting pattern for all site and building lighting.
- g. Lighting photometric grid overlaid on proposed [site plan](#) showing light intensity (in foot candles) on site and ten (10) feet beyond the property lines of the subject [parcel](#). Sites which have parking lots with twenty (20) parking spaces or less or which do not abut a residentially zoned property are exempt from the photometric grid overlay requirement.
- h. Location of trash receptacle(s) and transformer pad(s) and method of screening.
- i. Location of any outdoor sales or display area.

7. Information Concerning Utilities, [Drainage](#) and Related Issues.

- a. Location and size of existing and proposed sanitary sewers and/or septic systems
- b. Location and size of existing and proposed water mains, well sites, water service and fire hydrants.
- c. Site grading, [drainage](#) patterns and other stormwater management measures.
- d. Stormwater retention and detention ponds.
- e. Location and size of storm sewers and drains.
- f. Location of above and below ground gas, electric and telephone lines, existing and proposed.
- g. Location of transformers and utility boxes.

8. Additional Information Required for Multiple Family Residential Development

- a. The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
- b. [Density](#) calculations by type of residential unit (dwelling units per acre).
- c. [Garage](#) and / or carport locations and details, if proposed.
- d. Location, dimensions, and floor plans of common building(s) (E.G., recreation, laundry, etc.), if applicable.
- e. Swimming pool fencing detail, including height and type of [fence](#), if applicable.
- f. Location and size of recreation and [open space](#) areas.
- g. Indication of type of recreation facilities proposed for recreation area.

9. Additional Studies/Information

- a. Traffic Impact Study (as described in [Section 10.03](#))
- b. State & County Environmental Permits Checklist for Eaton County Communities
- c. Delta Township Fire Department Chemical Survey
- d. Description, identification, and location of any existing or proposed areas, whether above or below ground, for the storage, [use](#), loading/unloading of hazardous substances or hazardous wastes.
- e. 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.
- f. Other Studies as may be required by the [Planning Commission](#) or [Zoning Administrator](#)



SECTION 6.07 STANDARDS FOR SITE PLAN REVIEW

- A. **Compliance with all Regulations.** In reviewing a [site plan](#), the [Planning Commission](#) and the [Zoning Administrator](#) shall determine that the proposed site plan complies with all applicable regulations herein.
- B. **Standards.** Prior to approving a [site plan](#), the [Planning Commission](#) and/or [Zoning Administrator](#) shall require that the following standards be met:
1. The proposed [use](#) will not be injurious to the general health, safety, welfare, and character of the Township and surrounding neighborhood.
 2. The proposed [development](#) is consistent with the [Comprehensive Plan](#).
 3. There is a proper relationship between public thoroughfares and proposed service drives, driveways, and parking areas.
 4. The proposed [development](#) provides for proper development of roads, easements, and public utilities.
 5. All buildings or groups of buildings shall be arranged so as to permit necessary emergency [vehicle access](#) as required by the Fire Department.
 6. Site [access](#) and circulation shall be designed to ensure the safe and convenient movement of vehicles, bicycles, pedestrians and transit, where applicable. Where possible, [separation](#) of pedestrian and vehicular traffic shall be provided to avoid conflicts and unsafe conditions. Further, 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. Accessibility to the development shall be provided for persons of all abilities, in accordance with all applicable federal, state, and local regulations. 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 as required by this Ordinance, the Eaton County Road Commission, and/or the Michigan Department of Transportation, as is applicable.
 7. Site planning and design of specific improvements will accomplish the preservation and protection of existing natural resources and features to the extent reasonably possible.
 8. All streets shall be developed in accordance with the Eaton County Road Commission's or the Michigan Department of Transportation's specifications, as is applicable; unless developed as a [private road](#) in accordance with the requirements of [Section 10.02](#). Properties abutting streets which have right of way deficiencies, as determined by the Eaton County Road Commission or the Michigan Department of Transportation 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 the appropriate written instrument and documentation prior to final [site plan](#) approval by the Zoning Administrator.
 9. 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.
- a. Many items, including but not limited to the following, shall be considered when siting non-motorized transportation improvements in new developments:
 - i. The Delta Charter Township Non-Motorized Transportation Plan, the Delta Township Parks & Recreation 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.
 - ii. 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.
 - iii. Proximity to [natural features](#) such as woodlots, water bodies, [open space](#) areas, etc.
 - iv. Potential connection to other existing non-motorized transportation facilities, including those in adjacent communities.
 - v. The demand created for non-motorized transportation facilities by residents/customers of the proposed development.
 - vi. Taking advantage of existing easements and publicly owned lands.
 - vii. By providing a sidewalk/path, residents may be able to substitute a pedestrian movement for a vehicular movement.
 - b. During the [site plan](#) review process the [Planning Commission](#) and [Zoning Administrator](#) shall determine whether the need for non-motorized transportation improvement(s) on the subject [parcel](#) is necessitated by the [development](#) itself, or if the improvements would primarily serve the public at large.
 - c. Easements shall be provided for non-motorized transportation facilities as required by the [Planning Commission](#) and [Zoning Administrator](#). Easements may be required in anticipation of future [construction](#) of a trail, shared [use](#) path, and/or sidewalk.
10. The design of storm sewers, stormwater facilities, water mains, sanitary sewers, and other improvements shall meet the design and [construction](#) standards of the Township and other appropriate agencies.
11. On-site stormwater facilities shall be provided as follows:
- a. Appropriate measures shall be taken to ensure that stormwater runoff will not adversely affect neighboring properties or the public storm [drainage](#) system as determined by the Eaton County Drain Commissioner.



- 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).
12. Wastewater systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality, and be designed in accordance with applicable Township, County, and/or State standards
13. Sites which include storage of hazardous waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of pollution materials to the surface or the air, or to the ground, groundwater, or nearby water bodies in accordance with applicable Township, County, State, and/or Federal standards; and any applicable permits shall be obtained.
14. [Landscaping](#), including grass, trees, shrubs, and other vegetation, shall be provided to maintain and improve the aesthetic quality of the site and area, as per the standards contained in this Ordinance.
15. The [site plan](#) shall comply with all applicable Township Ordinances and any other applicable laws.

SECTION 6.08 CONDITIONS OF APPROVAL

- A. As part of an approval to any [site plan](#), the [Planning Commission](#) or [Zoning Administrator](#) may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of [Section 6.07](#) are met.
- B. The [Zoning Administrator](#) shall not approve the [site plan](#) until the plan has been reviewed and approved by all applicable Township, County, State and Federal personnel and agencies. Such personnel and 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 Environmental Quality
 10. 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. The conditions shall remain unchanged unless an amendment to the [site plan](#) is approved.
- E. Installation of public water or private water mains, public sanitary sewer lines, or private septic systems, shall not be commenced prior to the [Zoning Administrator](#)'s approval of the [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 to terminate said approval.

SECTION 6.09 CERTIFICATION OF COMPLIANCE

- A. [Certificate of Zoning Compliance](#). An issuance of a Certificate of Zoning Compliance, as set forth in [Section 3.03](#), shall be required prior to issuance of a certificate of occupancy or building permits, as applicable.
- B. **Commencement of Site Work.** Upon issuance of all appropriate approvals and permits, the applicant may begin site work.

SECTION 6.10 AMENDMENTS, REVISIONS TO APPROVED SITE PLANS

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendments 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 area to the legal description of the original approved site plan.
 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 the use.
- B. A major amendment to an approved [site plan](#) shall comply with the same [filing](#) and review procedures of the original approval, including site plan review by the [Planning Commission](#) if



originally required for the [development](#). A minor amendment may be approved by the Zoning Administrator.

SECTION 6.11 APPEALS OF SITE PLAN APPROVAL

- A. **Right to Appeal.** Any person aggrieved by the decision of the [Planning Commission](#) or the [Zoning Administrator](#) in granting or denial of [site plan](#) approval, shall have the right to appeal the decision to the [Zoning Board of Appeals](#). The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the Zoning Administrator within seven (7) days of the decision of the Planning Commission or Zoning Administrator.
- B. **Aggrieved Party.** An aggrieved party must prove to the satisfaction of the [Zoning Board of Appeals](#) that they have suffered, or may suffer, 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 grounds to show special damages.
- C. **Stay.** The [filing](#) of a [site plan](#) appeal shall act to stay the issuance of site plan approval or issuance of a [Certificate of Zoning Compliance](#) authorizing improvements on the property which is the subject of the appeal.



CHAPTER 7

SPECIAL LAND USES

SECTION 7.01 PURPOSE

This Ordinance is based upon the division of the Township into districts which permit specified uses by-right that are mutually compatible. It is recognized that there are certain other “special” uses with unique characteristics, which, due to their actual or potential impacts on neighboring uses or public facilities, need to be more carefully regulated with respect to their location and operation in order to be made fully compatible with those uses that are permitted as of right within a particular district. Accordingly, these “special” uses can be allowed subject to relevant restrictions or conditions being imposed that address their unique characteristics.

SECTION 7.02 PROCEDURE

- A. **Application.** 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 all required information and a fee as established by the [Township Board](#), not less than thirty (30) days prior to the date of a regular meeting of the [Planning Commission](#), at which the Special Land Use application will be considered. The following information shall also be submitted:
1. Five (5) paper copies and a digital PDF format copy of a [site plan](#) meeting the requirements of [Section 6.02 A.2](#).
 2. A complete description of the proposed [use](#), and a statement with regard to compliance with the criteria required for approval in [Section 7.03](#) Required Standards and Findings for Making Determinations and any specific standards required by the Ordinance for the requested use.
 3. Failure to provide the required information and materials as a part of the application for [Special Land Use](#) approval shall render the application deficient, and said application shall be held in abeyance until the petitioner submits all required items. The Township [Zoning Administrator](#) may waive the submission of a [site plan](#) where such information is not material to the [Planning Commission](#) action, specifically where no physical changes to the site are proposed.
- B. **Public Hearing.** 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. Notice of the public hearing shall be given in the manner prescribed by the Act.
- C. **Planning Commission Action.** At the public hearing, the [Planning Commission](#) shall review the application for the [Special Land Use](#) and shall recommend approval, denial, or approval with conditions. The recommendation of the Planning Commission shall be forwarded to the [Township Board](#) for their final consideration.



D. Township Board Action.

1. The [Township Board](#) shall approve, deny, or approve with conditions the request for [Special Land Use](#).
2. The [Township Board](#)'s decision shall be made part of the public record and shall be incorporated in a statement of findings and conclusions relative to the [Special Land Use](#) under consideration, and any conditions imposed.

- E. **Approval.** Upon approval of an application for a [Special Land Use](#) permit, the Township Clerk shall issue a Special Land Use permit. The [Zoning Administrator](#) shall be responsible for ensuring that any conditions attached to the approval of the special land use permit are adhered to.

SECTION 7.03 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

- A. **Standards.** The [Planning Commission](#) and [Township Board](#) shall review the particular circumstances and facts of each proposed [use](#), and shall consider the following general standards:

1. **Compatibility with the Comprehensive Plan.** The proposed [Special Land Use](#) shall be compatible and in accordance with the goals, objectives and policies of the Delta Charter Township [Comprehensive Plan](#) and any associated sub-area and corridor plans.
2. **Compatibility with Adjacent Uses.** The proposed [Special Land Use](#) shall 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. A Special Land Use shall be designed and constructed so as to not create a significant detrimental impact, as compared to the impacts of permitted uses.
3. **Impact on Public Services.** The proposed [Special Land Use](#) shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, [drainage](#), water and sewage facilities. Such services shall be provided and accommodated without an unreasonable public burden.
4. **Impact on the Overall Environment.** The proposed [Special Land Use](#) shall 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 in comparison to the impacts associated with typical permitted uses.
5. **Traffic Impact.** The proposed [Special Land Use](#) shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian [access](#) and safety; [vehicle trip generation](#) (i.e. volumes); types of traffic, access location and design, circulation and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the Township's Complete Street Ordinance.



6. **Operational Characteristics.** The nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the [use](#) shall be reviewed.
 7. **Outdoor Operations.** Measures shall be taken to ensure that outdoor activity, storage, and work areas will be compatible with adjacent land uses.
 8. **Compliance with Zoning Ordinance Standards.** The proposed [Special Land Use](#) shall be designed, constructed, operated, and maintained to meet the stated intent of the [zoning district](#) and shall comply with all applicable ordinance standards.
 9. **Special Land Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by [Special Land Use](#) approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- B. **Site Plan Review.** Properties for which an application for [Special Land Use](#) approval is made shall also be subject to [site plan](#) review in accordance with the requirements of [Chapter 6](#), Site Plan Review.

SECTION 7.04 CONDITIONS OF APPROVAL

- A. **Authority.** Prior to granting any [Special Land Use](#) permit, the [Township Board](#) may, at its discretion, impose any additional conditions or limitations when it is determined that such conditions or limitations are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. **Scope.** Conditions that are imposed by the [Township Board](#) shall comply with the following:
1. Such conditions shall be related to and ensure that the review considerations of [Section 7.03. A.1.](#) through 9. and the applicable specific [use](#) regulations are met.
 2. 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.
 3. A record of conditions imposed shall be maintained, and shall remain unchanged unless an amendment to the [Special Land Use](#) approval is granted.
 4. 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](#) meetings.
 5. 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.



SECTION 7.05 EFFECTIVENESS

- A. **Remain in Force.** Upon [site plan](#) approval by the [Zoning Administrator](#), [Special Land Use](#) approval shall continue in force so long as the particular [use](#) or activity continues to operate as approved on the approved site, unless otherwise specified in the [Township Board](#) resolution of approval.
- B. **Expiration.** Any [Special Land Use](#) approval granted by the [Township Board](#) shall expire unless a [site plan](#) effectuating the Special Land Use is submitted within two (2) years of the date of approval. The [Township Board](#) has the authority to grant one (1) twelve (12)-month extension.
- C. **Abandonment.** Any use for which a [Special Land Use](#) permit has been granted and which is discontinued for a continuous period of one (1) year or for eighteen (18) months during any three (3) year period shall be considered abandoned and the Special Land Use Permit shall become null and void. Prior to termination of a Special Land Use due to abandonment or discontinuation, the Township [Zoning Administrator](#) shall provide written notice of the Township's intent to terminate such 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 Special Land 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.
- D. **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 (1) 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 are found to be valid by the [Township Board](#).

SECTION 7.06 SPECIAL LAND USE AMENDMENTS

- A. **Amendments.** 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 shall not be limited to, the following actions:
1. The addition of land to the legal description of the original [special land use](#) permit.
 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. **Amendment Review.** A major amendment to a [Special Land Use](#) permit shall comply with the application and review procedures contained in this Chapter. 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.
- C. **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.



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CHAPTER 8

SPECIFIC USE STANDARDS

SECTION 8.01 PURPOSE

It is the purpose of this Chapter to provide regulations for various uses as permitted by the District [Use Table](#) in [Section 4.18-B.1.](#) herein.

SECTION 8.02 ACCESSORY DWELLING UNITS

A. **Intent:** The intent of the [accessory dwelling unit](#) regulations is to accomplish the following:

1. Provide older homeowners with an opportunity to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
2. Add moderately-priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households.
3. Develop housing units in single-[family](#) neighborhoods that are appropriate for households at a variety of stages in their life cycle.
4. Provide housing units for persons with disabilities.
5. Protect stability, property values, and the residential character of a neighborhood.

B. **Standards of Approval:**

1. The units shall be a separate housekeeping unit, and shall not exceed fifty percent (50%) of the floor area of the principal residence.
2. Only one (1) [accessory dwelling unit](#) shall be permitted on each lot or [parcel](#).
3. The owners of the principal residence shall continue to occupy the principal residence.
4. The [accessory dwelling unit](#) shall be [occupied](#) by not more than three (3) persons. These persons must be related to the owners/occupants of the principal residence by blood, marriage, adoption, or guardianship.
5. All [setback](#) and [lot coverage](#) requirements of the district shall be met.
6. A minimum of one (1) additional off-street [parking space](#) shall be provided for the [accessory dwelling unit](#).

SECTION 8.03 ADULT DAY CARE CENTER

A. **Open Space:** An [open space](#), a minimum of five thousand (5,000) contiguous square feet, shall be provided on the subject [parcel](#) unless a public open space is available within one hundred (100)



feet of the subject parcel.

- B. **Building Setbacks:** The [Township Board](#) may impose greater building [setback](#) requirements than the minimum specified in the subject [parcel](#)'s underlying [zoning district](#) in order to provide compatibility with adjacent properties.
- C. **Parking:** The [Zoning Administrator](#) shall determine the minimum required parking for the number of persons served by the center.

SECTION 8.04 ADULT FOSTER CARE FACILITIES

- A. **Adult Foster Care Family Homes Serving Six (6) Persons or Less:** A state-licensed adult foster care home, foster [family](#) home, or foster family group home serving six (6) persons or less shall be considered a residential [use](#) of property and a use permitted by-right in all residential districts.
- B. **Adult Foster Care Small Group Homes Serving Seven (7) to Twelve (12) Persons:**
 - 1. A [site plan](#), prepared in accordance with [Chapter 6](#), shall be submitted with the [Special Land Use](#) Permit application.
 - 2. The subject [parcel](#) shall meet the minimum lot area requirements for the [zoning district](#) in which it is located.
 - 3. The [dwelling unit](#) shall contain a minimum of twelve hundred (1,200) square feet of living space excluding garages, unenclosed porches, and unfinished basements.
 - 4. The subject [parcel](#) shall be located a minimum of five hundred (500) feet from another [adult foster care small group home](#) or a group child care home.
 - 5. One (1) off-street [parking space](#) shall be provided for each employee/caregiver.
 - 6. Appropriate licenses with the State of Michigan shall be maintained.
- C. **Adult Foster Care Large Group Homes Serving Thirteen (13) to Twenty (20) Persons:**
 - 1. A [site plan](#), prepared in accordance with [Chapter 6](#), shall be submitted with the [Special Land Use](#) Permit application.
 - 2. The subject [parcel](#) shall meet the minimum lot area requirements for the [zoning district](#) in which it is located.
 - 3. One (1) off-street [parking space](#) shall be provided for each employee/caregiver.
 - 4. Appropriate licenses with the State of Michigan shall be maintained.
- D. **Adult Foster Care Congregate Facilities Serving More than Twenty (20) Persons:**
 - 1. A [site plan](#), prepared in accordance with [Chapter 6](#), shall be submitted for the [zoning district](#)



in which it is located.

2. The subject [parcel](#) shall meet the minimum lot area requirements for the [zoning district](#) in which it is located.
3. One (1) off-street [parking space](#) shall be provided for each employee/caregiver.
4. The maximum length of an uninterrupted building façade facing a [public street](#) or a residentially zoned property shall be fifty (50) feet. Building facades greater than fifty (50) feet, measured horizontally, which face a [public street](#) or residentially zoned property shall provide façade articulation or architectural design variations for a minimum of twenty percent (20%) of the length of the façade. Building [wall](#) offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
5. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility such as barber and beauty shops.
6. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 8.05 ADULT GROUP DAY CARE HOME

- A. **Location:** The lot or [parcel](#) on which such [use](#) is located shall not be located closer than one thousand five hundred (1,500) feet, as measured along a street or road open to the public, to any of the following:
 1. Another Adult Group Day Care Home
 2. A Child Group Day Care Home
 3. An [Adult Foster Care Small Group Home](#) or [Adult Foster Care Large Group Home](#)
- B. **Building Setbacks:** The [Township Board](#) may impose greater building [setback](#) requirements than the minimum specified for the subject [parcel](#)'s underlying [zoning district](#) in order to ensure compatibility with adjacent properties.
- C. **Operation:** The hours of operation shall be limited to sixteen (16) hours per twenty-four (24) hours per day. The Township may limit, but not prohibit, the operation of Adult Group Day Care Homes between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 8.06 ADULT USE BUSINESSES

- A. **Purpose and Intent:** The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of adult use businesses within the Township. However, under no circumstances is [public nudity](#), as defined herein, permissible in Delta 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 use businesses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential area and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny [access](#) by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also neither the intent nor effect of this section to condone or legitimize the distribution of obscene material.

- B. **Special Land Use Approval:** The [Township Board](#) may impose such conditions or limitations upon the establishment, location, [construction](#), maintenance, or operation of an [Adult Use Business](#), as shall, in its judgment considering the standards set forth in [Chapter 7, Special Land Use Standards](#), be necessary for the protection of the public health, safety, welfare, and interest, except that any conditions imposed on an Adult Use Business as defined in [Chapter 2, Definitions](#), shall be limited to those conditions necessary to assure compliance with the standards and requirements of [Section 8.06 C](#).
- C. **Standards:**
1. It shall be unlawful to operate an [adult use business](#) within five hundred (500) feet, measured from the nearest property line to the nearest property line on a straight line basis, of any of the following:
 - a. A place of worship.
 - b. A school or childcare facility.
 - c. A [public park](#), not to include public trails.
 - d. Any residential [zoning district](#).
 2. It shall be unlawful to permit the operation of an [adult use business](#) within one thousand (1,000) feet of another adult use business, measured from the nearest property line to the nearest property line on a straight-line basis.
 3. It shall be unlawful to permit the operation or maintenance of more than one (1) adult use business in the same building, [structure](#), or portion thereof.
 4. Adult use businesses shall not be located in buildings in which dwelling units are located.
 5. Activities conducted within buildings housing adult use businesses 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 be constructed in such a way as to block the exit, and



shall be approved by the Fire Chief.

SECTION 8.07 AGRICULTURAL PROCESSING AND FOOD STORAGE

- A. **Administrative Review:** Agricultural processing uses where the [use](#) occupies an area five thousand (5,000) square feet or less or agricultural food storage uses where the use occupies an area ten thousand (10,000) square feet or less shall be subject to an administrative review and approval by the [Zoning Administrator](#). The Zoning Administrator shall review a [site plan](#), drawn to scale depicting property lines, structures and the location of the proposed processing and storage areas as well as supporting documents and determine compliance with the standards herein. The Zoning Administrator shall approve or deny the request within forty-five (45) days from the date of submittal of the application. If the application is denied, the Zoning Administrator shall notify the applicant in writing of such action and the reasons for the denial.
- B. **Special Land Use Permit Requirement:** Agricultural processing and/or agricultural food storage uses exceeding the aforementioned thresholds shall be subject to the [Special Land Use](#) Permit requirements of [Chapter 7](#) herein.
- C. **Standards:**
1. **Setbacks:** Facilities used for agricultural processing and/or food storage shall be [setback](#) a minimum of one hundred (100) feet from any residential [lot line](#).
 2. **Parking:** Parking areas shall be adequate to accommodate anticipated traffic and vehicles on site. No parking shall be permitted within any public road right of way.

SECTION 8.08 AGRICULTURAL/COMMERCIAL TOURISM

- A. **Special Land Use Permit Requirement:** The following agricultural/commercial tourism businesses shall be subject to the [Special Land Use](#) Permit requirements of [Chapter 7](#) herein:
1. Cider mills or wineries selling product, in a tasting room.
 2. Seasonal outdoor mazes such as straw bales or corn.
 3. Uses 1 and 2 listed above may include any or all of the following ancillary agricultural related uses and some non-agriculturally related uses as long as the [principal use](#) on the property is agricultural and the agricultural-character of the farm is maintained.
 - a. Value-added agricultural products or activities such as education tours of processing facilities, etc.
 - b. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - c. Petting farms, animal display, and pony rides.
 - d. Wagon, sleigh, and hay rides.



- e. Nature trails.
 - f. Open air or covered picnic area(s) with restrooms.
 - g. Educational classes, lectures, seminars.
 - h. Historical agricultural exhibits.
 - i. Kitchen facilities, for the processing, cooking, and/or baking of goods.
 - j. Gift shops for the sale of agricultural products and agriculturally related products.
4. Other commercial/tourism businesses that are complementary and accessory to the principal agricultural [use](#) of the property including but not limited to:
- a. Small-scale entertainment (e.g. music concert, car show, art fair).
 - b. Organized meeting space (e.g. for [use](#) by weddings, birthday parties, and corporate events).
 - c. Designated permanent parking for more than twenty (20) vehicles.
- B. **Submittal of Information:** The following information shall be provided to the [Zoning Administrator](#) at the time the [Special Land Use](#) Permit application is submitted:
- 1. Months (season) of operation.
 - 2. Hours of operation.
 - 3. Estimated number of customers.
 - 4. Solid waste disposal.
 - 5. Signage.
 - 6. Lighting.
 - 7. Maximum number of employees on largest shift.
 - 8. Restroom facilities.
 - 9. Depiction of the location of all activities and corresponding structures.
- C. **Standards:**
- 1. Minimum lot area of five (5) acres.
 - 2. A one hundred (100)-foot open [buffer](#) shall be provided on all sides of the property not abutting a roadway. Business activities shall not be conducted within the buffer area. Where



possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.

3. Off-street parking shall be provided as per [Section 11.03](#).
 - a. Parking facilities may be located on a grass or gravel area for seasonal uses, but such areas shall be maintained in a dust-free condition.

D. **Nuisance Abatement:** Agricultural/Commercial Tourism businesses shall be operated within the applicable limits imposed by this Ordinance and the Delta Charter Township Code of Ordinances; and shall not involve uses, activities, processes, materials and equipment or condition 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 nuisances.

SECTION 8.09 ANIMAL OR RESCUE SHELTER

A. Standards:

1. The Special Use Permit shall establish a limit on the permitted number of animals at the shelter at any one time.
2. Buildings in which animals are kept, animal runs, and exercise areas shall be [setback](#) a minimum of one hundred (100) feet from any [dwelling unit](#), a residentially zoned property line, and shall not be located in any required [yard](#) area.
3. The [Special Land Use](#) Permit may limit the specific species of animals that are permitted.

B. Operations:

1. Services performed on the [premises](#) including grooming, bathing, veterinary care, and similar services shall only be for animals sheltered at the facility.
2. All animals shall be kept in an enclosed [structure](#) except for walking and exercise when accompanied by an employee/volunteer.
3. An operations and maintenance plan shall be submitted with the [Special Land Use](#) Permit application addressing how noise will be attenuated, waste handled, and noting the days and hours of operation.

SECTION 8.10 BED AND BREAKFAST

- A. **Resident Proprietor:** The proprietor shall reside at the [Bed and Breakfast establishment](#).
- B. **Primary Residential Use:** The rooms utilized for sleeping shall be part of the primary residential [use](#) and not specifically constructed for rental purposes.
- C. **Minimum Room Area:** The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.



- D. **Required Utilities:** The [bed and breakfast establishment](#), if not served by public water and sanitary sewer service, shall be limited to four (4) sleeping rooms for rent.
- E. **Parking:** 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](#).
- F. **Structure Additions/Modifications:** 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](#).
- G. **Accessory Uses:** Accessory retail uses to a [bed and breakfast establishment](#), including but not limited to gift shops, antique shops, restaurants, and bakeries, shall be prohibited.
- H. **Meals.** Meals shall be served only to residents, employees, [family](#) members, and overnight guests.

SECTION 8.11 BLOOD PLASMA CENTERS

- A. **Standards:** A waiting area and restroom facilities must be available to all clients at least one (1) hour prior to the start of business inside the building housing the [blood plasma center](#).

SECTION 8.12 BUILDING MATERIALS SALES, GARDEN CENTERS, AND SIMILAR USES

- A. **Application of Regulations:** Building materials sales, garden centers, plant and tree nurseries, greenhouses, [landscaping](#) and landscaping supply businesses, and similar uses which are characterized by [outdoor storage](#) and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.
- B. **Permanent Sales Office:** A permanent sales office building shall be located on the subject [parcel](#). The building(s) may also include activities ancillary to the [principal use](#) such as the storage of materials and equipment storage/repair.
- C. **Outdoor Storage:** No portion of the [outdoor storage](#) area shall be located within five hundred (500) feet of any residential zoning district. Outdoor storage areas shall be completely enclosed by a [fence](#) or [wall](#), a minimum of six (6) feet in height. The [fence](#) or [wall](#) shall have a minimum of two (2) gates providing [access](#) to the storage area for vehicles. The fence or wall enclosing the storage area shall meet the minimum [yard](#) requirements of the [zoning district](#) in which it is located.
- D. **Height of Outdoor Storage Rack Fixtures:** [Outdoor storage](#) racks shall not exceed a fixture height of twenty (20) feet.
- E. **Access:** Primary access to the subject [parcel](#) shall be on a county primary road, as classified by the agency having jurisdiction over the road, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- F. **Street Maintenance:** Public streets within one thousand five hundred (1,500) feet of the entry or exit to the subject [parcel](#) shall be kept reasonably clear of mud, dirt, debris and trash deposited from vehicles accessing the site.



SECTION 8.13 CEMETERIES

- A. **Screening:** Landscape screening adjacent to residentially zoned properties shall be addressed during [site plan](#) review.
- B. **Assembly:** The site shall be designed such that adequate assembly area is provided off-street for vehicles associated with a funeral procession. This assembly area shall be provided in addition to any required [off-street parking area](#).
- C. **Ingress and Egress:** Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent thoroughfares and funeral processions or visitors entering or exiting the site.
- D. **Setbacks.** No building shall be located closer than fifty (50) feet from any residential zoning district.

SECTION 8.14 CHILD CARE CENTER/PRESCHOOL

- A. **Utilities:** The [Child Care Center](#)/Preschool shall be served by public sanitary sewer and water service.
- B. **Open Space:** There shall be a contiguous [open space](#) of a minimum of five thousand (5,000) square feet provided on the subject [parcel](#). The open space shall not be located within a required front yard. This requirement may be waived by the [Zoning Administrator](#) if public open space is available within five hundred (500) feet of the subject [parcel](#).
- C. **Licensing:** The [Child Care Center](#)/Preschool shall be properly licensed by the State of Michigan.
- D. **Setbacks:** Child Care Centers/Preschools shall comply with the minimum building setbacks specified for principal buildings in the [zoning district](#) in which the [Child Care Center](#)/Preschool is located. In order to provide a quiet environment for neighboring residents, the [Township Board](#) may impose greater setbacks than the minimum specified in those instances where the Child Care Center/Preschool would be located adjacent to single family dwellings.

SECTION 8.15 CHILD GROUP DAY CARE HOMES

- A. **Location:** The lot or [parcel](#) on which such [use](#) is located shall not be located closer than one thousand five hundred (1,500) feet, as measured along a street or road open to the public for vehicular traffic, to any of the following:
 - 1. Another licensed Child Group Day Care Home.
 - 2. An Adult Group Day Care Home.
 - 3. An [Adult Foster Care Small Group Home](#) or Large Group Home licensed under the [Adult Foster Care Facility](#) Licensing Act, PA 219 of 1979, as amended.



4. A facility offering substance abuse and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, PA 368 of 1978, as amended.
 5. 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.
- B. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- C. **Hours of Operation.** 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 Child Group Day Care Homes, between the hours of 10 p.m. and 6 a.m.

SECTION 8.16 COMMERCIAL FUELING STATIONS

- A. **Access:** Primary access to the site shall be on a county primary road, as classified by the agency having jurisdiction over the road, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- B. **Setbacks:** Buildings shall meet the minimum setbacks for the [zoning district](#) in which the facility is located. Canopies and pump islands shall meet the minimum setbacks stipulated in [Table 8.60-A.1](#).
- C. **Driveways:** All driveways shall have a minimum width of thirty five (35) feet and a minimum curb radii of thirty (30) feet.
- D. **Limited Fuel Sales:** Sales of fuel shall be limited to commercial fleet and corporate owned vehicles. Sales of fuel to the general public shall be prohibited.
- E. **Ancillary Services Setbacks:** Ancillary services and equipment, including but not limited to air hoses, vacuums, water stations, etc. shall not be located within the required front [setback](#) area(s) and shall be situated such that they do not impede vehicular traffic.
- F. **Prohibited Uses:** The following uses and activities shall be prohibited in conjunction with Commercial Fueling Stations:
1. [Vehicle](#) Repair.
 2. [Vehicle Sales and Leasing](#).
 3. Overnight storage or parking of vehicles.
 4. Convenience stores.
 5. Transfer of goods between vehicles.

SECTION 8.17 CONDOMINIUM SUBDIVISIONS

- A. **District Requirements:** All [condominium](#) units, including single-family detached units, shall comply with the applicable site [development](#) standards in [Chapter 4](#) of this Ordinance.



- B. **Utilities:** All [condominium](#) subdivisions shall comply with the provisions in Section 9.03 Water and Sanitary Sewer Service and [Section 10.02](#) Private Roads.
- C. **Easements:** All [condominium](#) subdivisions 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.
- D. **Special Land Use:** In addition to the materials required by [Section 7.03](#), the [special land use](#) permit application for [condominium](#) subdivisions shall include a [condominium subdivision plan](#) containing the following information:
1. **Project Description:** A project description which describes the nature and intent of the proposed [subdivision](#).
 2. **Survey Plan:** A survey plan of the [condominium subdivision](#).
 3. **Site Plan:** A [site plan](#) showing the location, size, shape, area, and width of all [condominium](#) units.
 4. **Utility Plan:** 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 facilities.
 5. **Flood Plain:** Identification of any portions of the [condominium subdivision](#) within or abutting a [flood plain](#).
 6. **Streets:** A street [construction](#), paving, and maintenance plan for all private streets within the proposed [condominium subdivision](#).
 7. **Storm Drainage:** A storm [drainage](#) and stormwater management plan, including all conduits, swales, drains, detention basins and other facilities.
 8. **Common Elements:** A description of the common elements of the [condominium subdivision](#) as will be contained in the [master deed](#).
 9. **Use/Occupancy Restrictions:** Proposed [use](#) and occupancy restrictions as contained in the [master deed](#).
- E. 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 outlined in [Chapter 7](#) Special Land Uses.



- F. **Monuments:** All [condominium](#) subdivisions which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the [subdivision](#) if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 2. All monument used shall be made of solid iron or steel bars at least one-half (0.5)-inch in diameter and thirty-six (36)-inches long and completely encased in concrete at least four (4)-inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the [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.
 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, 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.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (0.5)-inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8)-inches.
 6. All required monuments shall be placed flush with the ground where practical.
 7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18)-inches long and one-half (0.5)-inch in diameter or other approved markers.
 8. The [Township Board](#) may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in the amount not less than twenty-five dollars (\$25.00) per monument and not less than ten dollars (\$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.
 9. 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 (1) 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.

SECTION 8.18 COMMERCIAL MARINAS, BOAT LAUNCHING FACILITIES, AND SIMILAR WATER RELATED USES

- A. **Setbacks:** Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any residential zoning district.
- B. **Accessory Uses:** Uses accessory to marinas, boat launches, and water related uses, such as refreshment stands, retail shops, bait shops, marine fuel sales, and similar uses are permitted, provided that such uses occupy no more than four hundred (400) square feet of building area.
- C. **Parking.** Parking spaces shall be provided at a rate of three-fourths (0.75) of a vehicular space for each boat slip.

SECTION 8.19 COMMERCIAL RECREATION FACILITIES

- A. **Uses:** Outdoor commercial recreational facilities include, but need not be limited to, the following:
 - 1. Recreational fields, rinks or courts, including football, softball, soccer, tennis, pickleball, basketball, ice skating, and similar activities.
 - 2. Miniature Golf.
 - 3. Swimming pools open to the general public or operated by a private, non-profit organization.
 - 4. Archery and firearm shooting ranges. Firearm shooting ranges shall be subject to compliance with the Sport Shooting Ranges Act, P.A. 269 of 1989, as amended, and the U.S. Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms regulations.
 - 5. Music concert pavilions and band shells.
 - 6. Amusement parks.
 - 7. Drive-In theaters.
 - 8. Golf Courses and driving ranges.
 - 9. Uses accessory to the above uses, such as refreshment stands, retail shops, maintenance buildings, offices for management, spectator seating and service areas, locker rooms, rest rooms, and similar uses.
- B. **Buildings and Seating:** No building or spectator seating facility shall be located within one hundred (100) feet of a property line.



- C. **Exterior lighting:** Exterior Lighting shall be installed in such a manner that it is deflected away from any adjacent residential properties and so that it doesn't impede the vision of traffic along adjacent streets in accordance with [Section 12.05](#).
- D. **Access:** [Access](#) to the site shall be on a county primary road, as classified by the agency having jurisdiction over the road, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- E. **Litter Control:** The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- F. **Nuisance Abatement:** Facilities shall be operated within the applicable limits imposed by this Ordinance and the Delta Charter Township Code of Ordinances; and shall not involve uses, activities, processes, materials and equipment or condition 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 nuisances.

SECTION 8.20 CONVALESCENT CENTERS

- A. **Site Area:** Such facilities shall be developed on sites having a minimum site area of two (2) acres.
- B. **Yards:** All required yards shall be a minimum of fifty (50) feet in width, they shall be landscaped, and they shall be free of parking, trash bins, etc.
- C. **Ancillary Facilities:** Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility such as barber and beauty shops.

SECTION 8.21 COUNTRY CLUBS

- A. **Permitted Uses:** Uses which may be permitted in conjunction with a [country club](#) include, but shall not be limited to, accessory buildings, a club house, swimming pool, and the sale of food.
- B. **Setbacks:** Buildings associated with country clubs and outdoor facilities such as swimming pools, tennis and basketball courts shall be located a minimum of one hundred (100) feet from a property line.
- C. **Access:** [Access](#) to the site shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- D. **Nuisance Abatement:** The facility shall be operated within the applicable limits imposed by this Ordinance and the Delta Charter Township Code of Ordinances; and shall 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 nuisances.

SECTION 8.22 CREMATORIUM

- A. **Public Utilities Required:** [Crematory](#) sites shall be served by public water and sanitary sewer service.
- B. **Required Setbacks:** Crematories shall be located a minimum of five hundred (500) feet from any residential [zoning district](#).
- C. **Auxiliary Electrical Service:** Crematories shall have an auxiliary means of electrical service in the event of a power failure.
- D. **Fire Protection and Storage Measures:** The proprietor of a [crematory](#) shall provide the [Zoning Administrator](#) with the plans and specifications for the operation of the crematory indicating fire protection measures and specifying the type of storage for cremated and uncremated remains.

SECTION 8.23 DRIVE-UP / DRIVE-THROUGH FACILITIES

- A. **On-Site Stacking of Vehicles:** Adequate on-site stacking space for vehicles shall be provided for each [drive-through](#) window to ensure that vehicles will not interfere with vehicular circulation or parking maneuvers on-site. [Access](#) to and from the property shall not interfere with traffic flows or cause congestion during [peak hour](#) traffic of the street(s) serving the property.
- B. **Ingress and Egress:** Ingress and egress to [drive-through](#) facilities shall be part of the internal circulation of the site and integrated within the overall site design.
- C. **Stacking Space Requirements:**
 - 1. Each stacking lane shall be one-way and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
 - 2. If proposed, an escape lane shall be a minimum of ten (10) feet in width to allow other vehicles to pass those waiting to be served.
 - 3. The minimum number of stacking spaces per service lane shall be provided for the uses as listed in [Table 8.23-C.1](#). When a [use](#) is not specifically listed, the requirements for off-street stacking spaces for a use with similar characteristics, as determined by the [Zoning Administrator](#), shall apply.

TABLE 8.23-C.1. REQUIRED STACKING SPACES FOR DRIVE-THROUGH FACILITIES

USE	REQUIRED STACKING SPACES PER SERVICE LANE
Banks, Pharmacy, Laundry/Dry Cleaning	3



Restaurants with Drive-Through	6
Vehicle Washes (Self-Service)	2 at entry, 1 at exit
Vehicle Washes (Automatic)	6 at entry, 1 at exit

SECTION 8.24 ESSENTIAL SERVICES, MAJOR

- A. [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](#) servicing a major essential service installation shall be located within twenty (20) feet of a property line.
- B. The [Zoning Administrator](#) may require screening of above ground equipment and structures for [major essential service](#) installations.
- C. [Landscaping](#) shall be required for [major essential service](#) installations by the [Zoning Administrator](#).

SECTION 8.25 EXTRACTIVE USES

- A. **Intent and Purpose:** This section is intended to promote the purposes of this ordinance as described in [Section 1.02 D](#), while at the same time permitting the extraction of minerals in locations where they have been naturally deposited. These regulations are also intended to ensure that mining activities shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services while protecting the public health, safety, and welfare.
- B. **Special Land Use Permit Required:** The mining of sand, gravel, stone, and/or other mineral resources shall be prohibited unless authorized by the granting of a [Special Land Use](#) Permit ([Chapter 7](#)) by the [Township Board](#) and the approval of a [site plan](#) as per [Chapter 6](#).
- C. **Criteria to be Reviewed:** The Planning Commission and [Township Board](#) shall consider the following factors when reviewing a [Special Land Use](#) Permit application for an extractive operation:
 1. The proposed mining operation shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and/or public trust therein.
 2. The proposed mining operation shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
 3. The proposed mining operation shall not create a probable impairment of and/or unreasonable alternation in the course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation.
 4. The proposed mining operation shall be compatible with surrounding land uses currently in existence, or reasonably anticipated to be in existence, during the operation of the mining operation based upon application of generally accepted planning standards and principles.
 5. The proposed mining operation shall not unreasonably burden the capacity of public ser-



vices and facilities.

6. The proposed mining operation shall not unreasonably impact surrounding property and/or property along all routes, by the creation of noise, dust, air, water, odor, light, and/or vibration.

D. **Data Requirements:** The applicant shall submit a report prepared by a geologist and other experts with the credentials to provide compliance with section 205, paragraphs (3) and (4) of the Michigan Zoning Enabling Act, as amended, which pertain to mineral extraction.

E. **Site Standards.**

1. There shall not be more than one (1) [access](#) point from a public road to the subject [parcel](#) for each six hundred sixty (660) feet of road frontage.
2. Access to the proposed extractive operation shall be limited to a county primary road, as classified the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation. The public roads serving the site shall have the necessary and appropriate load-bearing and traffic volume capacity in relation to the proposed intensity of [use](#).
3. The proposed transportation route(s) within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the [Township Board](#).

F. **Operational Standards:**

1. Mineral extraction shall not take place before sunrise or after sunset.
2. All activities conducted in conjunction with the extractive operation shall take place no closer than one hundred (100) feet to any property line.
3. All haul routes, drives, roads, parking/storage areas, and loading/unloading areas within one hundred (100) feet of any [lot line](#) shall be paved, watered, or chemically treated in order to limit the nuisance caused by wind borne dust on adjacent properties and roads.
4. All fixed equipment and machinery shall be located at least one hundred (100) feet from any [lot line](#) and five hundred (500) feet from any residential [zoning district](#).
5. There shall be a [fence](#) erected of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.
6. All areas within any single [development](#) shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.



G. Restoration Plan:

1. The operator(s) shall file with the [Zoning Administrator](#) a detailed plan for the restoration of the [development](#) area. The restoration plan shall include: the anticipated future [use](#) of the restored land; the proposed final topography depicted by contour lines of an interval not greater than five (5) feet; steps which shall be taken to conserve topsoil; the type and number per acre of trees to be planted; and the location of future roads, [drainage](#) courses, and/or other improvements contemplated.
2. The restoration plans shall be filed with and approved by the [Zoning Administrator](#) before quarrying or removal operations begin. The plans shall be certified by a soil or geology engineer. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or subsurface water or into the atmosphere.
3. The operator(s) shall file with the [Zoning Administrator](#) a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used for the required bond shall be fixed by the Zoning Administrator. The bond shall be released upon written certification by the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

SECTION 8.26 FARM EQUIPMENT SALES/LEASING AND REPAIR

- A. **Uses Permitted:** Farm equipment sales and leasing shall include, but shall not be limited to, the sales and leasing of new and used farm equipment.
- B. **Access:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Display of Farm Equipment:** Areas used for the display of farm equipment shall be a minimum of twenty (20) feet from a road [right-of-way](#). The lighting of display areas shall be deflected away from adjacent properties and streets in accordance with [Section 12.05](#).
- D. **Repair and Maintenance Activities:** Repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities shall be performed entirely within an enclosed building.
- E. **Outdoor Storage:** Dismantled, wrecked, or inoperable farm equipment stored outdoors shall be within an area enclosed by an opaque [fence](#) or [wall](#) a minimum of six (6) feet in height. Wire fences with inserted strips of metal, plastic, and similar materials shall not be permitted.

SECTION 8.27 FARM MARKETS AND U-PICK OPERATIONS

- A. **Duration:** these uses may operate seasonally or year-round.



- B. **Structures:** A physical [structure](#) such as a building or tent may be provided, or a farmer may simply rely on an area where a transaction between a customer and a farmer is made. If the operation uses a physical structure such as a building it must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972).
- C. **Standards:**
 - 1. The building must comply with the [setback](#) and height requirements of the [zoning district](#) in which it is located.
 - 2. Parking and driveway surfaces are not required to be paved, but must be maintained in a dust-free condition.
 - 3. Signage must be in compliance with the Delta Township Sign Ordinance.

SECTION 8.28 FRATERNITIES AND SORORITIES

- A. **Parking:** In addition to the parking requirement specified in [Chapter 11](#) for fraternities and sororities, adequate parking shall be provided to serve formal and informal social activities, chapter meetings, and other on-site events which include the attendance of persons other than those who reside on the property.
- B. Sufficient [yard](#) areas, [open space](#), [landscaping](#), and screening shall be provided where necessary to ensure compatibility with adjacent residents and protect their privacy.

SECTION 8.29 FUNCTIONAL FAMILY

- A. **Standards:** The limit upon the number of persons who may reside as a functional equivalent of a domestic [family](#) may be increased or enlarged upon a demonstration by the applicant of all of the following:
 - 1. **Parking:** Adequate off-street parking is provided on the subject [parcel](#) for each adult proposed to reside on the [premises](#).
 - 2. **Floor Area:** There shall be a minimum of one hundred and twenty-five (125) square feet of useable floor space per person on the [premises](#) excluding garages, unenclosed porches and unfinished basements.
 - 3. **Limitations:** 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) persons related by blood, marriage or adoption shall be considered as one (1) person.
 - 4. **Utilities:** If the subject [parcel](#) is not served by public water and sanitary sewer, an approval of a [functional family](#) shall be obtained from the Barry-Eaton District Health Department.
 - 5. If an application for a [functional family](#) is granted, the [Special Land Use](#) Permit shall specify the maximum number of persons authorized to reside on the subject [parcel](#).



SECTION 8.30 GOLF COURSE

- A. **Location:** The site shall be located on a paved street which is classified as a county primary road by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- B. **Setbacks:** No building or spectator seating facility shall be located within one hundred (100) feet of a property line.
- C. **Lighting:** 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 in accordance with [Section 12.05](#).
- D. **Property Maintenance:** The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- E. **Nuisance Prevention:** Measures shall be taken as necessary by the [Zoning Administrator](#) to ensure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

SECTION 8.31 HIGH RISE BUILDINGS

- A. **Location:** The subject [parcel](#) must abut the [right-of-way](#) of I-96, I-496, or I-69 to qualify for a [building height](#) increase exceeding what is permitted in Chapter 4 District Regulations, for buildings in the Office and Commercial Districts.
- B. **Height:** 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, or RM [zoning district](#), the additional setback shall be added onto the minimum setback distance specified in [Chapter 4](#) District Regulations.

SECTION 8.32 HOME OCCUPATIONS

- A. **Special Land Use Requirement:** A [Special Land Use](#) Permit shall be required for a [home occupation](#). The [Zoning Administrator](#) shall determine whether or not a proposed home-based business 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-based 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 normally expected to be associated with a single [family](#) residence; 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.
- B. **Incidental and Secondary Use:** The [use](#) of the [premises](#) for the occupation shall be clearly incidental and subordinate to its use for residential purposes.
- C. **Outdoor Storage:** Exterior storage of equipment or accessory items and/or display of materials, goods, or supplies associated with the [home occupation](#) is prohibited.



- D. **Employees:** No person, other than a resident of the [premises](#), shall be engaged in the conduct of the occupation on the premises.
- E. **Outside Appearance:** There shall be no alterations or exterior treatment to the building or property which changes its residential appearance or character, with the exception of modifications to accommodate persons with physical disabilities.
- F. **Signage:** Signage for home occupations shall be as regulated by the Delta Township Sign Ordinance.
- G. **Traffic:** Unless otherwise stipulated by the Township Board, no more than ten (10) customers or clients shall be allowed to visit the subject [parcel](#) for any service or product during one (1) day. Customer/client visits and deliveries shall be limited to the hours of 8:00 a.m. to 8:00 p.m., Monday through Saturday.
- H. **Floor Area:** The area devoted to the occupation shall be limited to a total of four hundred (400) square feet of floor area of the dwelling and any [accessory building](#).
- I. **Nuisance Abatement:** The [home occupation](#) shall not produce fumes, odors, dust, vibration, or smoke which is discernible to adjacent residents. The [use](#) shall comply with the provisions of the Delta Township Noise Ordinance.
- J. **Commodities:** An occupation shall not sell or offer for sale on the [premises](#) any article or service which is not produced on the premises.
- K. **Prohibited Home Occupations:** Uses which shall be prohibited as home occupations shall include those listed below. Similar uses to those listed shall also be prohibited as determined by the [Zoning Administrator](#).
1. Animal hospitals, veterinarians, and kennels.
 2. Uses which involve medical or dental procedures.
 3. Manufacture or repair of any [vehicle](#), machine, tool, apparatus, or device involving the [use](#) of an internal combustion engine of any type or size.
 4. The repair of boats, trailers, recreational vehicles, or similar equipment or vehicles, whether motorized or non-motorized.
 5. Welding, machine shop operations, or metal fabricating.
 6. Dismantling, junk, scrap, [recycling](#) operations, refuse collection, or storage yards.
 7. Sale of antiques or second hand goods.
 8. Restaurants.
 9. Food preparation and catering; except for the preparation of baked goods, jams/jellies and similar items as permitted by the State of Michigan's Cottage Food Law, P.A. 113 of 2010,



as amended.

10. [Tattooing](#) or [body piercing](#).
 11. Firearm sales, service, and repair.
 12. Lawn care, snow plowing, tree services, refuse, and property maintenance businesses.
 13. Dog grooming and doggy daycare.
- L. **Prior Approved Home Occupations:** Home occupations which were previously authorized by the approval of the [Township Board](#) prior to the effective date of these regulations shall be permitted to operate under the regulations which were in effect at the time they were authorized, as well as being subject to the stipulations attached contingent to their authorization.

SECTION 8.33 HOSPITAL

- A. **Accessory Uses:** Accessory uses such as a pharmacy, gift shop, cafeteria, parking garage, etc. shall be permitted in conjunction with a [hospital](#). The total floor area of such uses shall not exceed that of the main hospital complex.
- B. **Ingress and Egress:** Primary [access](#) to the site shall be on a county primary road, as classified by the agency having jurisdiction over the road, or a State trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Setbacks:** The minimum front [setback](#) for any principal or [accessory building](#) from a property line shall be fifty (50) feet and the minimum side and rear setbacks shall be forty (40) feet. Parking areas shall provide a minimum setback of thirty (30) feet. Hospitals located completely within the Office (O) or Commercial (C) zoning districts may be reduced to comply with the minimum required setbacks mandated for principal buildings, accessory buildings, and parking lots within these districts. Greater setbacks may be required when abutting or facing residentially zoned properties.
- D. **Screening:** Landscape screening meeting the standards set forth in [Section 12.02](#) shall be provided where a [hospital](#) abuts a residentially zoned [parcel](#). Ambulance, waste disposal/[recycling](#), and delivery areas shall be screened from the view of adjacent residentially zoned properties as required by the [Zoning Administrator](#).
- E. **Hazardous Materials:** Hazardous materials proposed to be stored or used on site shall be disclosed by the applicant at the time the [Special Land Use](#) Permit application is submitted. All such storage and use shall be conducted in accordance with applicable Township, State and federal requirements.

SECTION 8.34 HOTELS/MOTELS IN OFFICE DISTRICTS

- A. **Setbacks/Parking:** The [Township Board](#) may impose greater building and parking lot setbacks for hotels/motels in the office district than specified in [Table 4.13-C.1](#). in order to ensure compatibility with adjacent properties.
- B. **Landscaping/Screening:** The [Township Board](#) may require screening and/or landscaping related to outdoor facilities such as swimming pools, patios, etc. when located adjacent to a residentially



zoned property.

SECTION 8.35 KENNELS/VETERINARY CARE/PET DAY CARE

A. Application of Regulations:

1. [Special Land Use](#) Permit required.
 - a. Training classes shall be permitted only if specifically authorized by the Special Land Use Permit.
 - b. In districts other than the AG1 and AG2 districts, a [kennel](#) shall not be operated for breeding purposes unless specifically authorized by the [Special Land Use](#) Permit.
2. The [Special Land Use](#) Permit shall establish a limit on the number of animals that may be boarded at one time.
3. The [Special Land Use](#) Permit may limit the specific species of animals that are permitted.
4. The [Special Land Use](#) Permit may specify other measures to address the intensity of [use](#).

B. Standards:

1. Kennels shall be subject to the permit and operational requirements of State and County agencies.
2. Pet grooming, including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar services shall be permitted if specifically authorized by the [Special Land Use](#) Permit.
3. The sale of pet and veterinary products shall be incidental to the [kennel](#) unless specifically authorized by the [Special Land Use](#) Permit.
4. Veterinary care shall be incidental to the [kennel](#) unless specifically authorized by the [Special Land Use](#) Permit.
5. Buildings in which animals are kept, animal runs, and exercise areas shall not be located closer than one hundred (100) feet to any [dwelling unit](#), a residential [lot line](#), and shall not be located in any required [yard](#) area.

C. Operations:

1. All animals shall be kept in an enclosed [structure](#), except for walking and outdoor exercise when accompanied by a [kennel](#) employee.
2. An operations and maintenance plan shall be submitted with the [Special Land Use](#) Permit application that addresses how noise will be attenuated, waste handled, and days/hours of operation.



3. In districts other than AG1 and AG2, kennels must be connected to public water and sanitary sewer services.

SECTION 8.36 LARGE-SCALE RETAIL ESTABLISHMENT

A. Building Design and Materials:

1. **Facades and Exterior Walls.** Building facades greater than fifty (50) feet in length shall incorporate recesses and projections with a minimum depth of five (5) feet along at least twenty percent (20%) of the length of the facade. This requirement shall pertain to building facades which face a [public street](#) and is intended to ensure that the building is not monotonous in appearance.
2. **Roofs.** There shall be variations in rooflines to reduce the massive scale of the [structure](#) and add visual interest. Roofs which face a [public street](#) shall have at least two (2) of the following features: parapets concealing flat roofs and rooftop equipment, overhanging eaves a minimum of three (3) feet past the supporting walls, sloped roofs, and three (3) or more roof slope planes.

B. Site Design:

1. **Parking Lot Location:** No more than fifty percent (50%) of the [off-street parking area](#) devoted to the [large-scale retail](#) establishment shall be located within the required [front yard](#).
2. **Primary Entrance:** The primary building entrance shall be clearly identifiable, useable, and located facing the road right of way.
3. **Pedestrian Connection:** A pedestrian connection shall be provided between the primary street upon which the building fronts and the building. The connection shall be hard surfaced, not less than five (5) feet in width, and shall be designed so that parked vehicles do not overhang the walkway.
4. **Ancillary Functions:** Loading docks, trash collection, [outdoor storage](#), cart corrals, and similar functions shall be incorporated into the overall design of the building and [landscaping](#).

SECTION 8.37 LIVESTOCK PRODUCTION FACILITIES

- A. **GAAMPS Compliance:** [Livestock production facilities](#) must follow and be in conformance with all Generally Accepted Agricultural Management Practices ([GAAMPs](#)) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities as provided by the Michigan Department of Agriculture (MDA).

1. A [livestock production facility](#) must contact the administrators of the MDA's Right to Farm Program.
2. All information and approvals obtained through the MDA shall be provided to the Township for proof of MDA review and verification for conformance to appropriate [GAAMPs](#) for Site Selection and Odor Control for a [livestock production facility](#).



SECTION 8.38 MANUFACTURED HOUSING COMMUNITIES

- A. **Uses:** The following uses shall be permitted within [manufactured housing](#) communities:
1. Mobile/manufactured homes.
 2. One (1) office building to be used exclusively for conducting the business operations of the [manufactured housing](#) community.
 3. Recreation areas, community buildings, playgrounds, and [open space](#) areas.
 4. Utility buildings for laundry facilities, including laundromats, and auxiliary storage space.
 5. Child care centers developed in accordance with the requirements of [Section 8.14](#).
 6. Such additional accessory buildings and uses as are customarily incidental to [manufactured housing](#) communities.
- B. **Site Plan Standards:**
1. The minimum size for a [manufactured housing](#) community shall be twenty (20) contiguous acres exclusive of road rights-of-ways.
 2. Manufactured housing communities shall provide for underground installation of all utilities.
 3. Manufactured housing communities shall be served by public water and sanitary sewer service.
- C. **Manufactured Home Site Standards:** Seventy-five percent (75%) of all mobile/[manufactured home](#) sites shall have a minimum area of at least five thousand five hundred (5,500) square feet and a minimum [lot width](#) of fifty (50) feet. Twenty-five percent (25%) of all mobile/[manufactured housing](#) sites shall have a minimum of at least four thousand five hundred (4,500) square feet and a minimum [lot width](#) of forty (40) feet.
- D. **Manufactured Home Standards:**
1. All mobile/manufactured homes which are placed on lots within [manufactured housing](#) communities shall be required to have U.S. Department of Housing and Urban [Development](#) (HUD) mobile/[manufactured home](#) certification.
 2. All mobile/manufactured homes placed within [manufactured housing](#) communities shall have a minimum of seven hundred twenty (720) square feet of floor area exclusive of [garage](#), [basement](#), or porch.
 3. Prior to occupancy, the mobile/[manufactured home](#) shall be connected to a public sanitary sewer and public water supply.



4. All mobile/manufactured homes and additions thereto, are required to obtain a Delta Charter Township [building permit](#) prior to placement on a lot.
 5. Skirting shall be installed around the entire periphery of a mobile/[manufactured home](#).
- E. **Streets and Parking:**
1. All one-way roads within a [manufactured housing](#) community shall have a minimum width of eighteen (18) feet, with no parking permitted on the roadway.
 2. All two-way roads within a [manufactured housing](#) community shall have a minimum width of twenty-four (24) feet, with no parking on the roadway.
 3. 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.
- F. **Open Space:**
1. At least one (1) [open space](#) area shall contain an area which is not less than ten thousand (10,000) contiguous square feet.
 2. 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 five hundred (500) contiguous square feet.
 3. [Open space](#) areas shall not include existing or proposed street rights of way, parking areas, mobile/manufactured homes, mobile/[manufactured home](#) lots, or non-recreational buildings.
 4. [Open space](#) areas may be located within a 100-year [flood plain](#).
- G. **Variances Granted:** If the Delta Charter Township [Zoning Board of Appeals](#) grants a [variance](#) as per [Chapter 15](#) 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 a [variance](#).

SECTION 8.39 MIXED USE BUILDINGS

Mixed [use](#) buildings permit a vertical mix of commercial, office, and 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 five hundred fifty (550) square feet regardless of the [dwelling unit](#) type.
- B. **Density:** The minimum lot area per [dwelling unit](#) shall be four thousand three hundred (4,300) square feet.
- C. **Parking:** A minimum of one and one-half (1.5) parking spaces shall be required for each [dwelling unit](#). The minimum required parking for non-residential uses shall be as stipulated by [Chapter 11](#).



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 and Height:** Minimum building setbacks and maximum building heights shall be as stipulated for the [zoning district](#) in which the building is located.
- E. **Lot Area and Width:** Minimum lot area and [lot width](#) shall be as stipulated for the [zoning district](#) in which the building is located.
- F. **Lot Coverage:** The maximum [lot coverage](#) shall be fifty percent (50%).
- G. **Open Space:** Properties on which a [mixed use building](#)(s) is located must reserve a minimum of fifteen percent (15%) of the [gross site area](#) as [open space](#). Open space shall typically include: cultivated [landscaping](#); plazas; parks and recreation space; and stormwater detention areas. A maximum of fifty percent (50%) of all open areas may be hard-surfaced. Streets, parking lots, driveways, concreted-lined detention areas, and private yards shall not be considered [open space](#). Areas mandated by this Ordinance as required [buffer](#) zones, greenbelts, and parking lot landscape areas shall not be credited towards the fifteen percent (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 freestanding 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](#):
 - 1. Adult Use Businesses
 - 2. Massage Parlor/School
 - 3. Veterinary Establishments
 - 4. Kennels
 - 5. [Vehicle](#) Repair

SECTION 8.40 OPEN AIR BUSINESS

- A. No [outdoor storage](#), display, and/or sales shall be permitted in any required [yard](#).
- B. The [use](#) of amplifiers, banners, and other attention gathering devices shall be prohibited.
- C. The [open air business](#) area shall be paved.

SECTION 8.41 OUTDOOR DISPLAYS AND SALES

- A. **Accessory Use:** Outdoor displays shall be conducted by and be considered as an [accessory use](#) to the [principal use](#) conducted on the [premises](#) within Commercial and Industrial districts.



- B. **Nuisance Abatement:** The [premises](#) shall be kept clean and orderly.
- C. **Off-Season Use:** Outdoor display areas shall not be used for storage of goods, materials, displays, layaways, and equipment during the off-season.
- D. **Setbacks:** Outdoor displays shall be located a minimum of twenty (20) feet from a [front lot line](#).
- E. **Location of Outdoor Display Areas:** An outdoor display shall not occupy or obstruct the [use](#) of any fire lane, off-street parking, or landscaped area required to meet the standards of this Ordinance.
- F. **Screening:** Outdoor display areas abutting residentially zoned properties shall be screened in accordance with [Section 12.02 H](#).
- G. **Discontinuance of Use:** Upon discontinuance of a seasonal [use](#), any temporary structures shall be removed.

SECTION 8.42 OUTDOOR SEATING AND SERVICE

- A. **Accessory Use:** Outdoor seating and service areas operated by a [restaurant](#) or bar shall be permitted in Commercial and Office districts.
- B. **Application:** An application depicting the location and layout of an outdoor seating area shall be submitted to the [Zoning Administrator](#). Administrative [site plan](#) approval in accordance with [Section 6.05](#) shall be required.
- C. **Design Standards:**
 - 1. Outdoor seating areas shall be located on the same property as the principal establishment.
 - 2. Outdoor seating areas shall be located a minimum of twenty (20) feet from a [front lot line](#).
 - 3. Outdoor seating shall comply with the parking requirements of [Section 11.03](#).
 - 4. If alcoholic beverages are served in the outdoor seating area, the fencing requirements imposed by the Michigan Liquor Control Commission shall be met.

SECTION 8.43 OUTDOOR STORAGE

- A. **Site Plan Details:** The location and size of storage areas, including the nature of items to be stored, the details of the enclosure which includes the description of materials and height, shall be depicted on a [site plan](#).
- B. **Setbacks:** Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the property, and to the right of way; in any required side or [rear yard](#); or in any required [buffer](#) strip.
- C. **Parking Spaces:** Such storage shall not be located in any required [parking space](#).



- D. **Screening:** The storage area shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials, a minimum of six (6) feet in height. Wire fences with inserted strips of metal, plastic, and similar materials shall not be substituted for the required screening. Materials shall not be stored above the height of the [fence](#).

SECTION 8.44 PLACES OF ASSEMBLY

- A. **Utilities:** The site shall be served by public water, sanitary sewer, and adequate storm [drainage](#) facilities.
- B. **Setback:** No portion of the assembly seating shall be located within one hundred (100) feet of a property line.
- C. **Lighting:** 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 in accordance with [Section 12.05](#).
- D. **Property Maintenance:** The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- E. **Nuisance Prevention:** Measures shall be taken as necessary by the [Zoning Administrator](#) to ensure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.
- F. **Traffic Study:** A traffic impact study shall be prepared in accordance with [Section 10.03](#).
- G. **Access:** The site shall be accessed via a county Class A, all season roadway.

SECTION 8.45 PLACES OF WORSHIP

- A. **Access:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or on a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- B. **Incidental Facilities:** Facilities incidental to the main religious sanctuary must be used for [church](#), worship, or religious education purposes in a manner which is compatible with adjacent residential uses. Associated uses on the subject [parcel](#), such as: bookstores, recreation centers, retreat facilities, conference centers, health services, schools, convents, and other uses shall meet all requirements of this Ordinance for such uses.
- C. **Maximum Height:** Building heights of greater than the maximum allowed in the district in which a place of worship is located, may be allowed provided that the front, side, and rear yards are increased one (1)-foot for each foot of [building height](#) which exceeds the maximum height allowed. Structural appurtenances, such as steeples and domes, shall be permitted to exceed maximum building height requirements as per [Section 4.17.F.1](#).
- D. **Setbacks:** The minimum front [setback](#) for any principal or [accessory building](#) from a property line shall be fifty (50) feet, and the minimum side and rear setbacks shall be forty (40) feet. Parking ar-



as shall provide a minimum setback of thirty (30) feet. Places of Worship located completely within the Office (O) or Commercial (C) zoning districts may be reduced to comply with the minimum required setbacks mandated for principal buildings, accessory buildings, and parking lots within these districts. Greater setbacks may be required when abutting or facing residentially zoned properties.

- E. **Traffic Control:** Traffic from events including worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on adjacent streets.

SECTION 8.46 POST-SECONDARY SCHOOLS

- A. **Accessory Uses:** Accessory uses such as a cafeteria, book store, recreation center, child care facilities, etc. shall be permitted in conjunction with a post-secondary school.
- B. **Ingress and Egress:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or on a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Setbacks:** The minimum front [setback](#) for any principal or [accessory building](#) from a property line shall be fifty (50) feet, and the minimum side and rear setbacks shall be forty (40) feet. Parking areas shall provide a minimum setback of thirty (30) feet. Post-Secondary Schools located completely within the Office (O) or Commercial (C) zoning districts may be reduced to comply with the minimum required setbacks mandated for principal buildings, accessory buildings, and parking lots within these districts. Greater setbacks may be required when abutting or facing residentially zoned properties.
- D. **Parking.** Parking areas shall not be located in any required [setback](#) areas.
- E. **Service and Maintenance Buildings:** Buildings used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from residentially-zoned properties in accordance with the standards of [Section 12.02 H.](#) herein.

SECTION 8.47 PRIMARY/SECONDARY SCHOOLS

- A. **Ingress and Egress:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or on a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- B. **Setbacks:** The minimum front [setback](#) for any principal or [accessory building](#) from a property line shall be fifty (50) feet, and the minimum side and rear setbacks shall be forty (40) feet. Parking areas shall provide a minimum setback of thirty (30) feet. Primary/Secondary Schools located completely within the Office (O) or Commercial (C) zoning districts may be reduced to comply with the minimum required setbacks mandated for principal buildings, accessory buildings, and parking lots within these districts. Greater setbacks may be required when abutting or facing residentially zoned properties.
- C. **Parking:** Parking areas shall not be located in any required [setback](#) areas.
- D. **Play Areas:** Outdoor play areas shall not be permitted in the required front [setback](#) area.



- E. **Service and Maintenance Buildings:** Buildings used for servicing or maintenance, such as heating plants, garages, and storage structures, shall be screened from residentially-zoned properties in accordance with the standards of [Section 12.02](#) herein.

SECTION 8.48 PUBLIC AND PRIVATE CAMPGROUNDS

- A. **Authorizations.** The establishment and operation of a public or private [campground](#) shall be in compliance with the following:
1. The Michigan Public Health Code, being P.A. 368 of 1978, as amended, and the administrative rules adopted pursuant to the Act.
 2. The [campground](#) shall obtain a license to operate from the Michigan Department of Environmental Quality.
 3. The campground shall be in compliance with the applicable regulations of the Barry-Eaton District Health Department.

SECTION 8.49 RADIO AND TELEVISION BROADCAST TOWERS

- A. **Application Requirements.** A [site plan](#), prepared in accordance with [Chapter 6](#), showing the location, size, screening, and design of all buildings and structures shall be submitted with the [Special Land Use](#) Permit application for radio and television broadcast towers.
- B. **Site and Development Requirements.**
1. **Principal or Accessory Use.** Broadcast towers may be considered either a principal or [accessory use](#). An existing [use](#) on the same [parcel](#) shall not preclude the installation of a broadcast tower on said [parcel](#).
 2. **Exemptions From Lot Area, Width, and Coverage Requirements.** Broadcast 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.
 3. **Setbacks.** Broadcast towers and any supporting wires or structures, shall not be located within fifty (50) feet of a property line.
 4. **Screening.** The [Township Board](#) may require screening, such as: solid fencing, a [wall](#), or [landscaping](#) in order to ensure compatibility between broadcast towers and adjacent properties.
 5. **State and Federal Requirements.** Broadcast towers shall meet the standards of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the State of Michigan or the federal government with authority to regulate towers and antennas. Broadcast tower 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](#).
 6. **Certification by Structural Engineer.** The plans for the tower [construction](#) shall be certi-



fied 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.

7. **Cessation of Operation.** The property owner or user of the broadcast tower shall be subject to the cessation of operation regulations in Section [8.67 C.12](#).

SECTION 8.50 RECYCLING CENTER – LARGE COLLECTION FACILITY

- A. **Submittal of Data:** Special Land [Use](#) Permit applications 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.
- B. **Standards:**
 1. Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
 2. No [recycling units](#), collection areas, or storage areas shall be located within five hundred (500) feet of any residential [zoning district](#).
 3. 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 roads. In no case shall the fence or wall be less than six (6) feet in height, nor more than twelve (12) feet high. Said fence or wall shall be continuously maintained in good condition.
 4. 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](#).
 5. [Recycling units](#) shall not be located within the required front [setback](#) area, or within any required [buffer](#) zones or greenbelts on a site.
 6. The collection and storage areas, as well as [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.
 7. 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.
 8. All portions of the storage area shall be accessible to emergency vehicles.
 9. The facility shall be maintained free of litter and any other unsanitary materials and shall be cleaned of debris on a daily basis.
 10. The [recycling units](#) shall be clearly marked to identify the type of materials allowed to be



deposited.

11. 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 operating hours.

C. Prohibited Activities:

1. Incineration or open burning in any building or on the site.
2. Overnight storage of any refuse material, other than recyclable materials, in any building.
3. Dumping or storage of material on the site outside the buildings at any time.

SECTION 8.51 RECYCLING CENTER – SMALL COLLECTION FACILITY

A. 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 not 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 cleared 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, and welfare.



SECTION 8.52 REFUSE AND GARBAGE INCINERATORS

- A. **Submittal of Data:** [Special Land Use](#) Permit applications for refuse and/or garbage incinerators shall provide documentation identifying the types and quantities of waste and the intended service area; the proposed method of on-site storage of materials intended for incineration; an estimation of vehicular traffic to and from the site; and the identification of the types and quantities of materials deposited in the sanitary sewer and storm [drainage](#) systems. The [Township Board](#) may require the preparation of an environmental assessment by an independent environmental consultant.
- B. **Access:** [Access](#) to the site shall be on a county primary road as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Street Cleaning:** Public streets within one thousand five hundred (1,500) feet of vehicular [access](#) points to the site shall be kept reasonably clear of mud, dirt, debris, and trash deposited from vehicles entering or exiting the site.
- D. **Setbacks:** No portion of the incinerator building/[structure](#) or the corresponding storage area shall be located within one thousand (1,000) feet of a residential [zoning district](#).
- E. **Fencing:** All [outdoor storage](#) areas shall be completely enclosed by a [fence](#) or [wall](#) constructed of a sturdy, durable material. The fence or [wall](#) enclosing the storage area shall meet the applicable building [setback](#) requirements.
- F. **Storage of Materials.** Stored materials shall be positioned in a manner so as not to be visible from adjoining properties. Conditions within the storage area shall be controlled to minimize hazards to the public health, safety and welfare. All portions of the storage area shall be accessible to emergency vehicles.

SECTION 8.53 SALVAGE YARDS

- A. **Applications:** [Special Land Use](#) Permit applications for a [salvage yard](#) shall include the submission of a detailed proposal identifying the predominate type of [salvage](#) to be received; the methods of [separation](#) and/or [recycling](#); and the ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with applicable state, county, and local laws.
- B. **Site Development Standards:**
1. [Access](#) to the site shall be on a county primary road classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
 2. No portion of the processing or storage area shall be located within one thousand (1,000) feet of a residential [zoning district](#).
 3. All [outdoor storage](#) areas shall be completely enclosed by a [fence](#) or [wall](#) constructed of a sturdy, durable material. The fence or wall shall have a minimum of two (2) gates providing access to the storage area for vehicles.



4. Stored materials shall be positioned in a manner so as not to be visible from adjoining properties. The [fence](#) or [wall](#) enclosing the storage area shall meet the applicable building [setback](#) requirements.
5. A management office shall be provided on site. A residence may be permitted on site for security personnel or an on-site operator.
6. Conditions within the storage area shall be controlled to minimize hazards to the public health, safety, and welfare.
7. All portions of the storage area shall be accessible to emergency vehicles.

SECTION 8.54 SCRAP TIRE COLLECTION/PROCESSING

- A. **Submittal of Data:** [Special Land Use](#) Permit applications for scrap tire collection/processing facilities shall provide documentation identifying the estimated quantity of tires to be stored and processed on a monthly basis; the proposed method of processing the tires; and an emergency procedures plan shall be submitted for the Township Fire Chief's approval, which must be posted on site.
- B. **Access:** [Access](#) to the site shall be on a county primary road as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Storage Requirements:**
 1. Tires cannot be stored within fifty (50) feet of a property line or building.
 2. The tire storage area must be enclosed by a [fence](#) at least six (6) feet in height. The fence shall be constructed of a sturdy, durable material and shall be sufficiently opaque to ensure that tires are not visible from outside the storage area. Wire fences with inserted strips of metal, plastic and similar materials are prohibited.
 3. Tires cannot be in piles greater than fifteen (15) feet in height. Individual tire storage piles shall not occupy an area greater than forty (40) feet by two hundred (200) feet (or eight thousand (8,000) square feet).
 4. A minimum distance of twenty (20) feet must be maintained between tire piles which shall be kept free of trash, equipment, and vehicles.
 5. 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 (or twenty-four (24) square inches), and stored in pieces that will allow water [drainage](#).
 6. Tire storage areas shall be regularly mowed, or kept free of weeds, vegetation, and other growth at all times.



SECTION 8.55 SELF-STORAGE FACILITIES

A. Standards:

1. Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
2. The minimum lot area for self-storage facilities shall be two (2) acres.
3. Incidental accessory uses such as the sale of boxes, locks, and other supplies shall be permitted.
4. The [outdoor storage](#) of motor vehicles, recreation vehicles, boats, etc. shall only be permitted if specifically authorized by the [Township Board](#) when granting the [Special Land Use](#) Permit. If [outdoor storage](#) is permitted, the [Special Land Use](#) Permit shall specify the required landscape screening.
5. A residence may be permitted for security personnel or an on-site manager.
6. The storage of toxic, corrosive, flammable, or hazardous materials is prohibited.

B. Parking and Circulation:

1. One (1) [parking space](#) shall be provided for each one-hundred (100) storage cubicles. The parking requirement can be met with the parking lanes required for the storage area.
2. Two (2) additional parking spaces shall be required for the residence of personnel and/or the on-site manager.
3. Two (2) additional parking spaces for customers shall be located adjacent to the rental office.
4. All driveways and parking/ storage areas shall be paved.
5. Parking lanes and [access](#) aisles shall be required as stipulated below. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

TABLE 8.55-B.1. REQUIRED PARKING LANES AND ACCESS AISLES

	AISLE / LANE WIDTH		NUMBER OF AISLES/ LANES	
	One-Way	Two-Way	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12	1	2



SECTION 8.56 SIT-DOWN RESTAURANTS IN OFFICE DISTRICTS

- A. A [sit-down restaurant](#) shall only be permitted in an office district when located on the same [parcel](#) as a [hotel](#) or an office building with a [gross floor area](#) of ten thousand (10,000) square feet or more.
- B. A drive-in/[drive-through](#) operation shall not be conducted in conjunction with a [sit-down restaurant](#) in an office district.

SECTION 8.57 SOLAR ENERGY SYSTEMS (SES)

- A. **Intent:** It is the intent of this section to regulate the safe, effective, and efficient [use](#) of [solar energy systems](#) (SES) in order to reduce or replace the consumption of electricity supplied by utility companies.
- B. **Applicability:**
 - 1. The requirements of this Section shall apply to all SES installed after the effective date of this ordinance.
 - 2. SES which were installed prior to the effective date of this ordinance shall not be required to meet the requirements of this Section except for modifications to an existing SES that increase the SES area by more than ten percent (10%) of the original footprint or that change the [solar panel](#) type. Only the modification or [alteration](#) is subject to this ordinance.
- C. **Types of Solar Energy Systems:**
 - 1. **Level 1 Solar Energy Systems:** Level 1 [Solar Energy Systems](#) generally provide energy primarily for on-site uses. Level 1 systems may be comprised of the following:
 - a. Rooftop [solar energy systems](#) on any [structure](#).
 - b. Rooftop solar thermal systems on any structure.
 - c. Ground-mounted [solar energy systems](#) may occupy an area up to fifty percent (50%) of the footprint of the [principal structure](#) on the [parcel](#), but shall in no case exceed five thousand (5,000) square feet in area on any residentially-zoned [parcel](#), or ten thousand (10,000) square feet on parcels located in all other zoning districts.



- d. [Building Integrated Photovoltaic \(BIPV\) Systems.](#)
2. **Level 2 Solar Energy Systems:** Level 2 [Solar Energy Systems](#) are those systems that may provide energy for on-site and/or off-site uses that are of a size exceeding the permitted ground area coverages of a Level 1 SES; subject to the area limitations stipulated for the zoning districts in which they are located, as follows:
 - a. **Agricultural Zoning Districts:** Solar Energy Systems not to exceed twenty thousand (20,000) square feet in area.
 - b. **Residential Zoning Districts:** Solar Energy Systems not to exceed twenty thousand (20,000) square feet in area
 - c. **Office Zoning District:** Solar Energy Systems not to exceed two hundred thousand (200,000) square feet in area
 - d. **Commercial Zoning District:** Solar Energy Systems not to exceed two hundred thousand (200,000) square feet in area
 - e. **Industrial Zoning District:** Solar Energy Systems of any size
3. **Level 3 Solar Energy Systems:** Level 3 Solar Energy Systems are those systems that exceed the parameters stipulated for Level 1 and Level 2 Solar Energy Systems.

D. **Permitted Zoning Districts:** SES are allowed as demonstrated in [Table 8.57-D.1.](#)

TABLE 8.57-D.1. SOLAR ENERGY SYSTEMS (SES) PERMITTED ZONING DISTRICTS

TYPE OF SOLAR ENERGY SYSTEM (SES)		PERMITTED ZONING DISTRICTS						
		NR	AG1	AG2	RA, RB, RC, RM	O	C	I
Roof Mounted SES								
Wall Mounted SES		P	P	P	P	P	P	P
BIPV SES								
Ground Mounted SES	Level 1	P	P	P	P	P	P	P
	Level 2		P	S	S	S	P	P
	Level 3		S					S

P = Permitted use by-right subject to regulations herein

S = Permitted by Special Land Use Permit subject to regulations herein

E. **General Regulations:**

1. **Zoning Administrator Review:** All SES which are a [Permitted Use](#) in a [zoning district](#) shall



- be subject to review and approval by the [Zoning Administrator](#). Exceptions to Zoning Administrator review shall be a single [solar panel](#) less than ten (10) square feet in area or the repair and replacement of equipment related to an existing [solar energy system](#) which does not increase the size of the system. Applicants for Zoning Administrator review shall submit a plot plan to the Zoning Administrator providing the setbacks and height of the equipment including a data sheet from the equipment manufacturer.
2. **Setbacks:** On a residentially-zoned [parcel](#), ground-mounted SES shall not be located in the required [front yard](#), and shall have a minimum [setback](#) of five (5) feet from the side and rear property lines. In all other zoning districts ground mounted SES shall not be located in the required front, side or [rear yard](#) with the exception that the [Township Board](#) may approve a Level 3 system in a required side or rear yard during its approval of the [Special Land Use](#) Permit. Security fencing, poles, and [access](#) roads for Level 2 and Level 3 systems shall be exempt from setback requirements.
 3. **Height.**
 - a. **Ground Mounted:** Ground mounted solar energy collectors shall not exceed sixteen (16) feet in height as measured from ground level to the top of the solar collectors when oriented at maximum tilt.
 - b. **Rooftop Mounted:** Rooftop mounted SES shall not project more than five (5) feet above the highest point of the roof, but, in any event, shall not exceed the maximum [building height](#) for the [zoning district](#) in which it is located. Roof-mounted SES shall not project beyond the eaves of the roof.
 4. **Wall Mounted SES:** Solar energy collectors that are wall-mounted shall not exceed the height of the building [wall](#) to which they are attached.
 5. **Solar Thermal Systems:** Solar thermal systems shall be a [permitted use](#) by-right in all zoning districts.
 6. **Lot Coverage:** The surface area of ground-mounted solar collectors shall not be included in the calculation of the maximum permitted [lot coverage](#) requirement for any [parcel](#) of land.
 7. **Accessory Use:** Level 1 and 2 SES shall be an accessory [use](#), not the [principal use](#), on a residentially-zoned [parcel](#).
 8. **Buffering:** [Buffer](#) zones around the perimeter of an SES shall be required in accordance with [Section 12.02 H](#). herein as they pertain to the [zoning district](#) in which they are located.
 9. **Buried Power Lines:** On-site power lines related to SES shall be buried except where necessary to connect to existing overhead transmission lines or where prohibited by [natural features](#).



10. **Security:** [Special Land Use](#) Permit applicants for a level 3 SES shall submit a security plan detailing on-site security provisions which could include fencing, full-time security guards, video surveillance, etc.
11. **Construction Waste Management Plan:** The initial [construction](#) of Level 2 or Level 3 SES can produce large quantities of cardboard, wood, scrap metal, and scrap wire. Applicants for a Level 2 or Level 3 SES shall submit a Construction Waste Management Plan describing the methods of waste disposal.
12. **Decommissioning:** At the time a [Special Land Use](#) Permit is filed for a Level 2 or Level 3 SES, as required by [Table 8.57-D.1](#), a decommissioning plan shall be submitted as follows:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for twelve (12) months, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three (3) feet below [grade](#).
 - c. Restoration of property to the condition prior to [development](#) of the SES.
 - d. The timeframe for completion of decommissioning activities.
 - e. An engineer's cost estimate for all aspects of the decommissioning plan.
 - f. Description of any agreement (e.g., lease) with the landowner regarding decommissioning.
 - g. Provisions for updating the decommissioning plan.
 - h. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the [Special Land Use](#) Permit upon cessation of use.
 - i. The [Township Board](#) may mandate that the owner or operator provide a financial guarantee to cover the costs of decommissioning the site.
 - j. The decommissioning plan shall be recorded with the Eaton County Register of Deeds.
 - k. The Delta Township Electrical Inspector shall conduct a final inspection to confirm that the SES has been decommissioned consistent with the provisions of the decommissioning plan.

F. **Other Approvals Required:**

1. **Building/Electrical Permits:** Nothing in this ordinance modifies the [building code](#) and electrical code standards, as amended, to construct a SES.
2. **Onsite Wastewater System Avoidance:** Nothing in this ordinance modifies the regulations



of the Barry-Eaton District Health Department requirements. A SES shall not be constructed over on-site wastewater systems (e.g. septic systems) unless approved by the Barry-Eaton District Health Department.

- 3. **Stormwater Approval:** Nothing in this ordinance modifies the requirements or exempts any SES from compliance with the applicable regulations established by the Eaton County Drain Commissioner's Office. The growth of vegetation beneath the arrays of solar panels is encouraged in order to limit the impacts of stormwater runoff.
- 4. **Airports:** [Solar energy systems](#) may create a glare hazard for pilots. Applicants for Level 1, Level 2, and Level 3 SES over twenty thousand (20,000) square feet shall comply with Federal Aviation Administration siting requirements.

SECTION 8.58 TWO-FAMILY DWELLINGS IN THE RC DISTRICT

Properties proposed for [two-family dwellings](#) in the RC District shall prove, to the satisfaction of the [Township Board](#), that the following issues have been addressed in advance: [front yard](#) lawn parking, lawn mowing, sidewalk, snow removal, and solid waste disposal.

SECTION 8.59 TRADE CONTRACTOR'S YARD AND HOME SERVICE REPAIR

- A. **Permanent Office:** A contractor's [yard](#) shall have a permanent office located on site.
- B. **Ancillary Activities:** The building(s) may also include activities which are ancillary to the [principal use](#) such as indoor storage of equipment and materials; equipment repair; workshop; and a retail sales area of five hundred (500) square feet or less.
- C. **Setbacks:** A contractor's [yard](#) shall be located a minimum of twenty (20) feet from a [front lot line](#).
- D. **Fencing:** A contractor's [yard](#) shall be fenced on all sides with a gate providing [access](#).

SECTION 8.60 VEHICLE FUELING STATIONS

- A. **Pump Islands & Canopy Setbacks:** Minimum setbacks for canopies and pump islands are provided in [Table 8.60-A.1](#).

Table 8.60-A.1. VEHICLE FUELING STATIONS PUMP ISLANDS AND CANOPY SETBACKS

Setback	Pump Islands	Canopy Edge
Front	30 feet	20 feet
Side	20 feet	10 feet
Rear	20 feet	20 feet

- A. **Ancillary Services:** Repair and maintenance activities shall comply with the standards set forth in [Section 8.61](#). Dismantled, wrecked, or inoperable vehicles shall not be permitted to be stored on site. The sale and leasing of new and used motor vehicles shall not be permitted on-site.



- B. **Ancillary Service Setbacks:** Ancillary services and equipment, including but not limited to: vacuums, air hoses, propane tank sales/exchanges, vending machines, etc. shall not be located within the required front [setback](#) area and shall be situated on the site in such a manner that does not impede vehicular traffic.
- C. **Parking:** [Vehicle](#) fueling sites which have multiple uses, such as convenience stores, shall meet the minimum parking requirements as per [Chapter 11](#) herein.
- D. **Vehicle Washes:** If a [vehicle wash](#) is proposed, it must comply with the standards set forth in [Section 8.64](#).

SECTION 8.61 VEHICLE REPAIR

- A. **Access:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- B. **Outdoor Storage:** Dismantled, wrecked, or inoperable vehicles awaiting repair stored outdoors shall be within an area enclosed by an opaque [fence](#) or [wall](#) a minimum of six (6) feet in height. Wire fences with inserted strips of metal, plastic, and similar materials shall not be permitted.
- C. **Screening:** The [Township Board](#) may require screening, including but not limited to: solid fencing, a masonry [wall](#), an earthen [berm](#), and/or [landscaping](#) to ensure compatibility between [vehicle](#) repair establishments and adjacent properties.
- D. **Disposal Containers:** Suitable containers shall be provided and used for disposal of used and damaged parts. Trash, tires, and supplies shall not be stored outside of an enclosed building.
- E. **Repair and Maintenance Activities:** Repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities shall be performed entirely within an enclosed building.
- F. **Front Setback Restrictions:** Ancillary services and equipment including but not limited to: vacuums, air hoses, propane tank sales/exchanges, vending machines, etc. shall not be located within the required front [setback](#) area and shall be situated on the site in such a manner that does not impede vehicular traffic.
- G. **Vehicle Sales and Leasing:** [Vehicle sales and leasing](#) shall be permitted in conjunction with a [vehicle](#) repair facility. Vehicle sales and leasing shall comply with the standards contained in [Section 8.62](#).
- H. **Prohibited Uses:** The following uses and activities shall be prohibited in conjunction with a vehicle repair facility:
 - 1. Convenience stores.
 - 2. [Salvage yards](#).
 - 3. Auction sales.

SECTION 8.62

VEHICLE SALES / LEASING AND SERVICE FACILITIES



- A. **Uses Permitted:** [Vehicle sales and leasing](#) shall include, but shall not be limited to: the sales and leasing of new and used motor vehicles; recreation vehicles; motorcycles; snowmobiles; watercraft; and open/enclosed trailers.
- B. **Access:** Primary [access](#) to the subject [parcel](#) shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Setbacks:** No vehicles shall be parked or displayed within twenty (20) feet of any road [right-of-way](#).
- D. **Paving of Display Areas:** Areas used for the display of vehicles shall be paved.
- E. **Lighting of Display Areas:** If areas used for the display of vehicles are illuminated, the lighting shall be deflected away from adjacent properties and streets in accordance with [Section 12.05](#).
- F. **Noise:** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of a residential property line.
- G. **Repair and Maintenance:** All repair and maintenance activities shall comply with the standards set forth in [Section 8.61](#).
- H. **Vehicle Deliveries:** [Vehicle](#) deliveries shall take place on the [premises](#) and shall not interfere with vehicular traffic on a public road.

SECTION 8.63 VEHICLE/EQUIPMENT STORAGE YARDS

- A. **Submittal of Data:** [Special Land Use](#) Permit applications for [vehicle](#) storage yards shall provide documentation of the predominate type of vehicles/equipment to be received; modifications to the vehicles/equipment while on site; the ultimate destination of the vehicles/equipment; the maximum number of vehicles to be stored on site; and an estimate as to the typical length of storage time.
- B. **Access:** [Access](#) to the site shall be on a county primary road, as classified by the Eaton County Road Commission, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.
- C. **Storage Requirements:**
 - 1. No portion of a vehicle storage yard shall be located within five hundred (500) feet of any residential [zoning district](#).
 - 2. The [vehicle](#) storage area must be enclosed by a [fence](#) at least six (6) feet in height. The fence shall be constructed of a sturdy, durable material.
 - 3. Vehicles shall not be stored so as to exceed the height of the [fence](#) surrounding the storage [yard](#).
- D. **Environmental Protection:** Improvements may be required to ensure environmental protection



including but not limited to: oil separators on storm drains, containment areas around fuel/oil storage areas, etc.

- E. **Security:** Security may be required by the [Township Board](#) for the storage [yard](#) via a private service or a watchman's on-site quarters.

SECTION 8.64 VEHICLE WASH

- A. **Siting of Activities:** All washing activities shall be carried on within a building. Vacuuming activities shall be located a minimum of fifty (50) feet from a residential [lot line](#). Wash bays for self-serve washes shall be located a minimum of fifty (50) feet from a residential lot line.
- B. **Stacking Spaces:** Stacking spaces for [vehicle washes](#) shall be as required by [Table 8.23-C.1](#).
- C. **Mechanical Dryer:** Automatic Vehicle Washes shall provide a mechanical dryer operation at the end of the wash cycle.
- D. **Ancillary Services:** Ancillary services and equipment including, but not limited to: air hoses, vacuums, water stations, shall not be located within the required front [setback](#) area(s) and shall be situated as not to impede vehicular traffic.
- E. **Exiting Vehicles:** All automatic [vehicle wash](#) facilities must provide a demonstrated means at the site exit to prevent the pooling and/or freezing of water on the adjacent public roadway(s).
- F. **Screening:** Self-serve wash bays located with openings parallel to an adjacent street shall be screened or buffered as required by the [Zoning Administrator](#).

SECTION 8.65 WIND ENERGY CONVERSION SYSTEMS (WECS) – LARGE

- A. **Submittal of Plans and Data:** [Special Land Use](#) Permit applications shall be accompanied by a [site plan](#) that includes the following information:
1. Topographic contours at two (2)-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 five hundred (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 five hundred (500) feet of any proposed tower location.

B. **Submittal of Impact Analysis:** 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. **Principal or [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.

D. **Site Development Requirements:**

1. 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.
2. Large WECS shall maintain a minimum distance of at least the combined tower and blade height from any habitable [structure](#).
3. 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.
4. Large WECS shall be exempt from the height restrictions in the [zoning district](#) in which it is located.
5. 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.
6. 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](#).
7. 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.



8. 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.

E. **Safety Measures:**

1. 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](#).
2. 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.
3. 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.
4. A registered engineer shall certify that the large WECS is designed and constructed to not cause radio and/or television interference.
5. 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.
6. 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 [Township Board](#) may specify additional fencing requirements relative to the height and type of fencing as deemed necessary.
7. 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:
 - a. "Warning: High Voltage".
 - b. Manufacturer's name.
 - c. Operator's name.
 - d. Emergency phone number.
 - e. Emergency shutdown procedures.

F. **Abandonment:**

1. Any time a WECS remains non-functional or inoperative for a period of at least three hundred sixty-five (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.



2. 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.
3. 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.
4. 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 sixty (60) days of the applicable deadline, and after at least thirty (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.
5. 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 8.66 WIND ENERGY CONVERSION SYSTEMS (WECS) – SMALL

- 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, and RM zoning districts, a [principal structure](#) must first be established on the [parcel](#) before a small WECS may be constructed/installed. Where two (2) 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 (1) 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 (1) [parcel](#) or site does not exceed ten (10) kilowatts (kW) rating. On parcels zoned RA, RB, RC or RM only one (1) free standing turbine and/or tower may be permitted. Multiple rooftop mounted turbines are permitted provided that all other requirements are met.
- D. **Height/Towers:**



1. For any [parcel](#) located in the RA, RB, RC, or RM [zoning district](#), the maximum height for a free standing small WECS shall not exceed fifty (50) feet. Rooftop mounted turbines located in the RA, RB, RC, or RM zoning district shall have a maximum height of ten (10) feet above the existing roof peak, as measured from the peak of the roof to the rotor (the center point of the blades).
2. For any [parcel](#) located in the NR, AG1, AG2, O, or C zoning districts, the maximum height for a small WECS shall not exceed seventy (70) feet.
3. For any [parcel](#) located in the I [zoning district](#) there shall be no height limit for a WECS.
4. The height of a freestanding 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 twenty-five (25) feet of the base of the tower or supporting [structure](#).
5. The minimum required ground clearance between the lowest point of the blades and the [average grade](#) shall be a minimum of twenty (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 Charter Township, a 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 Electrical 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 three hundred sixty-five (365) continuous days shall be deemed abandoned, and the [Zoning Administrator](#) may order the removal of the turbine, tower, and any associated equipment.

SECTION 8.67 WIRELESS COMMUNICATIONS FACILITIES

- A. **Application Requirements:** A [site plan](#), prepared in accordance with Chapter 6, showing the location, size, screening, and design of all buildings and structures shall be submitted with the [Special Land Use](#) Permit application for a wireless communication facility.
- B. **Exceptions:** The following facilities shall be exempt from the regulations herein: towers less than fifty (50) feet in height; citizen band radio antennas; short wave antennas; ham and amateur radio antennas; satellite dishes; and personal television receiving antennas.
- C. **Site and Development Requirements:**
 - 1. **Principal or Accessory Use.** [Wireless communication facilities](#) 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](#).
 - 2. **Exemptions from Lot Area, Width & Coverage Requirements:** [Wireless communication facilities](#) 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.
 - 3. **Height Limitations:** The height of a freestanding wireless communication facility shall not exceed two-hundred (200) feet when located in an RA, RB, RC, or RM [zoning district](#).
 - 4. **Setbacks:** When located in an RA, RB, RC, or RM [zoning district](#), the freestanding wireless communication facility 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 percent (50%) of the proposed tower height. Freestanding [wireless communication facilities](#) in any other zoning district shall not be located within fifty (50) feet of a property line.
 - 5. **Separation:** A minimum [separation](#) distance of one thousand (1,000) feet 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.
 - 6. **Screening:** The [Township Board](#) may require screening, such as solid fencing, a [wall/berm](#),



or [landscaping](#) in order to ensure compatibility between towers and adjacent properties.

7. **State & Federal Requirements:** All [wireless communication facilities](#) 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](#).
8. **Certification by Structural Engineer:** 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.
9. **Fencing:** The base of the tower, wire cable supports, and accessory buildings shall be enclosed with a minimum six (6)-foot high chain link [fence](#).
10. **Lighting & Color:** Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). 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.
11. **Electromagnetic Exposure Standards:** All antennas on [wireless communication facilities](#) shall meet the electromagnetic exposure standards adopted by the Federal Communications Commission (FCC). Documentation shall be submitted to the [Zoning Administrator](#) verifying compliance with the FCC standards prior to the issuance of a [Certificate of Zoning Compliance](#).
12. **Cessation of Operation:** When [use](#) of a tower or [antenna](#) has ceased for three hundred sixty-five (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.
 - a. 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 sixty (60) days of the applicable deadline, and after at least thirty (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.

- b. 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.
13. **Co-location:** If co-location is proposed in which the [antenna](#) is attached to an existing building, [structure](#), light/utility pole, or water tower, the [Zoning Administrator](#) shall be responsible for [Site Plan](#) approval and the [Special Land Use](#) Permit requirement shall be waived.
- a. **Height:** 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 co-location of an additional antenna. The height change may only occur one (1) time per communication tower.
 - b. **State & Federal Requirements:** 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.
 - c. **Certification by Structural Engineer:** A licensed professional engineer shall certify that the tower, building, or structure can structurally accommodate the number of antennas proposed.



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CHAPTER 9

GENERAL PROVISIONS

SECTION 9.01 PURPOSE

It is the purpose of this Article to provide regulations that are generally applicable to all uses regardless of [zoning district](#).

SECTION 9.02 ACCESSORY BUILDINGS

- 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.
- B. Maximum size, maximum height, and minimum [setback](#) standards for accessory buildings and structures are as listed in [Table 9.02-A.1](#). 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 [Table 9.02-A.1](#). herein. Where two (2) or more abutting lots are held under one (1) ownership, the owner may [erect](#) an [accessory building](#) on a lot separate from that on which the [principal building](#) is located.
- D. 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.
- E. Accessory buildings and structures shall not occupy any portion of the required [setback](#) areas.
- F. Accessory buildings and structures which are portable in nature shall comply with the regulations in [Table 9.02-A.1](#). This shall include, but not be limited to, buildings and structures constructed on skids and/or frames and those without attachment to a foundation.



TABLE 9.02-A.1. SITE DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS

Accessory Building Site Development Standard		Zoning Districts									
		Natural Resources/ Agricultural			Residential				Office/Commercial/ Industrial		
		NR	A1	A2	RA	RB	RC	RM	O	C	I
Maximum Building Size of any Detached Building Accessory To:	Single-Family Dwelling	None			1,200 Sq.Ft.	770 Sq.Ft.		Not Appli- cable	Not Applicable		
	Two-Family Dwelling	Not Applicable			770 Sq. Ft.						
	Multiple-Family Dwelling	Not Applicable				1,200 Sq.Ft.					
Maximum Combined Square Footage of all Detached Accessory Buildings Permitted on a Property		None			1,600 Sq.Ft	1,000 Sq.Ft		None			
Maximum Square Footage of Attached Accessory Buildings		None			1,200 Sq. Ft.			None			
Minimum Required Setbacks for Detached Accessory Buildings ⁴	Front	100 feet		50 feet		30 feet		40 feet	50 feet	75 feet ¹	75 feet
	Each Side	25 feet	15 feet	12 feet	5 feet				10 feet total both sides ³		Bldgs. 0-1200sq. ft. = 12 ft. Bldgs. >1200 sq.ft. = 25 ft
	Rear	25 feet							Bldgs. 0-150 sq.ft.= 0 ft ^{2,3} Bldgs.151-770 sq.ft.= 5 ft ³ Bldgs. >770sq. ft.= 10 ft ³		Bldgs. 0-1200sq. ft. = 25 ft Bldgs. >1200 sq.ft. = 50 ft
Maximum Detached Accessory Building Height		None			18 feet				45 feet		None
Maximum Attached Accessory Building Height		40 feet									

¹ 50-foot front setback and 25-foot rear setbacks for lots in industrial zoned subdivisions which were platted prior to December 14, 1990.

² 5-foot 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 12 herein.

⁴ The minimum required building setbacks for attached accessory buildings shall be the same as for principal buildings in their respective zoning districts.

⁵ There shall be no limit on accessory building floor area within the zoning district in which it is located when associated with an institutional use. The front setback shall at a minimum align with the principle structure, the side and rear setbacks shall be a minimum of 20 feet, and the maximum height shall not exceed 25 feet measured from the base of the building to its peak.



SECTION 9.03 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.

SECTION 9.04 EXCAVATIONS OR HOLES

The [construction](#), maintenance, or existence within the Township of any unprotected, un-barricaded, 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. 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 9.05 FENCES, WALLS, AND SCREENS

No [fence](#), [wall](#), or [screen](#) of any material other than [plant material](#) shall be erected to a height greater than eight (8) feet in the RA, RB, RC, RM, Office, and Commercial districts.

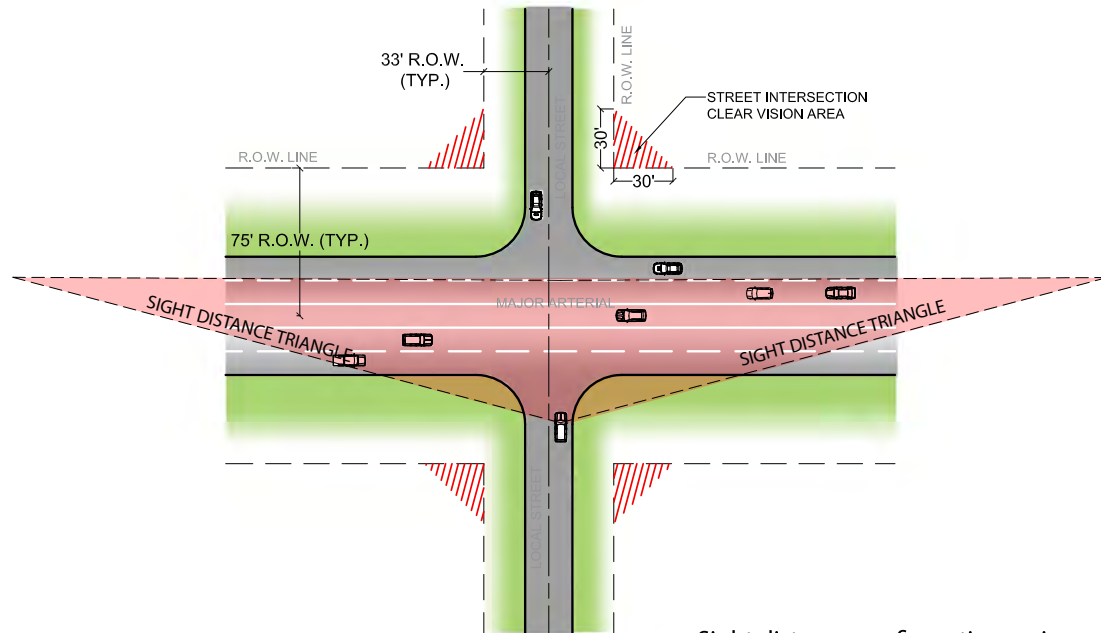
SECTION 9.06 CLEAR VISION AREA

- A. 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.
- B. 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.



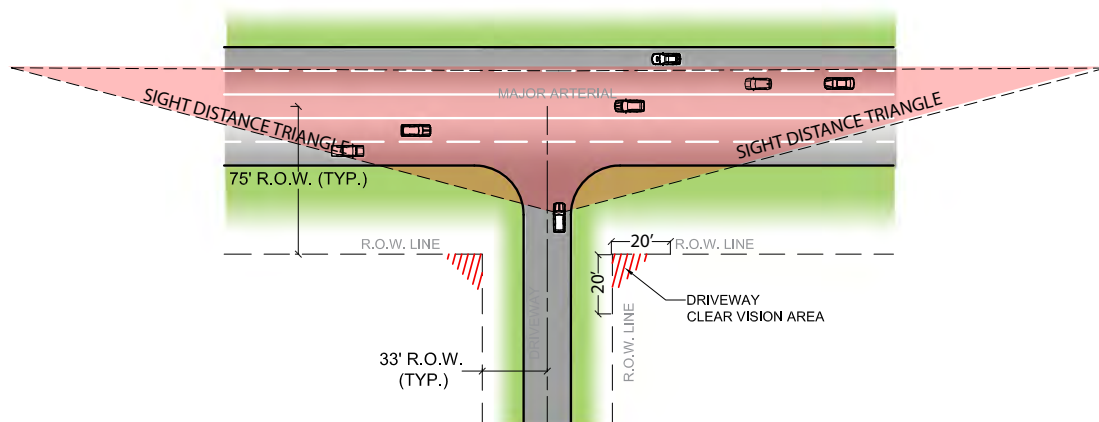
FIGURE 9.06-B.1. CLEAR VISION AREA

CLEAR VISION AREAS - STREET INTERSECTION



Sight distance configuration varies depending on a variety of factors including road speed and grade. Driveways shall be located to provide safe sight distances, as determined by the applicable road agency.

CLEAR VISION AREAS - STREET-DRIVEWAY INTERSECTION



SECTION 9.07 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 a [satellite dish 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 a [satellite dish antenna](#), including its concrete base, slab, or other substructure shall be located within five (5) feet of a rear property line.
- C. **Maximum Height:** No portion of a [satellite dish antenna](#) shall exceed a height of eighteen (18) feet from ground level. Ground level shall be the average [natural grade](#) measured within twenty-five (25) feet of the base of the antenna. Satellite dish antenna height shall be measured vertically from the highest point of the antenna, when positioned for operation, to the bottom of the base which supports the antenna. Satellite dish antennas mounted to towers or poles shall not exceed the maximum height requirement.
- D. **Maximum Size:** The diameter of a [satellite dish antenna](#) shall not exceed twelve (12) feet.
- E. **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 roof mounted [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.
- F. **General Standards:**
1. Only one (1) [satellite dish antenna](#) shall be located on the same lot or [parcel](#) as the [principal building](#) except for RM zoned properties.



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](#).

SECTION 9.08 TEMPORARY BUILDINGS AND STRUCTURES

- A. Temporary buildings and structures, including trailers, may be placed on a lot or [parcel](#) and [occupied](#) only under the following conditions:
1. During renovation of a permanent building damaged by fire, [flood](#), wind, or other Acts of God. The [temporary building](#) or [structure](#) shall be removed when repair is complete, but in no case shall it be located on the lot or [parcel](#) for more than one hundred eighty (180) days unless authorized by the [Zoning Administrator](#).
 2. Temporary buildings and structures incidental to [construction](#) work, except work related to detached single-family residences 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 authorized by the Zoning Administrator.
 3. Temporary buildings and structures serving a [hospital](#), school, college, or place of worship shall be approved by the [Zoning Administrator](#) following review and approval by the appropriate Township personnel. Temporary buildings and structures shall be removed within one (1) year unless an extension has been granted by the Zoning Administrator.
 4. Temporary buildings and structures used as a sales office or model for a new or renovated [development](#). Said building or [structure](#) shall be located on the property which is under development unless authorized otherwise by the [Zoning Administrator](#). These temporary buildings and structures shall be approved by the Zoning Administrator following review and approval by the appropriate Township personnel. Temporary buildings and structures shall be removed within one (1) year unless an extension has been granted by the Zoning Administrator.
- 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.
 5. Toilet facilities shall be provided at some location if not provided in the [temporary building](#).



6. Skirting shall be required around the entire perimeter of trailers within thirty (30) days of the placement of the trailers on the site. The skirting shall be ventilated, constructed of non-combustible materials, and provide at least one (1) access panel.

SECTION 9.09 ESSENTIAL SERVICE

[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.

SECTION 9.10 KEEPING OF ANIMALS

A. Household Pets:

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters, rabbits, and ferrets is permitted as an [accessory use](#) in any agricultural or residential [zoning district](#).
2. Except for [single family dwellings](#) in the NR, AG1 and AG2 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](#).
3. The keeping of service animals, as defined by the Americans with Disabilities Act (ADA), as amended, shall be permitted in any household in an agricultural or residential [zoning district](#). Service animals shall not be included in the three (3) dog limitation.

B. [Horses](#):

1. Horses may be kept or housed on a non-commercial basis only in the NR, AG1 and AG2 Districts.
2. Areas in which the [horses](#) are kept shall be completely enclosed by a [fence](#) meeting the requirements of [Section 9.05](#), Fences, Walls, and Screens. Said fence shall be kept in reasonable repair so as to prevent the horses from exiting the fenced-in area.
3. [Section 2.02](#) herein provides definitions for [riding academy](#), [hobby stable](#), and [commercial stable](#) under the title of [equestrian facilities](#). [Section 4.18](#) herein specifies the zoning districts in which equestrian facilities are permitted.

- 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](#).

- D. The limited raising of chickens and bee keeping in residential zoning districts are regulated by Chapter 45 of the Delta Charter Township Code of Ordinances, as amended.

SECTION 9.11 PORTABLE STORAGE UNITS

- 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 two hundred (200) square feet.
 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 three hundred sixty-five (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 (180) days within any three hundred sixty-five (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 9.12 STORAGE CONTAINERS

- A. Storage containers shall not be located in the required front setback area.
- B. Storage containers may be permitted on site during new construction, repair of fire damage or acts of God, and remodeling of a building or structure.
- C. Storage containers not related to an activity in [Section 9.12 B](#), may be permitted on a temporary basis as follows:
1. No more than three (3) storage containers shall be permitted per business for a single ninety (90) day period per calendar year.
 2. A permit for temporary storage containers shall be issued by the Zoning Administrator.
- D. Storage containers may be permitted on a permanent basis subject to the following requirements:
1. The storage container must be located in an area screened by an opaque fence or wall not less than seven (7) feet in height. The fence or wall shall be constructed of durable material, such as wood or masonry. Wire fencing or fencing with plastic, aluminum, or other filler strips shall not be used.
 2. The storage containers shall not block ingress or egress doors, fire department hose connections, utility pedestals/wall mounts, access aisles, etc.
 3. At no time shall there be more than three (3) storage containers on the premises.
 4. Storage containers shall not be stacked nor shall anything be stored on top of the containers.



5. Storage containers shall not occupy parking spaces to the extent that the premises are no longer in compliance with the minimum parking requirements herein.
6. Storage containers no longer in use shall be removed from the premises.

SECTION 9.13 TEMPORARY DUMPSTERS SERVING SINGLE- AND TWO-FAMILY DWELLINGS

- A. Temporary dumpsters shall be permitted in the AG1, AG2, RA, RB, and RC zoning districts subject to the following:
 1. No more than one (1) temporary [dumpster](#) shall be permitted on a property at any time.
 2. Temporary dumpsters shall not be on a property for more than thirty (30) days within any three hundred sixty-five (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. Temporary dumpsters shall not be placed such that they obstruct pedestrian or vehicular movements nor shall they be located in clear vision areas as defined herein.



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CHAPTER 10

ROADS, TRAFFIC & SIDEWALKS

SECTION 10.01 WEST SAGINAW HIGHWAY (M-43) ACCESS MANAGEMENT REGULATIONS

- A. **Applicability & Intent.** The regulations and standards of this Section shall apply to all properties along West Saginaw Highway (M-43), which is a regional [arterial street](#), with the intent of optimizing through-traffic operations and improving public safety along West Saginaw Highway (M-43) by minimizing congestion and accident potential, while still providing property owners with [reasonable access](#). The Eaton County Road Commission and the Michigan Department of Transportation have jurisdiction over the public roads in Delta Township. The [construction](#) and maintenance of the public roads are subject to the requirements of these agencies. The requirements and standards of this Section 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 requirements of this ordinance. Any project involving the construction or reconstruction of a roadway shall also be subject to the provisions of the Delta Township Complete Streets Ordinance.
- B. **Exceptions.** It is recognized that existing [development](#) may not be able to meet all the standards contained in this Section 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 five hundred (500) vehicle 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](#).
- C. **General Access Requirements.** The following standards shall apply to all uses with frontage on or access to West Saginaw Highway (M-43) 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.
1. **Number of Driveways.**
 - a. Access to West Saginaw Highway (M-43) 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 (1) driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.

- b. For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed three thousand (3,000) vehicle trips during an average day (or will be used by three hundred (300) vehicles during the [peak hour](#) of traffic for either West Saginaw Highway (M-43) or the use), and lacking access to a secondary street, a second driveway may be allowed along West Saginaw Highway (M-43), provided that the additional driveway can meet the spacing standards of [Section 10.01 F](#). Driveway Spacing and Location.
- c. For parcels with West Saginaw Highway (M-43) frontage of at least three hundred (300) feet an additional driveway may be allowed, with another driveway allowed for each three hundred (300) feet of frontage thereafter, provided that these driveways meet the standards of [Section 10.01 F](#). Driveway Spacing and Location.
- d. Where parcels have dual frontage on both a side (cross) street and West Saginaw Highway (M-43), access may be required to be provided solely off the secondary street. If the [parcel](#) has a minimum of three hundred (300) feet of frontage on West Saginaw Highway (M-43), additional access may be allowed along West Saginaw Highway (M-43), provided that the access meets the standards of [Section 10.01 F](#). Driveway Spacing and Location.

D. Shared Driveways, Frontage Roads, Parking Lot Connections, and Rear Service Drives.

1. Alternative access shall be encouraged. One (1) or more of the following may apply.
 - a. **Shared Driveways.** Sharing or joint use of a driveway by two (2) or more property owners shall be encouraged. In cases where access is restricted by the driveway spacing requirements of [Section 10.01 F](#). Driveway Spacing and Location, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two (2) properties unless a written [easement](#) is provided which allows traffic to travel across one(1) [parcel](#) to access another, and/or access the [public street](#).
 - b. **Frontage Roads.** Where a [frontage road](#) exists or is proposed on an approved [site plan](#) for an adjoining lot or [parcel](#), access shall be provided via the frontage road, rather than by direct connection to West Saginaw Highway, when reasonably possible.
 - 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 (2) parking lots where possible, as determined by the [Zoning Administrator](#). 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 [Section 10.01 C.1](#). Number of Driveways and [10.01 F](#). Driveway Spacing and Location.
2. Frontage roads, parking lot connections, and rear service drives shall be constructed according to the standards set forth in [Section 10.01 H](#). Design of Frontage Roads or Service Drives.
3. In areas where frontage roads or service drives are planned, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of [Section 10.01 H](#). Design of Frontage Roads or Service Drives. In such instances, the [Zoning Administrator](#) 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.
- E. **Visibility at Intersections (Clear Vision Areas).**
1. Access points shall not be located in designated “clear vision” areas, as specified by the standards of the Michigan Department of Transportation and the Eaton County Road Commission.
2. See [Section 9.06](#) and [Figure 9.06-B.1](#). for a description and illustration of clear vision areas.
- F. **Driveway Spacing & Location.**
1. Driveway Spacing from Intersections (refer to [Figure 10.01-F.1](#).)
- a. 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 10.01-F.1](#). unless otherwise noted.
- b. The minimum distance between a driveway and an intersecting street shall be based on standards contained in [Tables 10.01-F.1](#). and [10.01-F.2](#)., and [Figure 10.01-F.1](#). as follows:

TABLE 10.01-F.1. DRIVEWAY SPACING FROM INTERSECTIONS ALONG WEST SAGINAW HIGHWAY (M-43)

INTERSECTING STREET ¹	FULL-MOVEMENT DRIVEWAY	CHANNELIZED RIGHT-TURN-IN RIGHT-TURN-OUT ONLY
Arterial	250 feet	100 feet
Signalized Non-Arterial	250 feet	75 feet
Other Street	100 feet	75 feet

¹Classification of the intersecting street to be determined by the agency having jurisdiction over the street.



FIGURE 10.01-F.1. TYPICAL DRIVEWAY SPACING

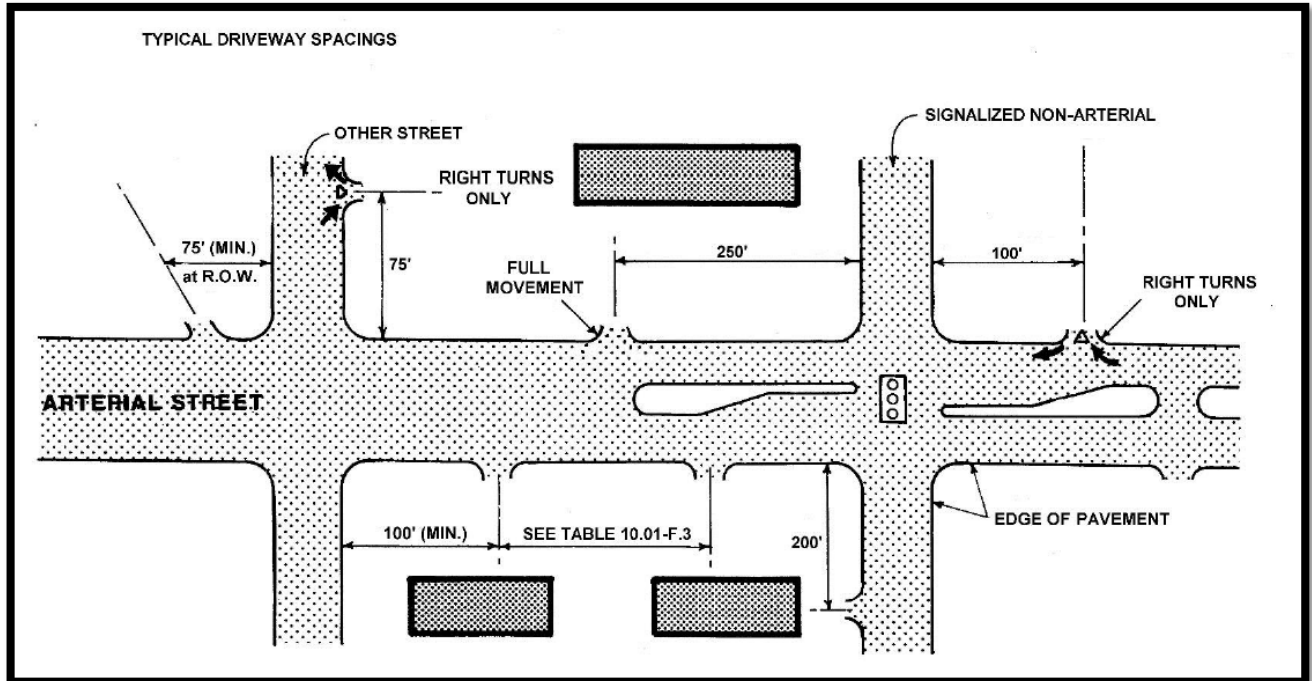


TABLE 10.01-F.2. DRIVEWAY SPACING ALONG SIDE STREETS INTERSECTING WITH WEST SAGINAW HIGHWAY (M-43)

SIDE STREET CLASSIFICATION ¹	FULL-MOVEMENT DRIVEWAY	CHANNELIZED RIGHT-TURN-IN RIGHT-TURN-OUT ONLY
Arterial	200 feet	100 feet
Signalized Non-Arterial	100 feet	75 feet
Other Street	75 feet	75 feet

¹Classification of the intersecting street to be determined by the agency having jurisdiction over the street.

- c. 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.
- d. 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:



- i. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway.
 - ii. 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.
- 2. Driveway Spacing from Other Driveways (refer to [Figure 10.01-F.1.](#))
 - a. There shall be a minimum spacing of twenty-five (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.
 - b. 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.
 - c. Minimum driveway spacing requirements shall be determined based on posted speed limits along the [parcel](#) frontage, as indicated in [Table 10.01-F.3.](#) Driveway spacing shall be measured from the centerline of each driveway. The distances in [Table 10.01-F.3.](#) are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

TABLE 10.01-F.3. MINIMUM SPACING BETWEEN DRIVEWAYS

MINIMUM SPACING BETWEEN DRIVEWAYS	
POSTED SPEED (mph)	MINIMUM SPACING (feet)
30	125
35	150
40	185
45	230
50	275
55	350

- d. 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 10.01-F.3.](#)
 - e. 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 [Zoning Administrator](#) 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 sixty (60) feet be permitted by the [Zoning Administrator](#).

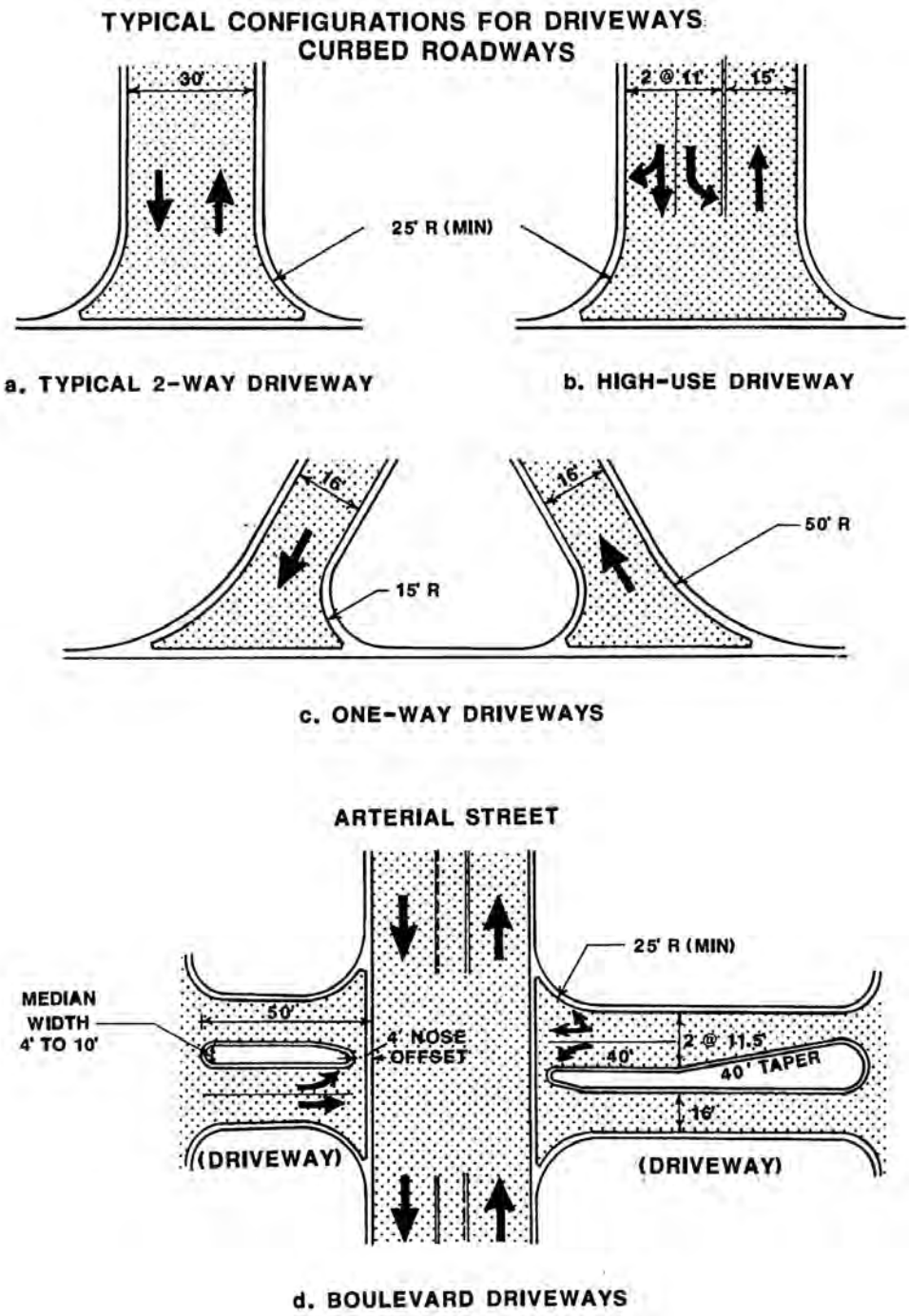
G. Driveway Design and Construction Standards.

1. Driveway Width.

- a. The typical driveway design shall include one (1) ingress lane and one (1) egress lane with a combined maximum throat width of thirty (30) feet, measured from face to face of curb (see [Figure 10.01-G.1.a.](#)).
- b. Where exit traffic volumes are expected to exceed one thousand (1,000) vehicles per day, one hundred (100) vehicles per [peak hour](#), or in areas where congestion along West Saginaw Highway (M-43) may create significant delays, as determined by the [Zoning Administrator](#), two (2) exit lanes shall be required. The total width of such a driveway shall be thirty-seven (37) feet, with one (1) fifteen (15)-foot wide ingress lane and two (2) eleven (11)-foot wide egress lanes (see [Figure 10.01-G.1.b.](#)).
- c. For access systems which include a pair of one-way driveways, each driveway shall be a minimum of sixteen (16) feet wide, measured perpendicularly (see [Figure 10.01-G.1.c.](#)).
- d. As an alternative to paragraph c. above, the driveway may be designed with a median dividing the ingress and egress driveways, with a maximum median width of ten (10) 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 10.01-G.1.d.](#)). Boulevard driveways should not be constructed at existing or future traffic signal locations.



FIGURE 10.01-G.1. TYPICAL CONFIGURATIONS FOR DRIVEWAYS

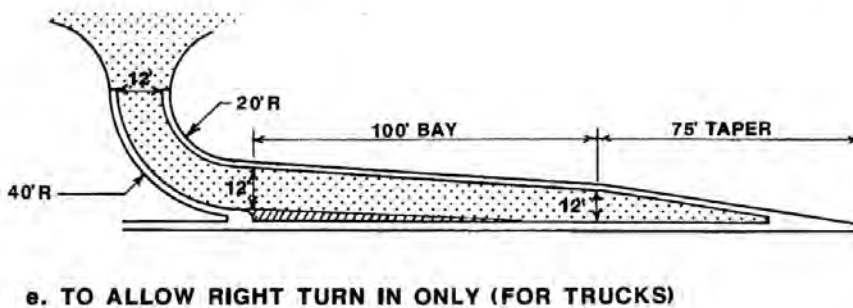
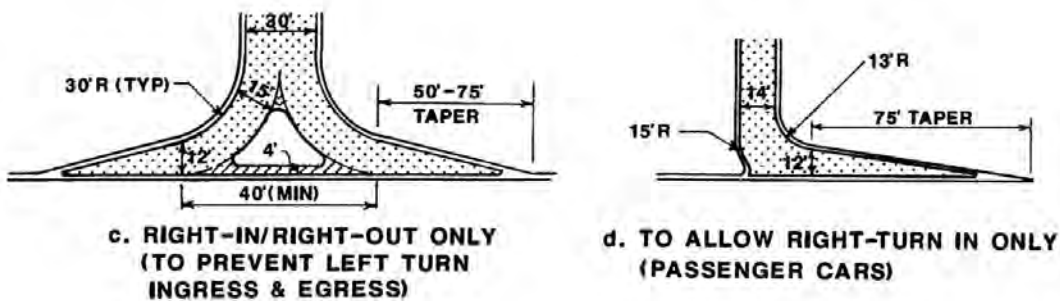
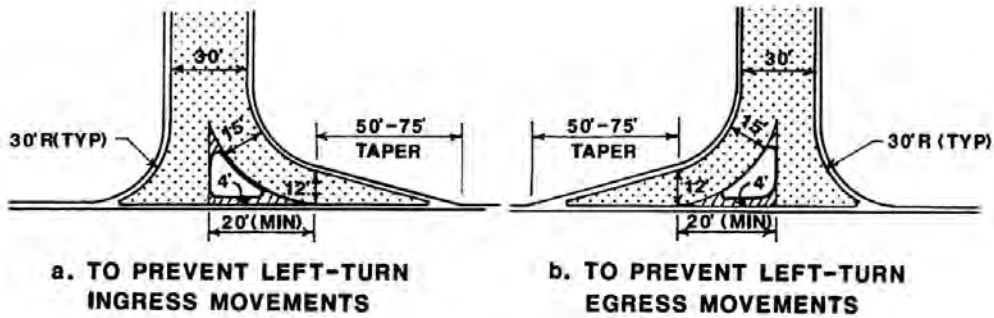


2. **Restricted Access Driveways.** Left- and right-turn movements on and off roadways typically have the greatest impact on traffic flow and accident frequency. Therefore, where driveways are proposed in areas which have a high accident rate or significant traffic congestion/delays, or where left-turn access is available through alternative means of access, the [Zoning Administrator](#) 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 10.01-G.2.](#) 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.



FIGURE 10.01-G.2. CHANNELIZATION ISLAND OPTIONS FOR CONTROLLING TURNS

CHANNELIZATION ISLAND OPTIONS FOR CONTROLLING TURNS



3. [Construction](#) Standards.

a. **Curb Radii.**

- i. Driveways shall be designed with minimum twenty-five (25)-foot radii where primarily passenger vehicle traffic is expected.
- ii. For sites where truck traffic is expected, the driveways shall be designed with minimum thirty (30)-foot radii.

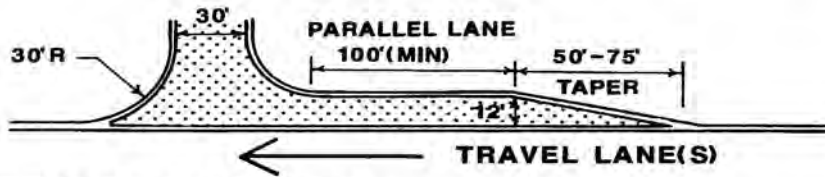
b. **Deceleration Lanes & Tapers.**

- i. Where it can be demonstrated that daily driveway volumes are expected to exceed one thousand (1,000) 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.
- ii. Where site frontage allows, a twelve (12)-foot wide [deceleration lane](#) with a fifty (50)- to seventy-five (75)-foot taper and a minimum one hundred (100)-foot long parallel storage lane shall be constructed as shown in [Figure 10.01-G.3.a.](#)
- iii. 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 [adjacent 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 seventy-five (75) feet shall be constructed as shown in [Figure 10.01-G.3.b.](#)
- iv. A continuous right-turn lane, as shown in [Figure 10.01-G.3.c.](#) may be required where driveway spacing requirements restrict the use of consecutive turn bays and tapers.
- v. 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 10.01-G.3.d.](#)

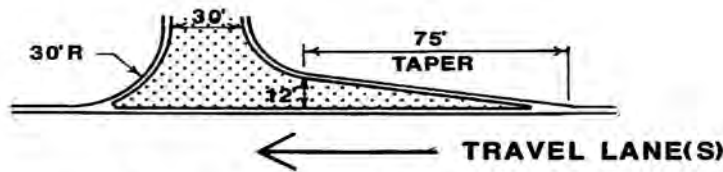


FIGURE 10.01-G.3. DECELERATION LANES AND TAPERS

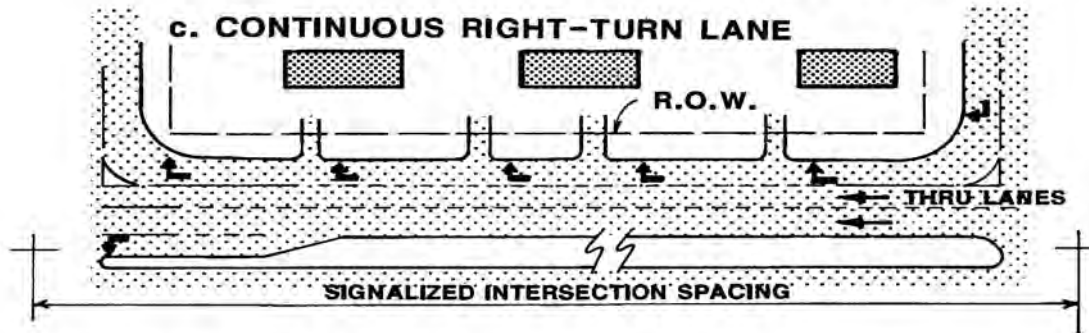
a. DECELERATION TAPER WITH PARALLEL LANE



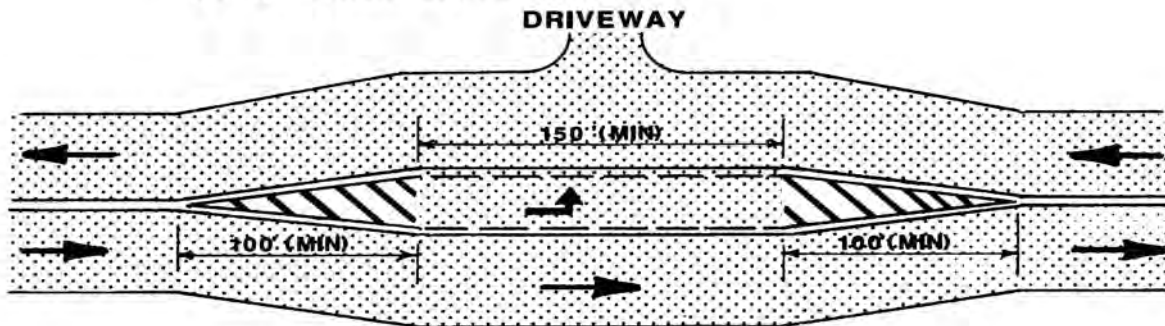
b. DECELERATION TAPER



c. CONTINUOUS RIGHT-TURN LANE



d. BY PASS LANE



c. Grades and Drainage.

- i. Driveways shall be constructed such that the [grade](#) for the twenty-five (25) feet nearest the pavement edge or shoulder does not exceed one and one-half percent (1.5%), where feasible. In no case shall the driveway grade between the pavement edge and [right-of-way](#) exceed seven percent (7%). The driveway grade thereafter shall not exceed the values in [Table 10.01-G.1.](#)

TABLE 10.01-G.1. DRIVEWAY GRADE STANDARDS

DRIVEWAY TYPE	DRIVEWAY GRADE ¹	
	Desirable	Maximum
High Volume Driveway	7%	10%
Low Volume Driveway	10%	13%

¹Based on standards accepted by the Institute of Transportation Engineers.

- ii. Vertical curves, with a minimum length of fifteen (15) feet shall be provided on driveway approaches at a change in [grade](#) of four percent (4%) or more.
- iii. 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.
- d. **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.
- e. **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.

H. Design of Frontage Roads or Service Drives

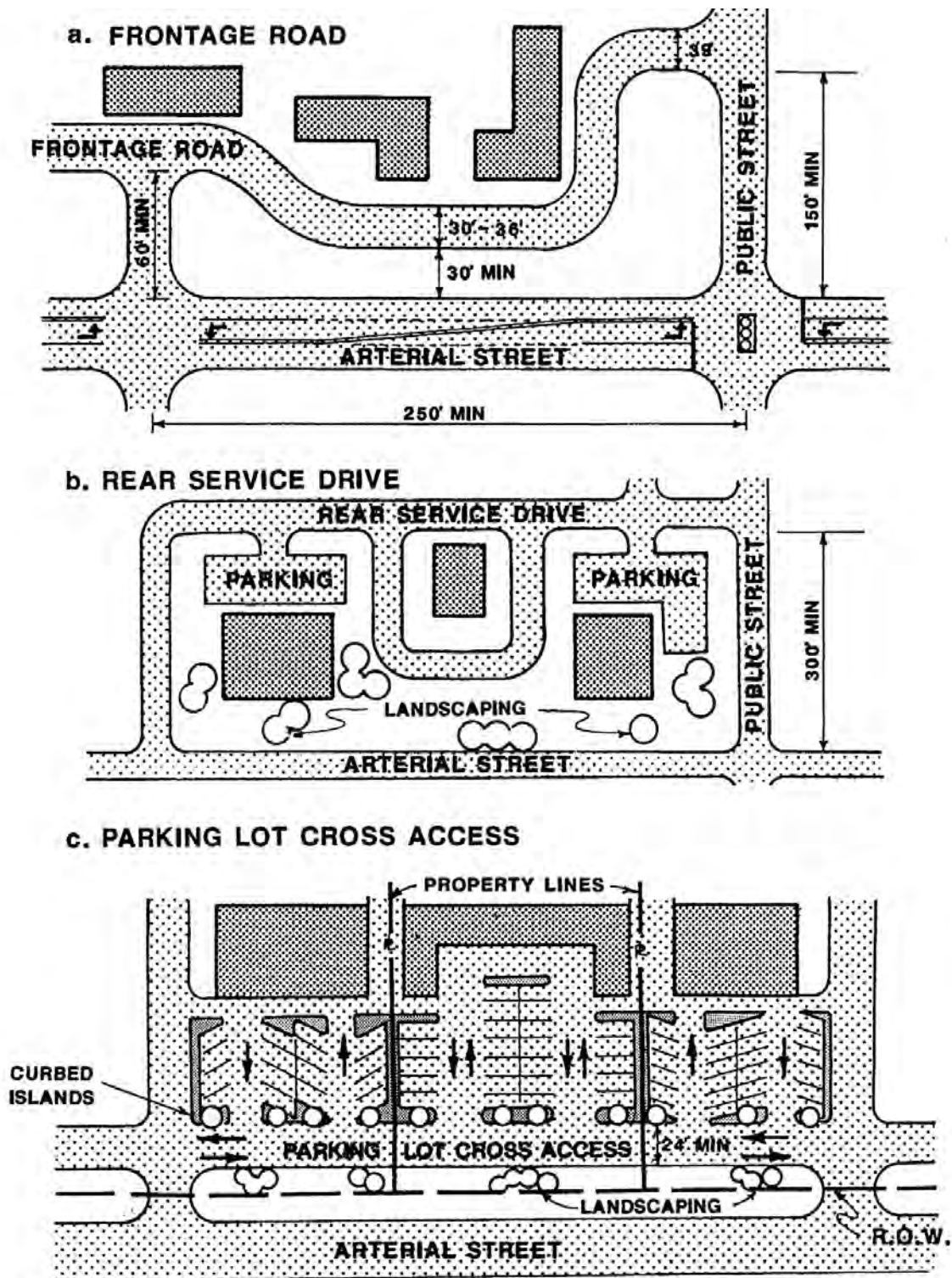
1. Frontage roads and service drives required by other sections of this ordinance shall be constructed to the following standards:
 - a. Frontage roads and service drives shall be designed at a width of thirty (30) to thirty-six (36) feet, measured face-to-face of curb with an approach width of thirty-nine (39) feet at intersections.



- b. [Frontage road](#) and [service drive](#) intersections shall be designed according to the same minimum standards as described for driveways in [Section 10.01 G.](#)
- c. Frontage roads shall have a minimum [setback](#) of thirty (30) feet from the [right-of-way](#) with a minimum of sixty (60) feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge (see [Figure 10.01-H.1.a.](#)). At driveways where it can be demonstrated that traffic volumes will exceed one thousand (1,000) vehicle trips per day, a minimum of eighty (80) feet of stacking space shall be required.
- d. The [frontage road](#) intersections shall be located a minimum distance of one hundred fifty (150) feet from the centerline of the nearest intersecting [public street](#), as shown in [Figure 10.01-H.1.a.](#)
- e. Intersections for rear access service drives should be located at least three hundred (300) feet from the street that the adjacent buildings have frontage on, as shown in Figure 10.01-H.1.b.
- f. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum thirty (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.
- g. 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 [Zoning Administrator](#) 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 10.01-H.1.c.](#), with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.



FIGURE 10.01-H.1. DESIGN OF FRONTAGE ROADS AND SERVICE DRIVES



SECTION 10.02 PRIVATE ROADS

- 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 Charter 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
 - i. **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.
 - ii. **Crown.** The road surface shall have a minimum crown of two-tenths of one foot (0.2) from the centerline of the [private road](#) to the outside edge of the pavement.
 - iii. **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.
 - iv. **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 (0.22) 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.



- v. **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.
- vi. **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.
- vii. **Drainage.** [Drainage](#) provisions for private roads shall be in compliance with the regulations of the Eaton County Drain Commissioner's Office.
- viii. **Slope.** Street grades shall not exceed ten percent (10%).

b. General Requirements.

- i. **Easement.** 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.
- ii. **Road Name.** A road name shall be approved by the Tri-County Regional [Planning Commission](#) and the Eaton County 911 Central Dispatch.
- iii. **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.
- iv. **Erosion.** All private roads are subject to regulation under Eaton County's Soil Erosion Program as administered by the Eaton County Drain Commissioner.
- v. **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. Service Drives.

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 thirty (30) feet in width, prohibit parking on either side, and be open to the general public.
- d. The [service drive](#) shall serve two (2) or more properties.

SECTION 10.03 TRAFFIC IMPACT STUDIES

A. **Intent.** Delta Township recognizes the direct correlation between land [development](#) and traffic operations. The intent of this section is to permit accurate evaluation of expected impacts of a proposed project 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.

B. **Applicability.**

1. A traffic impact study shall be required and shall be submitted by a petitioner for rezoning, [special land use](#) permit, [site plan](#) review, or [condominium subdivision](#) requests which could generate at least one hundred (100) directional trips during the [peak hour](#) of the traffic generator, or the peak hour on the adjacent streets, or over one thousand (1,000) trips in an average day.



2. 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.
- C. **Study Area Determination.** The [Zoning Administrator](#) 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.
- D. **Traffic Impact Study Contents.**
1. **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.
 2. Description of the Requested Zoning or Use.
 - a. For a rezoning request, a general description of the proposed use shall be provided.
 - b. 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.
 3. **Description of Traffic Conditions.**
 - a. Traffic Counts. Describe existing conditions including existing daily and [peak hour](#) traffic volumes on adjacent streets(s) and intersections in the vicinity which are expected to be impacted. Traffic count data shall not be over two (2) years old, except the [Zoning Administrator](#) may permit twenty-four (24) hour counts up to three (3) years old to be increased by a factor supported by documentation that traffic has increased at a rate of no more than two percent (2%) in the past three (3) to five (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.
 - b. Roadway Characteristics. 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.



- c. Existing driveways and turning movement conflicts shall be illustrated and described.
 - d. The existing [right-of-way](#) shall be identified and any planned or desired expansion of the right-of-way request by the applicable road agency.
 - e. Traffic accident data covering the most recent three (3) years for intersections analyzed in the impact study may be required, particularly for sites along corridors identified as critical or congested corridors. The [Zoning Administrator](#) shall be responsible for obtaining traffic accident data if it is required.
4. **Trip Generation.**
- a. 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.
 - b. 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.
 - c. 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.
 - d. For projects intended to be developed in phases, the [trip generation](#) phase shall be described in order to determine the need for improvements at the various stages of [development](#).
5. **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.
6. **Impact Analysis.**
- a. For any project with a completion date beyond one (1) 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 [Zoning Administrator](#).

- b. 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 (5%) 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.
 - c. The impact study shall include gap studies for un-signalized intersections.
 - d. The Township may require that the impact of the street network be evaluated for a project of regional significance if a network model is available.
7. **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 intersections), including any [sight distance](#) limitations, dimensions from adjacent driveways, and intersections within three hundred fifty (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.
8. **Other Study Items.**
- a. The traffic impact study shall describe the need for, or provision of, any additional [right-of-way](#) where required.
 - b. The study shall note changes which should be considered to the [site plan](#) layout.
 - c. The study shall include a description of any non-motorized facilities.
 - d. If the use involves a drive-thru facility, the adequacy of the queuing (stacking) area shall be evaluated.
 - e. If a median crossover is desired, separate analysis shall be provided.
 - f. 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.
9. **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.

10. **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.

E. **Submittal.**

1. A traffic impact study shall be submitted at the time an application is filed for a rezoning, [special land use](#) permit, [condominium subdivision](#), and/or a [site plan](#).
2. The Township shall distribute the traffic impact study to the appropriate road agencies. A copy shall also be submitted to the Tri-Regional [Planning Commission](#) for projects of regional significance.
3. The road agencies shall provide the Township with comments prior to any action on the project. The [Zoning Administrator](#) shall review and comment on the traffic impact study and prepare a report for the [Planning Commission](#).

- F. **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 Zoning 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?

SECTION 10.04 SIDEWALKS

Sidewalks shall be installed along all public and private roads as required by the Delta Charter Township Code of Ordinances, as amended. In addition, all sidewalks shall meet the following standards of [development](#):

- A. Internal sidewalks within a [development](#) shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination.



- B. Sidewalks shall interconnect the [development](#)'s internal pedestrian system to existing or future sidewalk locations along a public [right-of-way](#).
- C. Where sidewalks abut a parking lot, the sidewalk's minimum width shall be seven (7) feet.
- D. Sidewalks adjacent to commercial buildings shall have a minimum clear width of five (5) feet from pedestrian access which is not obstructed by product displays, vending machines, etc.



CHAPTER 11

OFF-STREET PARKING

SECTION 11.01 GENERAL PROVISIONS

A. Scope of Regulations.

1. At the time any building or [structure](#) is erected, enlarged or increased in capacity, or uses or occupancy established or changed, off-street parking shall be provided in all zoning districts according to the requirements of this Chapter.
2. No [parking 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 Chapter, except as provided for in [Section 11.01 C.8.](#)
3. Parking areas must have the same zoning classification as the property on which the [principal use](#) is located which they are serving.

B. Location of Parking.

Off-street parking facilities required by this Chapter shall be located on the same lot or [parcel](#) as the use for which the parking is required or on an [abutting lot or parcel](#) under the same ownership. This requirement does not apply to joint parking facilities developed in accordance with the requirements of this Chapter.

1. **One and [Two-Family Dwellings](#).** The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or [parcel](#) as the building they are intended to serve, but shall not be considered a parking facility under the provisions of this Chapter.
2. **All Other Uses.** Off-street parking facilities, other than single- and [two-family dwellings](#) shall be located on the same lot or [parcel](#) as the building or buildings they are intended to serve, and within five hundred (500) feet of the main entrance of the building intended to be served, unless otherwise modified by the [Zoning Administrator](#).

C. Units and Methods of Measurement.

1. **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the [gross floor area](#), except as noted in [Section 11.01 C.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.

3. **Places of Assembly.** In [stadiums](#), sports [arenas](#), churches, and other places of assembly in which any portion of the seating consists of benches, pews, or other such seating each twenty-four (24) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
4. **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.
5. **Fractions.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction shall be counted as one (1) additional space.
6. **Off-Street Parking Requirements.**
 - a. **New Uses or Buildings.** The amount of required off-street parking spaces for new uses shall be in accordance with the schedule set forth in [Section 11.03](#) except for adjustments made to reflect the maximum permitted parking in [Section 11.01 C.7.](#), permitted parking reductions in [Section 11.01 C.8.](#), and shared parking in [Section 11.02.](#)
 - b. **Similar Uses and Requirements.** When a use is not specifically listed in [Section 11.03](#), the requirements of off-street parking for a similar use shall apply as determined by the [Zoning Administrator](#).
7. **Maximum Permitted Parking.** The number of parking spaces provided on any development site, with the exception of single-family residential developments, schools, colleges, child care centers, hospitals, places of worship and assembly, single-entity owned corporate office campuses thirty (30) or more contiguous acres in size, call centers, and industrial zoned development, shall not exceed the minimum standards of this Chapter by more than thirty percent (30%). This limitation is intended to limit excess amounts of impervious surface which result in increased stormwater run-off, prevent the unwarranted conversion of green space to paved areas, and promote improved aesthetics
8. **Permitted Parking Reductions.** The [Zoning Administrator](#) may permit a reduction from the parking standards in this chapter, not to exceed twenty percent (20%). The reduction shall be subject to the following:
 - a. An applicant may request a parking reduction at any time, as part of a current [site plan](#), [special land use](#), or rezoning application, or may request a reduction as a separate and distinct action with no other concurrent request.
 - b. The applicant shall provide a parking study with adequate information to assist the Zoning Administrator in determining the appropriateness of the request.
 - c. Sufficient area shall be reserved on the subject [parcel](#) to meet the minimum parking



standard if required by the [Zoning Administrator](#) in the future. The reserved area shall be suitable for [development](#) and not possess characteristics such as excessive slope, poor soils, [wetlands](#), etc.

- d. The Zoning Administrator may attach conditions to the approval of a parking reduction that bind such approval to the specific use in question.
- e. All of the parking spaces, including the spaces installed initially as well as those installed at a later date, shall comply with all applicable standards herein including, but not limited to, dimensions, setbacks, [landscaping](#), [buffer](#) strips, access aisles, etc.
- f. At any time following the approval of a [site plan](#) permitting a parking reduction, the [Zoning Administrator](#) may require that the additional parking be provided. The actions necessitating the additional parking would include, but not be limited to: unauthorized parking on adjacent properties; traffic congestion resulting from a lack of parking; a building expansion; and/or a change in land use on the subject [parcel](#). The Zoning Administrator shall provide the property owner with documentation substantiating the need for the additional parking.

SECTION 11.02 MIXED USE/SHARED PARKING FACILITIES

A. **Shared Parking for Separate Parcels.** The [Zoning Administrator](#) may approve shared parking for separate parcels subject to the following conditions:

1. The following documentation shall be provided by all parties participating in a shared parking arrangement:
 - a. A description of the land uses identifying their respective peak parking demands.
 - b. The hours of operation and the days of the week during which each use operates.
 - c. The location of the parking area intended for joint use and its proximity to the uses.
 - d. An analysis of the potential impact a joint parking area would have on the surrounding area, particularly residential neighborhoods.
2. A signed and notarized agreement shall be provided by the property owners acknowledging their consent to the shared parking arrangement. The signed agreement shall be recorded at the Eaton County Register of Deeds Office for each [parcel](#).
3. To demonstrate shared parking compatibility, the applicants shall use a recognized industry standard such as the Urban Land Institute's Shared Parking Report. The underlying parking requirements for each use shall be based on the parking requirements in [Section 11.03](#).
4. Sufficient area shall be reserved to provide the required parking for all of the individual uses computed separately on each [parcel](#) in the event that one party abrogates/with-



draws from the agreement. Should the shared parking agreement be withdrawn by either party, the [Zoning Administrator](#) shall mandate that each property provide the parking as required herein.

- B. Shared Parking for Mixed Use Developments on the Same Parcel. Shared parking for Mixed Use Developments on the same [parcel](#) may be reduced by the [Zoning Administrator](#), as set forth in Section 11.01 C.8., subject to the following requirements:
1. The following documentation shall be provided for the Mixed Use Development:
 - a. A description of the land uses identifying their respective peak parking demands.
 - b. The hours of operation and days of the week during which each use operates.
 - c. An analysis of the potential impact shared parking would have on the surrounding area, particularly residential neighborhoods.
 2. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report. Underlying [parking space](#) requirements for each use shall be based on the parking requirements outlined in [Section 11.03](#).
 3. Sufficient area shall be reserved to provide the required parking for all of the individual uses computed separately on the property in the event that one (1) party abrogates/withdraws from the agreement. Should the shared parking agreement be withdrawn by either party, the [Zoning Administrator](#) shall mandate that each property provide the parking as required herein.

SECTION 11.03 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

USE	REQUIRED NUMBER OF PARKING SPACES
A. RESIDENTIAL	
1. Dormitories	One (1) per three (3) beds.
2. Fraternities /Sororities	One (1) for each two (2) occupants of the building. Front yard parking is prohibited.
3. Functional Family	One (1) for each person over the age of 18 occupying the building.
4. Manufactured Housing Development	Two (2) for each manufactured home or manufactured home site.
5. Multiple-Family Dwelling	Two (2) for each two (2) or more bedroom unit and one and one-half (1.5) for each one (1) bedroom unit. One (1) for each efficiency unit.
6. Senior Housing	Independent Living Units – 0.65 for each unit. Interim or Intermediate Care Units – one (1) for each two (2) beds, plus one (1) per employee.



USE	REQUIRED NUMBER OF PARKING SPACES
7. Single- or Two Family Dwell- ing	Two (2) per each dwelling unit .
B. INSTITUTIONAL	
1. Child Care Centers	Two (2) spaces, plus one (1) for every eight (8) children licensed capacity.
2. Colleges and Universities	One (1) for each five (5) classroom seats, plus one (1) for each three (3) seats for auditoriums/gymnasiums/assembly halls, plus one (1) for each two (2) employees.
3. Convalescent Centers	One (1) for each four (4) beds or two (2) rooms, whichever is less; plus one (1) for each employee.
4. Dance and Union Halls, Civic Clubs, Fraternal Orders, Exhibit Halls, Ballrooms, Banquet Halls, Conference Centers, or similar uses	One (1) for every four (4) persons allowed within the maximum occupancy load determined by the Uniform Building Code .
5. Elementary and Middle Schools	One (1) per employee, plus the requirements of the auditorium or assembly hall provided at a rate of fifty percent (50%) of the requirements for assembly use as provided herein.
6. High Schools	One (1) for each teacher, plus one (1) for each ten (10) students, plus the requirements of the auditorium or assembly hall provided at a rate of fifty percent (50%) of the requirements for the assembly use as provided herein.
7. Hospitals	One (1) for each bed.
8. Places of Worship	One (1) for each five (5) seats.
9. Private Tennis Clubs, or similar uses	One (1) for every four (4) persons allowed within the maximum occupancy load determined by the Uniform Building Code .
10. Public Golf Courses	Five (5) for each hole, plus one (1) for each employee.
11. Stadiums , sports arenas or similar places of outdoor assembly	One (1) for each three (3) seats.
12. Theaters, Auditoriums and Assembly Halls	One (1) for each four (4) seats, plus one (1) for every two (2) employees.
C. OFFICES	
1. Banks, Credit Unions	One (1) for each 300 square feet of usable floor area .
2. General Offices	One (1) for each 300 square feet of usable floor area .
D. BUSINESS AND COMMERCIAL	
1. Amusement Center	One (1) for each game table, plus one (1) for each employee.
2. Athletic Facilities	One (1) for each four (4) persons allowed within the maximum occupancy as determined by the Uniform Building Code , plus one (1) for each employee.



USE	REQUIRED NUMBER OF PARKING SPACES
3. Barber Shops and Beauty Salons	One and one-half (1.5) for each chair/station, plus one (1) for each two (2) employees.
4. Blood Plasma Centers	One (1) for each collection station, plus one (1) space for occupancy of waiting area, plus one (1) space for each employee in the largest shift.
5. Bowling Alley	Four (4) for each lane.
6. Freestanding and other retail not otherwise specified herein	Four (4) per 1,000 square feet of usable floor area .
7. Funeral Home or mortuary	One (1) for each 50 square feet.
8. Furniture and home furnishing stores (not including appliance and carpet stores)	One (1) for each 800 square feet of usable floor area .
9. Gas Station, Full-Service	One (1) for each service bay, plus one (1) for each employee.
10. Gas Station, Self-Service	One (1) per each 200 square feet of NUA, plus one (1) for each employee.
11. Health Clubs.	One (1) for each four (4) persons allowed within the maximum occupancy load determined by the Uniform Building Code , plus one (1) for each employee.
12. Hotel , motel or other Lodging.	One (1) for each guest room, plus one (1) for each employee.
13. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
14. Miniature or Par 3 Golf Course	Two (2) for each hole, plus one (1) for each two (2) employees.
15. Nail Salons	One (1) for each chair/station, plus one (1) for each two (2) employees.
16. Outdoor Sales Areas	One (1) for each 1,000 square feet of outdoor sales area.
17. Outdoor Seating Areas for Restaurants and Bars	One (1) for each six (6) seats provided.
18. Recreational Vehicles, Boat, Motorcycle, Mobile Home, and similar sales & service uses.	One (1) for each 1,000 square feet of usable floor area showroom, plus one (1) for each employee, plus the requirements of any on-site repair facility as specified herein.
19. Restaurants (sit down), Bars and Lounges.	One (1) for each three (3) persons allowed within the maximum occupancy load determined by the Uniform Building Code , plus one (1) for every three (3) employees.
20. Restaurants, Carry-out, Drive-in, Drive-through , and Fast Food	One (1) for each two and one-half (2.5) persons allowed within the maximum occupancy determined by the Uniform Building Code , plus one (1) for each employee.
21. Retail Centers	Four (4) per 1,000 square feet of usable floor area .



USE	REQUIRED NUMBER OF PARKING SPACES
22. Supermarket, self-service food, or beverage shop	Four (4) per 1,000 square feet of usable floor area .
23. Tanning Salons and Massage Parlors	One (1) for each tanning bed or massage table, plus one (1) for each employee
E. INDUSTRIAL	
1. Industrial or Manufacturing establishment, Research and Testing Labs	One (1) for each two (2) employees.
2. Self-Storage	One (1) for each one hundred (100) storage cubicles. See Section 8.55 B. for further parking details.
3. Warehouses, Truck Terminals	One (1) for each two (2) employees.

SECTION 11.04 PARKING LOT DESIGN AND CONSTRUCTION

Required parking lots shall be installed and completed before issuance of a Certificate of Occupancy.

- A. With the exception of lots or parcels serving as sites for residential buildings containing four (4) or fewer units, every [parcel](#) of land hereafter used as a public or private parking area shall be installed and maintained in accordance with the following requirements:
1. All off-street parking facilities and driveways shall have a surface consisting of asphalt or concrete binder or pervious pavement. The [Zoning Administrator](#) may waive the hard-surface paving requirement subject to the following conditions:
 - a. The proposed driveways, turnaround, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 - b. Potential problems which could arise from the use of gravel or similar surfaces, including but not limited to erosion and dust, shall be addressed in order to avoid negative impacts on adjacent properties. A maintenance plan may be required to be submitted that demonstrates how potential negative impacts will be controlled.
 - c. An exemption from the hard-surface parking requirement shall be provided for parking facilities that serve public or private forest preserve areas, game refuge areas, parks, or similar recreation areas; or serve public and private conservation areas and structures for the [development](#), protection, and conservation of [open space](#), watersheds, water, soils, forests, and wildlife resources, playgrounds or athletic fields.
 2. All illumination for such parking facilities shall meet the standards set forth in [Section 12.05](#).
 3. Off-street parking facilities which necessitate vehicles backing directly into a public or [private road](#) are prohibited.



4. Parking may be permitted within any required [yard](#) with the exception that the parking area shall have a minimum [setback](#) of ten (10) feet from all front property lines and a minimum setback of five (5) feet from all side and rear property lines except where shared driveways and/or cross-access between adjoining sites is required.
5. Off-street parking areas shall not encroach upon any required [greenbelt](#) or [buffer](#) zone.
6. Concrete curbing shall be installed around the entire periphery of all off-street parking areas. The curbing shall be installed in accordance with the specifications for either raised or rolled concrete curbing herein illustrated in [Figure 11.04-A.1](#). The following are exempted from the curbing requirement: parking areas on industrially zoned properties which do not serve the general public, and are not visible from a public road, parking areas which serve public or private forest preserve areas, game refuge areas, parks, or similar recreation areas; or serve public and private conservation areas and structures for the [development](#), protection and conservation of [open space](#), watersheds, water, soils, forests, and wildlife resources, playgrounds or athletic fields.
7. Adequate ingress and egress to the parking facility, by means of clearly defined drives, shall be provided for all vehicles.
8. 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.
9. [Landscaping](#) shall comply with [Section 12.02](#).
10. Plans for the layout of parking facilities shall be in accordance with the minimum regulations provided in [Table 11.04-A.1](#) and [Figure 11.04-A.2](#).
11. Barrier-Free Parking. Off-street barrier-free parking facilities shall be provided in accordance with [Table 11.04-A.2](#).



FIGURE 11.04-A.1. MINIMUM PARKING AREA CURB SPECIFICATIONS

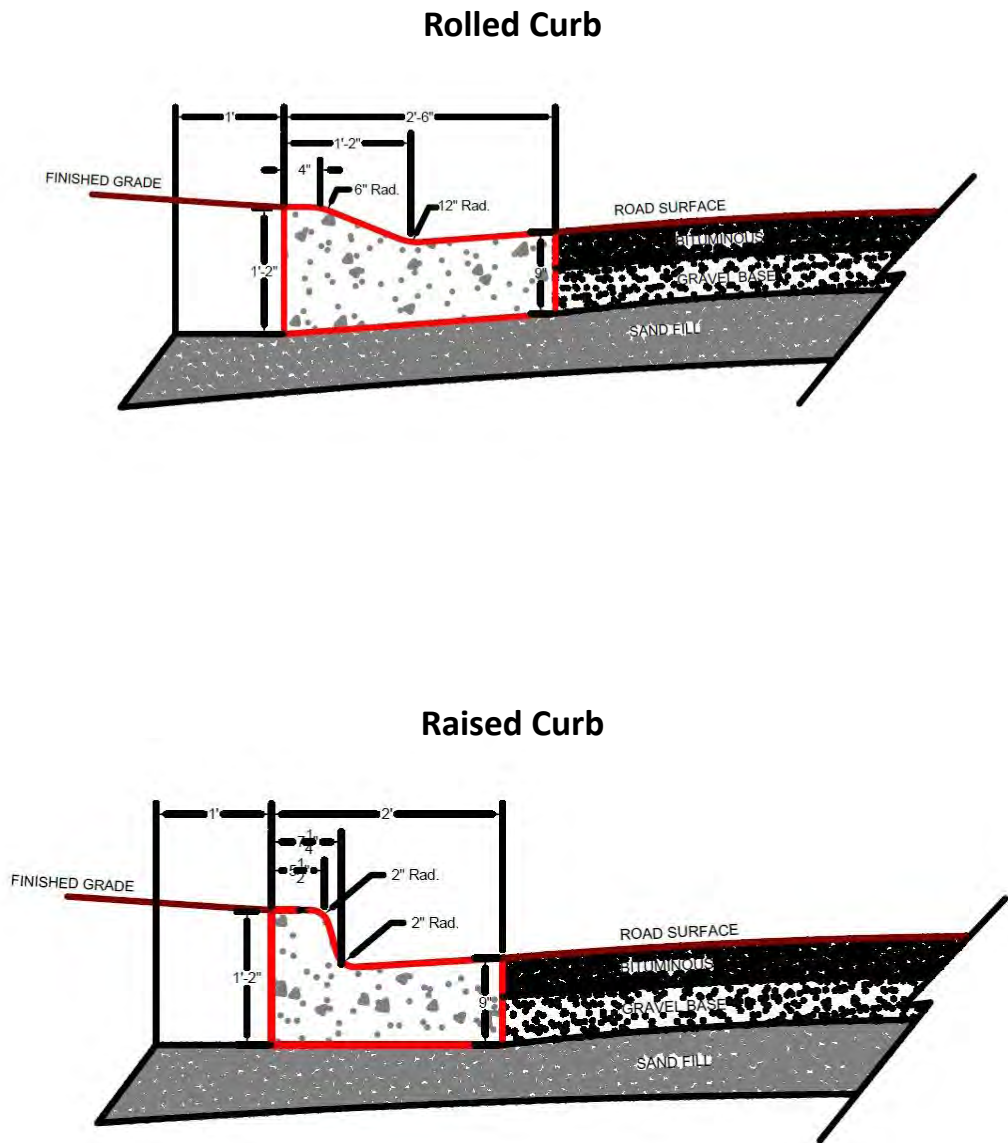


TABLE 11.04-A.1. PARKING LAYOUT

Parking Pattern	MANUEVERING LANE WIDTH (in feet)		PARKING SPACE DIMENSIONS (in feet)	
	One-Way	Two-Way	Width	Length
0-Parallel	12	24	9	23
45°	12	NA	9	18
60°	15	NA	9	18
90°	15	24	9	18



FIGURE 11.04-A.2. PARKING LAYOUT

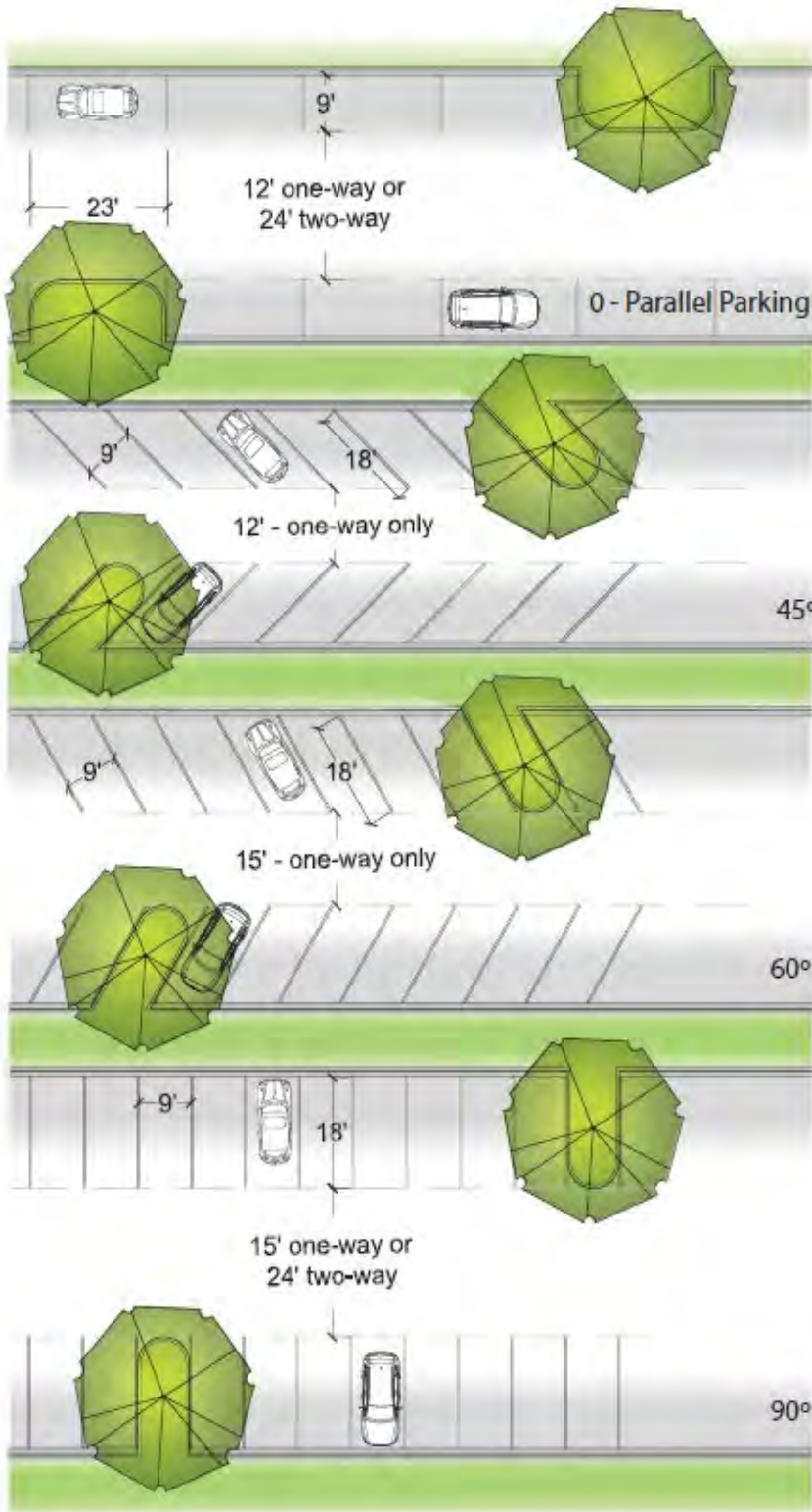


TABLE 11.04-A.2. BARRIER-FREE PARKING

TOTAL PARKING SPACES	REQUIRED BARRIER-FREE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus 1 for each 100 or fraction thereof, over 1,000

12. Bicycle Parking Requirement. One (1) bicycle [parking space](#), provided in the form of a bicycle rack, shall be provided for every twenty (20) automobile parking spaces, with a minimum of two (2) spaces and a maximum of thirty (30) spaces required for all sites.

B. Electric Vehicle Parking Standards.

1. Parking.

- a. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces in accordance with [Section 11.03](#).
- b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Electric vehicle charging stations shall be sized the same as a standard [parking space](#).

2. **Lighting.** Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.

3. Equipment Standards and Protection.

- a. Vehicle charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create [trip hazards](#) on sidewalks.



- b. Adequate vehicle charging stations protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is [setback](#) a minimum of twenty-four (24) inches from the face of the curb.
- 4. **Signage and Notification of Station Specifics.**
 - a. Each electric vehicle charging station space may be posted with signage indicating the space is only for electric vehicle charging purposes.
 - b. Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.
- 5. **Installation and Maintenance.**
 - a. All necessary electrical permits must be obtained.
 - b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

SECTION 11.05 PARKING RESTRICTIONS

A. Vehicle Parking in Residential Zoning Districts.

- 1. The parking or storage of the following upon private property shall be prohibited in Residential zoning districts:
 - a. A vehicle with three (3) or more axles.
 - b. A vehicle which exceeds twelve (12) feet in height or twenty-four (24) feet in total 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. **Semi-Truck Trailer Parking.** The parking of semi-truck trailers for more than a forty-eight (48) hour period in any [off-street parking area](#) in an Office or Commercial [zoning district](#) is prohibited with the exception of deliveries or [construction](#) activities.



- C. **Parking of Recreational Vehicles and Equipment.** No mobile homes; tent and travel trailers; motor homes; boats, jet-skis, snowmobiles and trailers designed for them; general purpose trailers; and similar equipment, shall be parked or stored within the [front yard](#) in the area extending the full width of the lot situated between the [front lot line](#) and the nearest point of the building [wall](#) of the [principal building](#) in excess of forty-eight (48) hours, either consecutively or cumulatively, within a seven (7) day consecutive period. If a lot is located at the intersection of two (2) or more streets, the parking and storage prohibition shall also include that the space on the lot, extending the full width or length of the lot which is situated between all other front [lot lines](#) and the nearest point of the building wall of the principal building. It is the intent of this section to provide clear vision areas in front of buildings, to ensure adequate emergency vehicle access to buildings, and to maintain the character of existing neighborhoods.
- D. **Lawn Parking.** The parking of motor vehicles on lawn areas in the required [front yard](#) on properties zoned RA, RB and RC shall be prohibited. Further, no more than thirty-five percent (35%) of the required front yard shall be paved with concrete, bituminous, or concrete unit/brick pavers.



CHAPTER 12

SITE DESIGN STANDARDS

SECTION 12.01 INTENT

It is the intent of this chapter to promote the public health, safety, and welfare and improve the site design and visual appearance of the Township by requiring consistent standards for such site elements as [landscaping](#), refuse, and [recycling](#) receptacles, equipment screening, and lighting.

SECTION 12.02 LANDSCAPING

- A. **Purpose.** [Landscaping](#) is the organization of outdoor space and shall be treated as an important design element. The landscape plan shall be designed to achieve the following purposes:
1. To preserve and enhance the identity or character of the site.
 2. To [screen](#) or filter views, [buffer](#) incompatible land uses, and blend inharmonious land uses.
 3. To integrate and unify various parts of the site.
 4. To improve the local environment by controlling soil erosion; moderating harsh or unpleasant sounds; removing air pollutants; controlling light trespass and reflection; moderating winds and the effects of climate; and promoting stormwater infiltration.
 5. To preserve and enhance existing environmental systems and wildlife habitat, including woodlands, [wetlands](#), and grasslands.
- B. **Landscape Plan.** A separate, detailed landscape plan shall be submitted as part of the [site plan](#) review as set forth in [Chapter 6](#).
- C. **General [Landscaping](#) Requirements.**
1. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, and hardy to Eaton County. Artificial plant materials cannot be used to meet the [landscaping](#) requirements herein.
 2. A mixture of live plant materials, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. One (1) species shall not exceed thirty-three percent (33%) of the total number of trees or shrubs.
 3. All parts of a site that will not be covered by buildings or other structures, streets, parking lots, or other paved areas, or planting beds, shall be stabilized with grass or ground covers. Margins between sidewalks and streets, islands in parking lots, medians in boulevards, streets, or driveways and similar areas shall be landscaped. The surfaces of islands and medians shall be stabilized with grass, ground covers, and/or low growing shrubs. The use



of mulch as the sole ground cover is prohibited. The use of small diameter loose stone shall be minimized since it can trespass into drains and public streets.

- D. **Coordination with Utilities.** Landscape installers shall make provisions to coordinate with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth and so as not to damage any utility or interrupt any utility service.
- E. **Existing Plantings.** The preservation and incorporation of existing plant materials in a landscape plan is encouraged. The [Zoning Administrator](#) may credit existing plant materials so as to meet the minimum [landscaping](#) requirements herein.
- F. **Stormwater Retention and Detention Ponds.** The installation of stormwater management systems including bio-swales, rain gardens, and retention and detention ponds in the overall landscape is encouraged. Stormwater management systems replicating natural design and appearance are also encouraged. 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 plant materials. The installation and use of stormwater retention and detention ponds shall be constructed and regulated as per the applicable standards of the Eaton County Drain Commissioner's Office.
- G. **Installation, Maintenance, and Completion of [Landscaping](#).**
1. All [landscaping](#) required by this Ordinance shall be planted prior to occupancy, or the submission of the appropriate financial surety as required in Sections [3.03](#) and/or [3.05](#).
 2. Plant materials shall be installed in such a manner so as not to negatively impact [drainage](#) patterns on site or on adjacent properties or to obstruct vision for traffic movements.
 3. Failure to install and maintain approved [landscaping](#) shall constitute a violation of this Ordinance.
- H. **[Buffer](#) Zones Required.**
1. The use of physical barriers and landscape screening within [buffer](#) zones is to provide for the transition from one (1) [zoning district](#) to another contrasting zoning district. This practice promotes compatibility between land uses; preserves the character of existing residential neighborhoods; and helps protect property values.
 - a. A landscape [screen](#) or a physical barrier such as a [wall](#) or [fence](#) within a [buffer](#) zone shall be installed on the property to be developed in order to create a visual screen along all adjoining boundaries as set forth in Table [12.02-H.1](#).
 - b. A landscape [screen](#) or a physical barrier within a [buffer](#) zone shall be required on the property to be developed, even if the adjacent property is unimproved or vacant land.
 - c. If a developed property changes to a more intense land use, a landscape [screen](#) or physical barrier within a [buffer](#) zone shall be installed on the property as set forth in Table [12.02-H.1](#).



2. **Buffer Zone Matrix.** Table [12.02-H.1](#) specifies the required buffer zone type required to be installed on the subject site to be developed based on the site's zoning classification and that of adjacent land. The zoning classification of the subject site is indicated in the left column of the table. The zoning classification of adjacent land is indicated across the top of the table.

TABLE 12.02-H.1. BUFFER ZONE MATRIX

ZONING OF SUBJECT SITE	ADJACENT TO NR, AG1 & AG2 ZONED LAND	ADJACENT TO RA, RB & RC ZONED LAND	ADJACENT TO RM ZONED LAND	ADJACENT TO O & C ZONED LAND	ADJACENT TO I ZONED LAND
NR					
AG1 & AG2					
RA, RB & RC					
RM	Buffer Zone C	Buffer Zone C			
O & C	Buffer Zone B	Buffer Zone B	Buffer Zone B		
I	Buffer Zone A	Buffer Zone A	Buffer Zone A	Buffer Zone A	

3. **Requirements for Plantings within Buffer Zones.**
- The minimum size and maximum spacing of the plantings shall be as specified in Table [12.02-L.1](#).
 - The width of the landscaped area and the [density](#) of plantings shall be as specified in the requirements for [Buffer](#) Zones A, B, and C herein.
 - Any one (1) species of the required trees may not exceed thirty-three percent (33%) of the total number of required trees.
 - Plants shall typically be arranged in a staggered pattern to create a continuous [screen](#).
 - Existing vegetation on the property to be developed, which is within the required landscaped area, may be credited toward meeting the screening requirement by the [Zoning Administrator](#) if the vegetation is healthy and meets the size and type requirements of Table [12.02-L.1](#).
4. **Requirements for Berms within [Buffer](#) Zones.**
- Berms shall be installed with slopes not to exceed a one to three (1:3) ratio. Berms shall generally have a flat top which is at least two (2) feet wide.



- b. [Berm](#) height shall be measured from the nearest adjacent top of the curb (parking lot), or nearest adjacent crown of the road, or the nearest adjacent finished first floor elevation; whichever is higher. Uniform [berm](#) heights and shapes should be avoided.
- c. [Berm](#) slopes shall be protected with sod, seed, or other forms of natural ground cover. Berms shall be constructed in such a manner so as not to alter [drainage](#) patterns on-site or on adjacent properties, or obstruct motorists' vision.
- d. If a [berm](#) is constructed with a retaining [wall](#) or by terracing, the earthen slope shall face the exterior of the site.

5. **Requirements for Walls or Fences within [Buffer Zones](#).**

- a. Required [screen](#) walls and fences shall be constructed with new, durable, weather resistant materials. Chain-link and barbed-wire fences shall not be permitted.
- b. The [wall](#) or [fence](#) may be constructed with openings that do not exceed twenty percent (20%) of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- c. [Screen](#) walls or fences shall not be constructed so as to alter [drainage](#) on site or adjacent properties or obstruct motorist's vision.

6. **[Buffer Zone](#) Widths and Development Standards.**

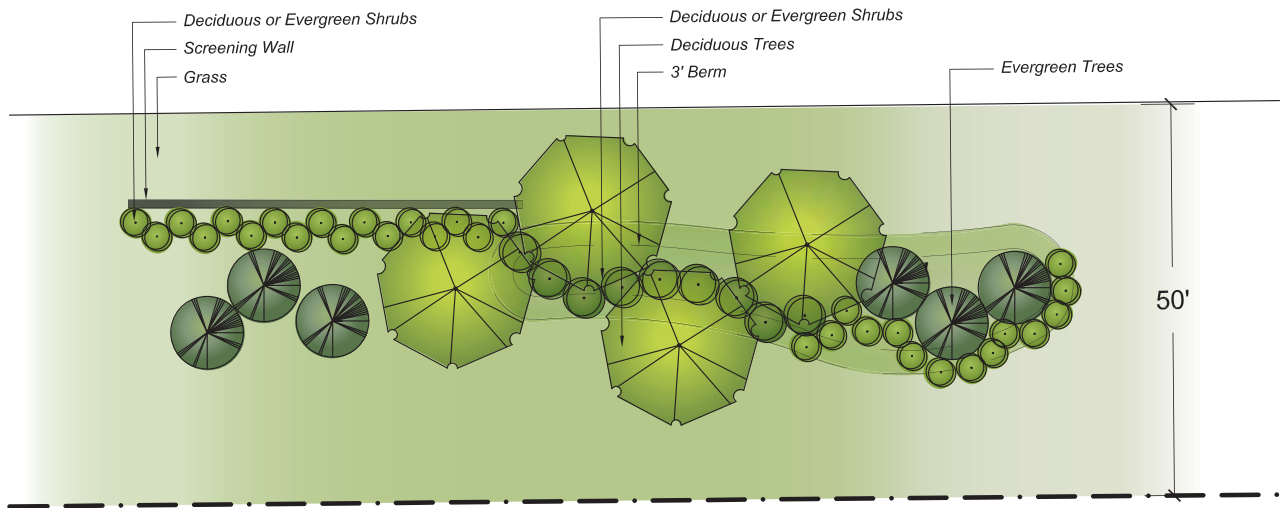
- a. **Minimum Required [Buffer Zone](#) Widths.** Buffer Zone A shall have a minimum width of fifty (50) feet. Buffer Zone B shall have a minimum width of thirty (30) feet. Buffer Zone C shall have a minimum width of ten (10) feet.
- b. **[Buffer Zone](#) Development Standards.**
 - i. The [buffer](#) zone shall contain one (1) tree for each thirty (30) linear feet or fraction of buffer zone length. At least one-half (0.5) of the total number of trees required within the buffer zone shall be deciduous trees.
 - ii. The buffer zone shall contain a three (3)-foot high [screen](#) comprised of [plant material](#), berming, [screen](#) walls and/or fences, or any combination of these elements.
 - iii. If berming is used for all or part of the buffer zone [screen](#), the [berm](#) shall contain a minimum of one (1) shrub for each ten (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](#).
 - iv. If a [screen wall](#) or [fence](#) is used for all or part of the [buffer](#) zone screen, a minimum of one (1) shrub for each ten (10) linear feet or fraction of [wall](#) or [fence](#) shall be placed on the exterior side of the wall or fence.



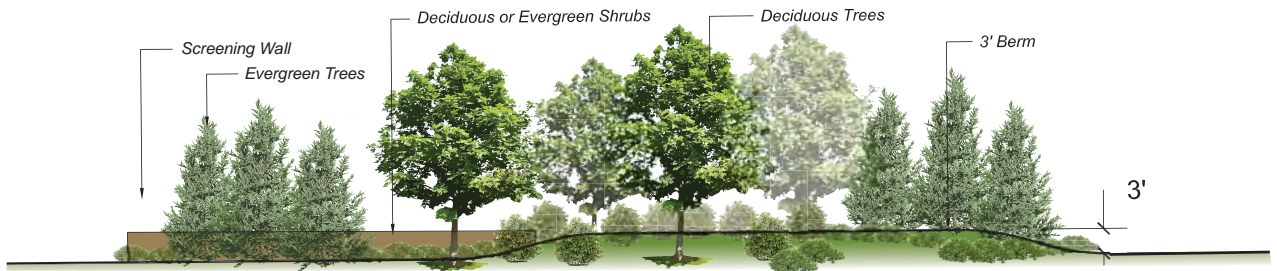
- v. If shrubs are used for all or part of the required [buffer](#) zone [screen](#), the screen shall consist of a minimum of one (1) shrub for each five (5) linear feet or fraction of screen length.
 - vi. All applicable standards in Table [12.02-L.1](#). shall be complied with.
- 7. **Phasing of [Buffer](#) Zones.** If the project is constructed in phases, the required buffer zone may also be constructed in phases. The [Zoning Administrator](#) shall determine the extent of each phase taking into consideration the adjacent land uses; the distance between land uses; building heights; and the physical characteristics of the site such as topography, existing vegetation, etc.
- 8. **[Buffer](#) Zone Waivers.** Should the [Zoning Administrator](#) determine, upon inspection, that an adequate [landscaping screen](#) on a site already exists, or that such landscaping [screen](#) shall not be required, the [buffer](#) zone requirements may be waived in whole or in part. The criteria which shall be used when considering a landscape screen waiver shall include, but shall not be limited to:
 - a. Variations in topography.
 - b. Existence of natural vegetation.
 - c. Existing and proposed building and parking lot placement.
 - d. Sight distances.
 - e. Adjacent land uses.
 - f. Existence of floodplains, [wetlands](#), and poor soils areas.
 - g. Existing [buffer](#) zones.
 - h. Existing or required greenbelts along thoroughfares.
- 9. **[Buffer](#) Zones along Thoroughfares.** If a buffer zone is required between zoning districts separated by a thoroughfare, the design of the buffer zone shall be determined by the [Zoning Administrator](#) based on the criteria contained in Section [12.02 H.8](#).



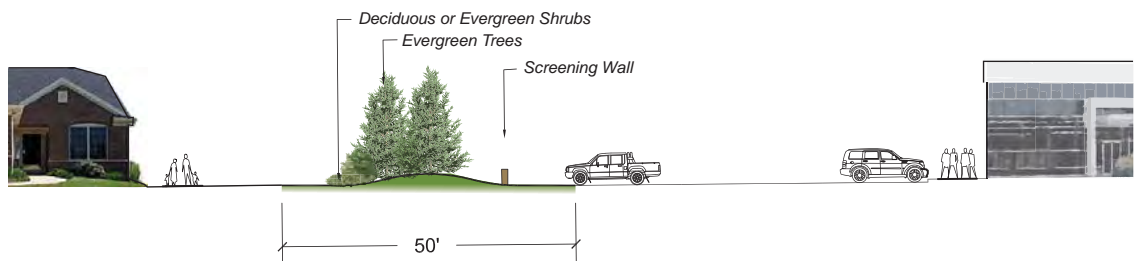
FIGURE 12.02-H.1. BUFFER ZONE A



PLAN VIEW



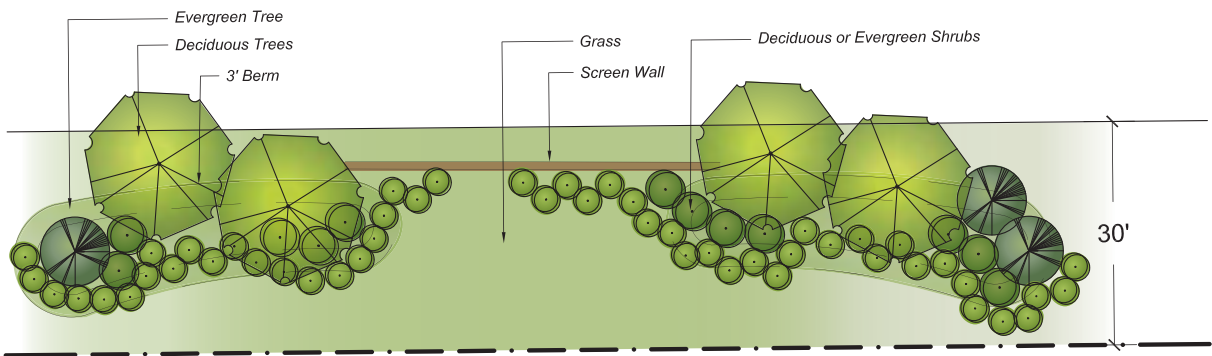
ELEVATION



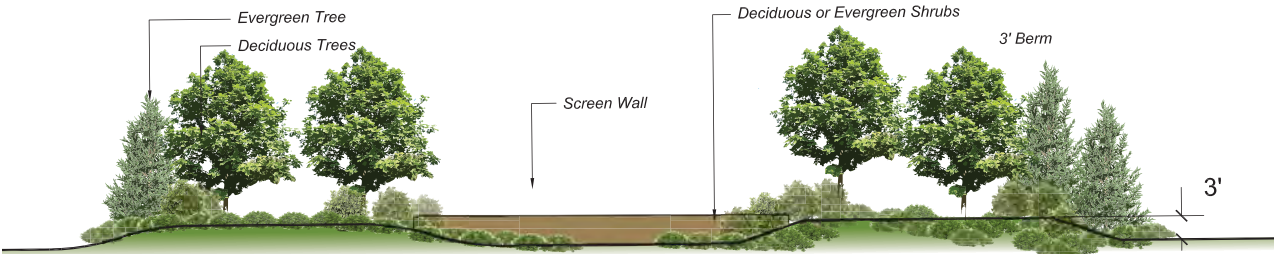
SECTION



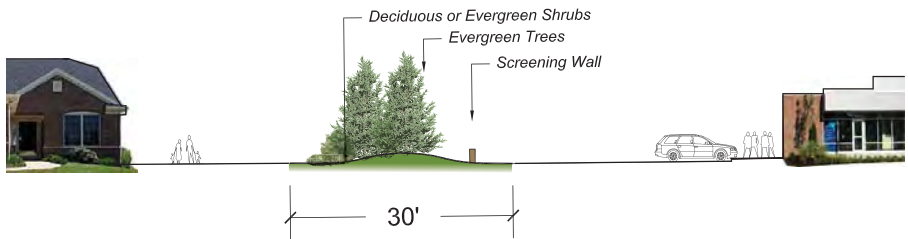
FIGURE 12.02-H.2. BUFFER ZONE B



PLAN VIEW



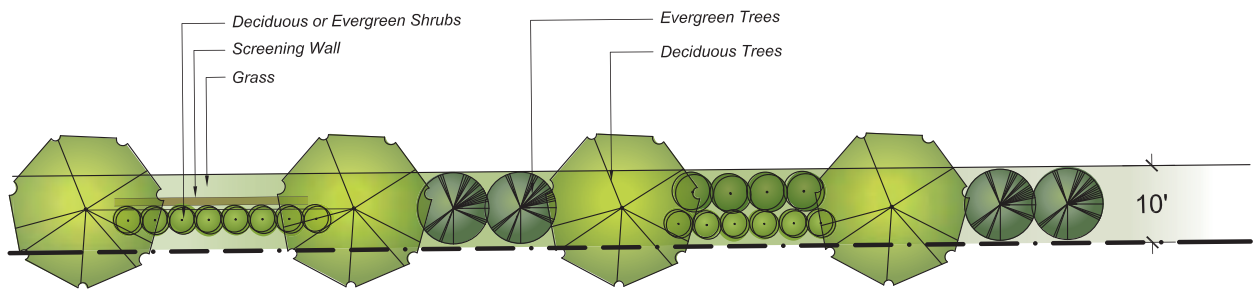
ELEVATION



SECTION



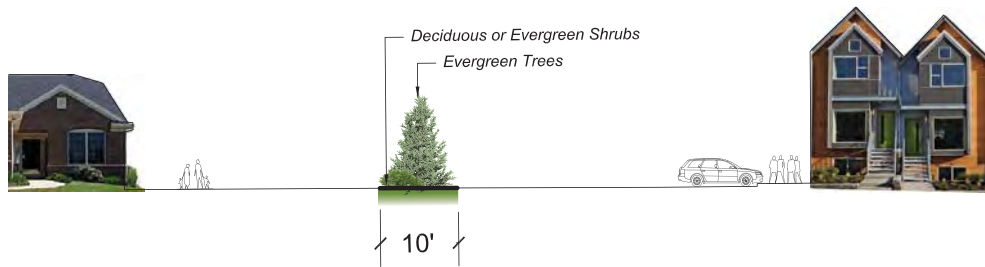
FIGURE 12.02-H.3. BUFFER ZONE C



PLAN VIEW



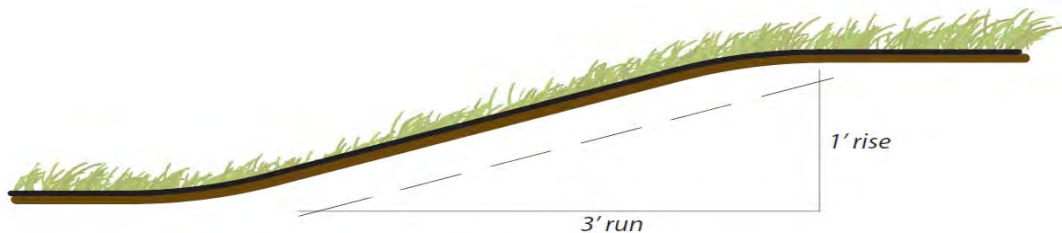
ELEVATION



SECTION



FIGURE 12.02-H.4. BERMS



MAXIMUM SIDE SLOPE FOR BERM

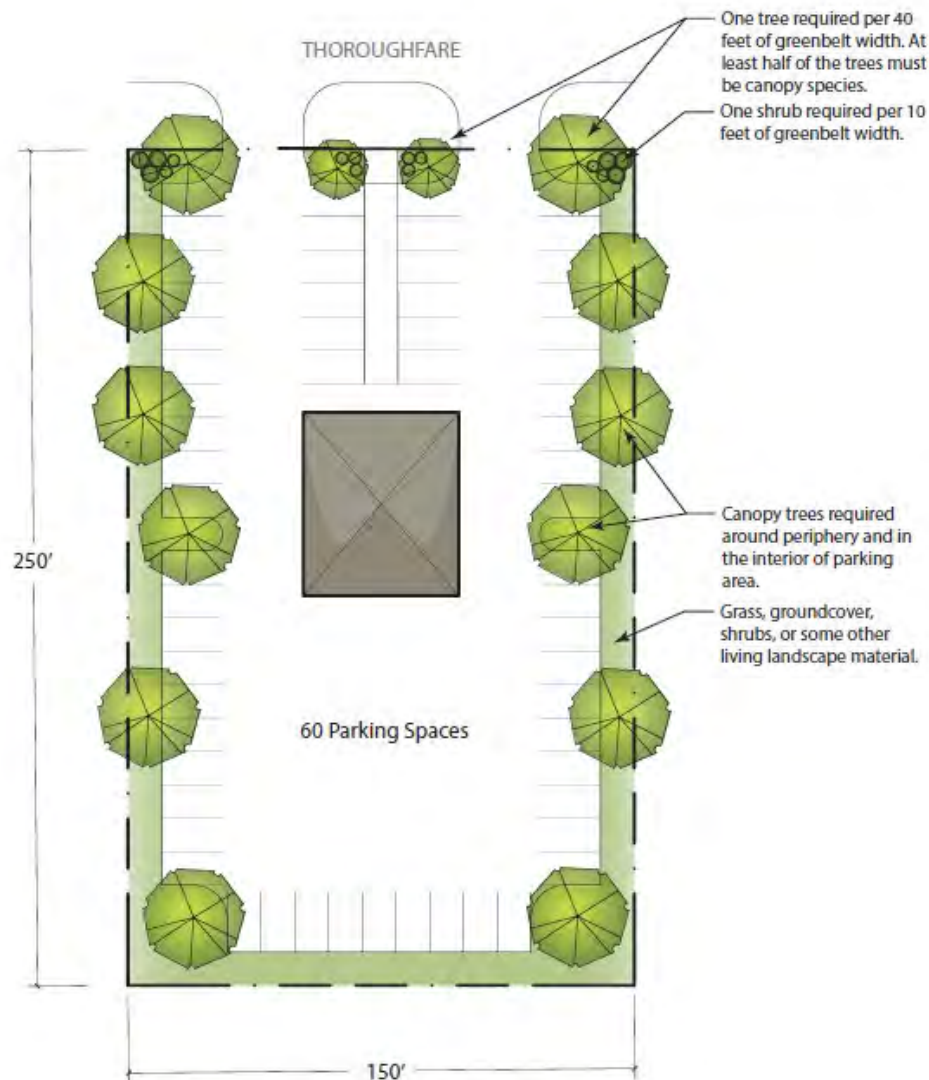
I. Parking Lot [Landscaping](#).

1. Separate landscape areas shall be provided within and at the perimeter of parking lots so as to improve aesthetics, guide the circulation of vehicular and pedestrian traffic, and provide opportunities for stormwater detention/retention.
2. [Landscaping Standards within Parking Lots](#).
 - a. Off-street parking areas containing six (6) or more parking spaces shall provide one (1) large deciduous tree and two hundred (200) square feet of landscaped area per six (6) spaces.
 - b. At least one-half (0.5) of the required parking lot trees shall be installed in the interior of the parking lot. The interior of the parking lot is defined as any point, a minimum of ten (10) feet from the outside boundary of the parking lot.
 - c. Landscape islands shall be curbed islands in the parking lot not less than one hundred (100) square feet in area, with a minimum width of eight (8) feet. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.
 - d. In residential zoning districts, not more than fifteen (15) spaces shall be permitted in a bay without a break. In office and commercial zoning districts, the number of spaces in a bay shall not exceed twenty (20) spaces without a break. The required breaks shall be provided by curbed, landscaped islands. Parking lots in industrial districts are not required to provide parking bay breaks.



- e. In no case shall the [buffer](#) zones or greenbelts required in Sections [12.02](#) H. and J. be considered as satisfying a portion of the off-street parking landscape requirements.
- f. Exemptions from Parking Lot [Landscaping](#) Requirements. Off-street parking areas located on industrially zoned properties which 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 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 playgrounds and playfields; shall be exempt from the [off-street parking area landscaping](#) requirements.

FIGURE 12.02-I.1. PARKING LOT LANDSCAPING/GREENBELTS



J. Greenbelts.

1. Greenbelts shall be required where any developed parcel abuts or faces a public thoroughfare in the RM, O, C, or I districts, in accordance with the standards set forth in this section. The [greenbelt](#) shall be located on the [parcel](#) to be developed and shall abut the road [right-of-way](#) unless otherwise approved by the [Zoning Administrator](#).
2. If a [buffer](#) zone is required along a thoroughfare, the [greenbelt](#) may serve as a replacement for the buffer zone as determined by the Zoning Administrator under the provisions of [Section 12.02 H.9.](#), herein.
3. [Greenbelt](#) Standards. All greenbelts shall comply with the following standards:
 - a. Greenbelts shall be a minimum of ten (10) feet in width.
 - b. Greenbelts shall be landscaped with a minimum of one (1) tree for each forty (40) linear feet or fraction of frontage abutting a public or [private road](#) right of way. Required trees within a [greenbelt](#) shall meet the minimum size and spacing requirements stipulated in [Table 12.02-L.1](#). At least fifty percent (50%) of the required trees within the greenbelt shall be deciduous trees. One (1) species of the required trees may not exceed more than thirty-three (33%) of the total number of required trees.
 - c. The [greenbelt](#) shall be landscaped with a minimum of one (1) shrub for each ten (10) linear feet or fraction of frontage abutting a public or [private road](#) right of way. Required shrubs within a greenbelt shall meet the minimum size and spacing requirements stipulated in [Table 12.02-L.1](#).
 - d. In addition to the required trees and shrubs within the [greenbelt](#), the remainder of the greenbelt shall be landscaped with grasses, ground covers, shrubs, and other natural landscape materials approved by the [Zoning Administrator](#).
 - e. Creative placement of the trees and shrubs, such as staggering, clustering, and/or other methods, is encouraged.
 - f. Access drives from public rights-of-ways through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum required number of trees and shrubs.

K. Site [Landscaping](#).

1. Properties in the RM, O, and C zoning districts shall provide a minimum of twenty percent (20%) of the [gross site area](#) in landscape material. Buffer zone, greenbelt, and parking lot landscaping may be counted toward compliance with the 20% requirement.
2. Site area [landscaping](#) may include a combination of grasses and ground covers; existing tree cover; planting of new trees and plant materials; landscape plazas; gardens; required



[buffer](#) zones and greenbelts; landscaped islands in parking lots; building foundation planting beds; detention/retention basins; ponds; and areas inundated with water.

3. Site area [landscaping](#) shall be provided to [screen](#) potentially objectionable site features such as, but not limited to, loading/unloading areas, electrical transformers, refuse, and [recycling](#) areas.
4. The [landscaping](#) design shall promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area.

- L. **Minimum Size and Spacing Requirements.** Where [landscaping](#) is required, the minimum size and spacing requirements set forth in Table [12.02-L.1](#), for representative landscape materials shall be applicable, unless otherwise specified in this Section.

TABLE 12.02-L.1. MINIMUM SIZE AND SPACE OF LANDSCAPE PLANTINGS

TYPE OF PLANTING	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING*						
	HEIGHT				CALIPER/ SPREAD			FEET						
	6'-7'	5'-6'	3'-4'	2'-3'	2"	24-36"	2 gal	25	15	6	5	4	3	1
Large Evergreen Trees, such as:														
Fir (Abies)														
Spruce (Picea)														
Pine (Pinus)														
Hemlock (Tsuga)														
Douglas Fir (Pseudotsuga)														
Tamarack; Larch (Larix)														
Narrow Evergreen Trees, such as:														
Arborvitae (Thuja)														
Juniper (Juniperus)														
Large Evergreen Shrubs, such as:														
Hicks Yew (Taxus)														
Upright Yew (Taxus)														
Spreading Yew (Taxus)														
Upright Juniper (Juniperus)														
Spreading Juniper (Juniperus)														
Mugho Pine (Pinus)														
Small Evergreen Shrubs, such as:														



TYPE OF PLANTING	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING*						
	HEIGHT				CALIPER/ SPREAD			FEET						
	6'-7'	5'-6'	3'-4'	2'-3'	2"	24-36"	2 gal	25	15	6	5	4	3	1
Spreading (Ward) Yew														
Upright (Brown) Yew														
Dwarf Spreading Juniper														
Dwarf Mugho Pine														
Euonymus varieties														
Vines, such as:														
Euonymus varieties														
Virginia Creeper														
Wisteria														
Riverbank Grape														
American Bittersweet														
Large Deciduous Trees, such as:														
Oak (Quercus)														
Maple (Acer)														
Beech (Fagus)														
Linden or Basswood (Tilia)														
Sweetgum (Liquidambar)														
Ginkgo (Male Only) (Ginkgo)														
Honeylocust (Gleditsia)														
Birch (Betula)														
Sycamore (Plantanus)														
Hickory (Carya)														
Black Cherry (Prunus)														
Tulip Tree (Liriodendron)														
Blackgum (Nyssa)														
Small Deciduous Trees (Ornamental), such as:														
Dogwood														
Flowering Cherry, Plum, Pear														
Hawthorn														
Redbud														

TYPE OF PLANTING	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING*						
	HEIGHT				CALIPER/ SPREAD			FEET						
	6'-7'	5'-6'	3'-4'	2'-3'	2"	24-36"	2 gal	25	15	6	5	4	3	1
Magnolia														
Flowering Crabapple														
Mountain Ash														
Hornbeam														
Sassafras														
Ironwood														
Serviceberry; Juneberry														
Ground Cover, such as:														
Euonymus varieties														
Wild Strawberry														
Wild Ginger														
Large Deciduous Shrubs, such as:														
Lilac														
Sumac														
Pyracantha														
Weigela														
Flowering Quince														
Cotoneaster														
Sargent Crabapple														
Dogwood (Red Osier, Grey, Silky)														
Euonymus varieties														
Viburnum varieties														
Witch-hazel														
Ninebark														
Vaccinium (Blueberry)														
Holly														
Spicebush														
Hazelnut														
Chokeberry														



TYPE OF PLANTING	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING*						
	HEIGHT				CALIPER/ SPREAD			FEET						
	6'-7'	5'-6'	3'-4'	2'-3'	2"	24-36"	2 gal	25	15	6	5	4	3	1
Chokecherry														
Buttonbush														
American Elder														
Small Deciduous Shrubs, such as:														
Fragrant Sumac														
Cotoneaster														
Potentilla														
Meadowsweet														
Leatherleaf														
Rubus/Ribes varieties														
* "Maximum on-center" spacing refers to the largest space allowed between <i>the centers</i> of plants of the same species/variety.														

FIGURE 12.02-L.1. TREE CALIPER

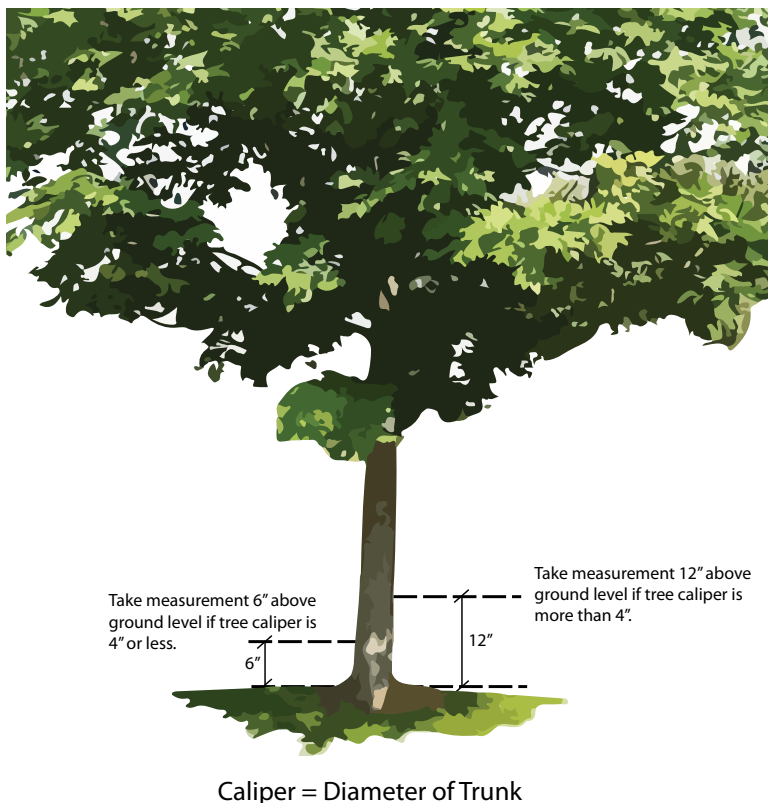
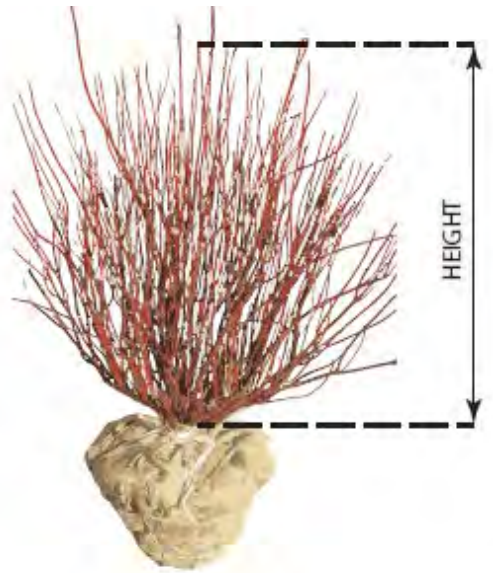


FIGURE 12.02-L.2. PLANT SIZES



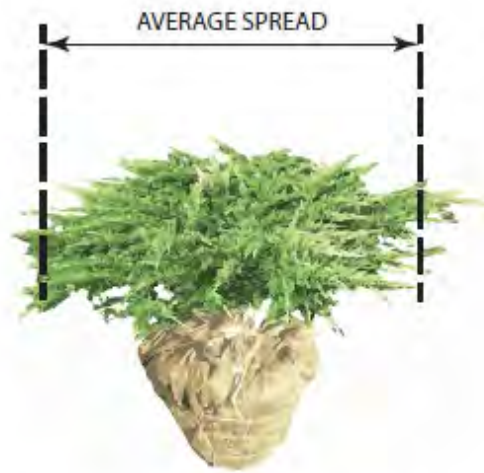
UPRIGHT EVERGREEN SHRUB



DECIDUOUS SHRUB



EVERGREEN TREE



SPREADING EVERGREEN SHRUB

PLANT SIZE IS MEASURED BY HEIGHT OR SPREAD INDICATED



- M. **Prohibited Species.** The trees listed in Table 12.02-M.1. are not permitted to be used to satisfy the landscape requirements herein due to the following characteristics: they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and/or they are unusually susceptible to disease or insect pests.

TABLE 12.02-M.1. PROHIBITED TREE SPECIES

COMMON NAME	HORTICULTURAL NAME
American Elm	Ulmus Americana
Black Locust	Robinia Species
Boxelder	Acer Negundo
Chinese Elm	Ulmus Parvifolia
Ginko	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars and Cottonwood	Populus Species
Sawtooth Oak	Quercus Acutissima
Siberian Elm	Ulmus Pumila
Silver Maple	Acer Saccharinum
Slippery Elm / Red Elm	Ulmus Rubra
Tree of Heaven	Ailanthus Altissima
Washington Hawthorne	Crataegus Phaenopyrum (with thorns)
Willows	Salix Species

SECTION 12.03 REFUSE AND RECYCLING CONTAINERS

- A. **Where Required.** The standards set forth in this section shall apply to all uses that have refuse and/or [recycling](#) disposal service by collective trash container. These standards shall not apply to curbside pickup for single [family](#) residential uses.
- B. **Container Standards:**
- Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with an opaque [fence](#) or [wall](#), and gate at least six (6) feet in height. The [fence](#) or wall shall be constructed of durable material, such as wood or masonry. Wire fencing or fencing with plastic, aluminum, or other filler strips shall not be used as enclosure walls or gates.
 - Containers shall not be located in a required [front yard](#).
 - Containers located in a permitted side or [rear yard](#) shall be at least five (5) feet from a property line.
 - Containers may be located in a required [buffer](#) zone, not located in a [front yard](#), subject to the container being screened as required by Section [12.03 B.1](#).



SECTION 12.04 EQUIPMENT SCREENING

- A. **Where Required.** The standards set forth in this Section shall apply to all uses located within the office and commercial zoning districts for which mechanical equipment including, but not limited to: generators, heating, ventilation, and air conditioning, is placed upon a roof of any building or on the ground outside of the building. These standards shall also apply to non-residential uses located within the Township's residential zoning districts. Uses located within the Township's industrial [zoning district](#) shall be exempt from these standards.
- B. **Screening Requirements.** All equipment shall be screened as follows:
1. **Screening of Roof Mounted Equipment.**
 - a. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.
 - b. Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.
 2. **Screening of Ground Mounted Equipment.**
 - a. Ground mounted equipment may be screened by landscape materials. The landscape materials shall be evergreen species in order to provide a [screen](#) year-round.
 - b. Ground mounted equipment may be screened by fences or walls which shall be opaque at least as high as the equipment being screened.
 - c. Ground mounted equipment shall not be located in a required [front yard](#).

SECTION 12.05 LIGHTING

- A. **Where Required.** The standards set forth in this Section shall apply to all uses in the RM, O, and C districts for which exterior lighting is provided. Lighting shall be provided to illuminate pedestrian areas and parking lots for all new developments. [Table 6.06-A.1](#), Data Required for Site Plans, specifies the lighting related details required on site plans.
1. **Freestanding Pole Lighting.**
 - a. Exterior lighting shall be a full cut-off fixture as defined by IESNA or other suitably shielded fixture, downward directed.
 - b. Decorative or historic light fixtures may be approved by the [Zoning Administrator](#) as an alternative to shielded fixtures when it can be shown that there will be limited off-site light trespass through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.
 2. **Lighting Levels.**



- a. The intensity of light at the base of a light fixture pole shall not exceed ten (10) foot-candles.
- b. Light shall not exceed one-tenth (0.1) foot-candle along any property line which is adjacent to a residentially zoned property and one-half (0.5) foot-candle along all non-residential property lines.
- c. Light levels shall be measured on the horizontal plane at [grade](#) level within the site, and on the vertical plane of any property line or street right of way line at a height of five (5) feet above grade level.

3. **Height.**

- a. The maximum height of a fixture shall be no more than twenty (20) feet above [grade](#) in the RM district.
- b. The maximum height of a fixture shall be not more than thirty (30) feet above grade in commercial or office districts and twenty (20) feet in these districts if the subject [parcel](#) is abutting a residentially zoned property.

4. **Light Pole Location.** Light poles shall be located not less than five (5) feet from the edge of a drive or [parking space](#), where feasible, and not interfere with traffic flow, access to fire hydrants or other utilities.

B. **Non-Residential Building-Mounted Lighting.** Building-mounted lighting fixtures for the purpose of lighting entrances, adjacent sidewalks, parking areas and loading areas is permitted subject to the following restrictions:

1. Building-mounted lighting shall be a full cutoff fixture or fully shielded and directed downward to prevent light trespass. The intensity of light shall not exceed ten (10) foot-candles at [grade](#) for any building mounted fixture. Maximum fixture height shall be twenty (20) feet.
2. Light shall not exceed one-tenth (0.1) foot-candle at residential property lines and one-half (0.5) foot-candle at non-residential property lines.

C. **Exemptions.** The following are exempt from the lighting requirements of this Section, except that the [Zoning Administrator](#) may require a lighting and photometric plan when deemed necessary to protect the public health, safety and welfare:

1. Sports fields.
2. Swimming pools serving the public or private [club](#) members.
3. Holiday decorations.
4. Pedestrian walkway lighting less than three (3) feet in height.
5. Carnivals or other temporary commercial activities.



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CHAPTER 13

ENVIRONMENTAL PROVISIONS

SECTION 13.01 PURPOSE

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety and quality of the Township. No use otherwise allowed shall be permitted in any district that does not conform to the environmental standards set forth in this Chapter

SECTION 13.02 PRESERVATION OF ENVIRONMENTAL QUALITY

The preservation and enhancement of [natural features](#) is essential to maintaining Delta Township's character, ecological diversity and stability, economic well-being, and quality of life. For purposes of this section, "natural features" shall include [wetlands](#), watercourses, floodplains, and woodlands and trees. When natural features exist on a site proposed to be developed, the applicant shall do the following:

- A. **Federal, State, and Local Permits.** [Development](#) in or affecting [natural features](#) may be regulated by the federal, state, county or Township governments, and require licenses, permits, or approvals. Permits and approvals required by Delta Charter Township shall not relieve a person from obtaining applicable permits or approvals from other relevant jurisdictions. Similarly, obtaining permits from the federal, state or county government does not relieve a person from obtaining the required permits from Delta Charter Township.
- B. **Protected Natural Features.** In any [zoning district](#), none of the following [natural features](#) shall be obstructed, removed, altered, transformed, or otherwise impacted in any way at any time by any person except as may be permitted by the applicable regulating agency:
 - 1. Area, water level, vegetation, edge, bank, shore or natural condition of a river, stream, [watercourse](#), [drainage](#) way, lake, or pond, whether filled or partly filled with water or dry in certain seasons.
 - 2. Area, water level, vegetation or natural conditions of a marsh, swamp or regulated wetland.
 - 3. Living tree(s).

Site plans to be reviewed by the Township [Planning Commission](#) shall be accompanied by the information described in [13.02 C.](#) and [D.](#) below. Any such alterations shall be made in conformance to applicable local, state, and federal requirements.

- C. **Natural Features Impact Statement.** As part of the [Site Plan](#) Review process, as set forth in this ordinance, the applicant is required to determine if natural features exist on the site. If one natural feature is determined to exist on a site, then the applicant shall submit a Natural Features Impact Statement containing the following information:



1. Site inventory map clearly showing locations and types of [natural features](#) both on-site and those within one hundred (100) feet beyond the property lines. The drawing shall delineate:
 - a. Edges of woodlands, and description of plant community type, but not to include an inventory of individual tree species, sizes, and locations.
 - b. Edges of [wetlands](#), [watercourse](#) stream banks, ordinary pond and high water marks of water features, floodways, floodplains, areas of hydric soils, and highly permeable soils.
 2. A written description that illustrates the quality, character, and health of the [natural features](#).
 3. The following standards are intended to protect large mature trees on the periphery of office, commercial, and industrial zoned properties, as well as preserve the natural appearance of properties from a roadway.
 - a. A plan shall be provided identifying the species, size, and location of living trees with a Diameter at Breast Height (4.5 ft. above [grade](#)) of eight (8) inches or greater in required front and rear [setback](#) areas abutting a roadway. These trees shall be preserved.
 - b. Tree trimming and tree removal necessary to provide vehicular drives, sidewalks/paths, clear vision areas, utilities, [drainage](#) systems, etc. shall be permitted. The removal of diseased, storm damaged, and invasive trees such as box elders, poplars, and cottonwoods shall be permitted.
 4. Developers of residential subdivisions should refer to the Delta Charter Township Subdivision Regulations to determine any applicable tree protection regulations.
- D. **Natural Features Protection Plan.** In addition to the Natural Features Impact Statement, the applicant shall provide a Natural Features Protection Plan as part of the [Site Plan](#) Review process, showing:
1. Natural features on the subject [parcel](#) that are excluded from [development](#).
 2. Natural features that are to be retained as part of the [development](#), and the measures taken to sustain the natural features.

SECTION 13.03 FLOOD HAZARD REGULATIONS

- A. **Purpose:** The Federal Emergency Management Agency has identified [flood](#) hazard areas in Delta Charter Township. It is the purpose of this section to reduce hazards to persons and damage to property in such areas and to comply with the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and subsequent regulations enacted by the Federal Emergency Management Agency. 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 Charter Township shall be as determined by the report entitled The [Flood Insurance Study](#), Delta Charter Township, 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.
 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. 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
 - 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 13.03 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 (5) acres in size.
 - 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 13.03](#), Flood Hazard 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 the



following [flood](#) hazard reduction standards be complied with.

- a. All new [construction](#) of, or substantial improvements to, any [structure](#) or building shall be:
 - i. Designed and anchored to prevent flotation, collapse, or lateral movement of the [structure](#).
 - ii. Constructed with materials and utility equipment (electrical, heating, ventilation, plumbing, air conditioning, etc.) resistant to, or located to avoid, [flood](#) damage.
 - iii. Constructed by methods and practices that minimize [flood](#) damage.
 - iv. Have the lowest floor of buildings (including [basement](#)) elevated at or above the 100-year [flood plain](#) elevation.
 - v. Have any enclosed areas below a lowest floor or [basement](#) ventilated with at least two (2) openings (within one (1)-foot above [grade](#)) having a total net area of at least one (1) square foot per one hundred forty-four (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](#).

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 [flood](#)-proofed structures, the elevation to which the [structure](#) was [flood](#)-proofed.
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.



CHAPTER 14

NON-CONFORMITIES

SECTION 14.01 PURPOSE

- 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 nonconforming 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 nonconformities, to remain until the nonconformity is abandoned, discontinued, significantly damaged, destroyed, or removed.
- B. These nonconformities 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 nonconformities 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 nonconforming uses and structures over time.
- D. The tenancy, ownership, or management of any nonconforming use or nonconforming [structure](#) may change without altering the legal status of the nonconforming use or nonconforming structure.

SECTION 14.02 NON-CONFORMING USES

- A. **Non-Conforming Uses on Parcels and Lots.**
 - 1. Where, on the date of adoption or amendment of this Ordinance, a lawful use of a [parcel](#) or lot, such use not involving any buildings or structures or upon which parcel, or lot a building or [structure](#) is accessory to such [principal use](#), exists that 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 following provisions:
 - a. No such [non-conforming use](#) of a [parcel](#) or lot shall be enlarged, expanded, or extended to occupy a greater area of land than was [occupied](#) on the date of adoption or amendment of this Ordinance and no [accessory use](#), building, or [structure](#) shall be established therewith.
 - b. No such [non-conforming use](#) of a [parcel](#) or lot shall be moved in whole or in part to any other portion of such parcel or lot not [occupied](#) on the date of adoption of this Ordinance.
 - 2. If such [non-conforming use](#) of a [parcel](#) or lot 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 [non-conforming use](#) of a [parcel](#) or lot. At the end of this period of abandonment, the non-conforming use of a parcel or lot shall not be re-established, and any future use shall be in conformity with the provisions of this Ordinance.

3. Prior to termination of a [non-conforming use](#) of a [parcel](#) or lot due to abandonment or discontinuation, the Township [Zoning Administrator](#) shall provide written notice of the Township's intent to terminate such non-conforming 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 non-conforming use include, but shall not be limited to:
 - a. The length of time the use has ceased.
 - b. The disconnection of utility services.
 - c. The removal of buildings and structures.
 - d. The lack of normal maintenance of buildings and grounds.

B. **Non-Conforming Uses of Buildings and Structures.**

1. Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or [structure](#) exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful.
2. If such [non-conforming use](#) of a building or [structure](#) 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.
3. Prior to termination of a [non-conforming use](#) of a [structure](#) or building due to abandonment or discontinuation, the Township [Zoning Administrator](#) shall provide written notice of the Township's intent to terminate such non-conforming use of a structure or building 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 non-conforming use include, but shall not be limited to:
 - a. The length of time the use has ceased.



- b. The disconnection of utility services.
- c. The removal of buildings and structures.
- d. The lack of normal maintenance of buildings and grounds.
- 4. Any [structure](#), or structure and land in combination, in or on which a [non-conforming use](#) is superseded by a [permitted use](#), shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- 5. Where a non-conforming status applies to a [structure](#) and [premises](#) in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of greater than the structure's state equalized value (SEV), as determined by the Township Assessor at the time of the destruction.

SECTION 14.03 NON-CONFORMING BUILDINGS AND STRUCTURES

- A. **Continuance.** Use of a [non-conforming building or structure](#) may continue after the effective date of the adoption or amendment of this Ordinance. Any nonconforming building or [structure](#) that is damaged by fire, [flood](#), wind, or other Acts of God in excess of the structure's precatastrophe 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 precatastrophe SEV, as determined by the Township Assessor, the structure may be restored to its precatastrophe 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 which is commenced within two (2) years of the date of damage, and is diligently pursued to completion.
- B. **Moved.** A nonconforming 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.
- C. **Repairs and Maintenance.** Nothing in this Ordinance shall prohibit the repair or maintenance of a nonconforming building or [structure](#) to correct deterioration, obsolescence, depreciation, and wear.
- D. **Unsafe or Unlawful.** If a [non-conforming building or structure](#), or a portion of a building or [structure](#) containing a [non-conforming use](#) becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the [building official](#) to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 14.04 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 them 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 Section [14.04 B](#). below.

- B. The minimum [side yard setback](#) requirements for lots of record in the AG1, AG2, RA, RB, RC, and RM zoning districts which are non-conforming due to inadequate [lot width](#) shall be ten percent (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 specified herein shall be complied with.



CHAPTER 15

ZONING BOARD OF APPEALS

SECTION 15.01 GENERAL REGULATIONS

- A. **Membership.** The [Zoning Board of Appeals](#) shall consist of seven (7) members: a member of the [Township Board](#), a member of the Township [Planning Commission](#), and five (5) residents of the Township appointed by majority vote of the Township Board who shall be representative of the various interests and population distribution of the Township. An employee or contractor of the Township Board may not serve as a Zoning Board of Appeals member.
- 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 (5) 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. **Continuation.** The [Zoning Board of Appeals](#), as presently constituted, shall continue in the manner and for the terms heretofore established.
- D. **Alternates.** 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 will be unable to attend one (1) or more meetings of the Zoning Board of Appeals. 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.
- E. **Removal.** Members of the Zoning Board of Appeals may be removed by the [Township Board](#) for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- F. **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself constitutes malfeasance in office.



- G. **Quorum.** The [Zoning Board of Appeals](#) shall not conduct business unless a majority of the members of the Zoning Board of Appeals are present.
- H. **Rules and Regulations.** In addition to the procedural requirements set forth in the Zoning Enabling Act, the [Zoning Board of Appeals](#) shall fix rules and regulations to govern its procedures, including:
1. The Zoning Board of Appeals shall adopt rules and regulations not otherwise inconsistent with the Michigan Zoning Enabling Act to govern its procedures and shall determine its own officers, except that the member from the [Township Board](#) shall not serve as Chairperson.
 2. Meetings of the [Zoning Board of Appeals](#) shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedure.
 3. A member of the Zoning Board of Appeals who is also a member of the [Planning Commission](#), or the [Township Board](#) shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
 4. 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 and pursuant to the rules established by the Clerk therefore.
- I. **Notice.** Following receipt of a written request concerning a request for a [variance](#), the Zoning Board Appeals shall fix a reasonable time for the hearing of the request, not to exceed forty-five (45) days, and give notice as provided in Section [3.04](#), Notices.
- J. **Stay.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the [Zoning Administrator](#) certifies to the [Zoning Board of Appeals](#) that a stay would, in their opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Circuit Court on application, and on due cause shown.
- K. **Decisions.** Decisions of the [Zoning Board of Appeals](#) shall be in the form of a resolution stating the findings of fact determined by the Board, the decision, and any conditions attached to the decision. The decision shall be in writing and signed by the chairperson.

SECTION 15.02 POWERS AND DUTIES

The [Zoning Board of Appeals](#) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act in such a way that the objectives of this Ordinance shall be attained; the public health, welfare, and safety secured; and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided in this Ordinance.

SECTION 15.03 REVERSE OR AFFIRM ZONING ADMINISTRATOR

- A. **Appeals.** An appeal of an order, requirement, decision, or determination of the [Zoning Administrator](#) to the [Zoning Board of Appeals](#) may be taken from a person aggrieved or from an officer, department, board, or bureau of the state, county, or Township.



- B. **Power and Duty.** The [Zoning Board of Appeals](#) shall hear and decide appeals where there is an error alleged in any order, requirement, decision, or determination made by the [Zoning Administrator](#) in the enforcement of this Ordinance.
- C. **Reverse or Affirm Zoning Administrator.** In exercising the above mentioned powers, the [Zoning Board of Appeals](#) may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the [Zoning Administrator](#) from whom the appeal is taken.

SECTION 15.04 VARIANCE

- A. **Power and Duty.** The [Zoning Board of Appeals](#) shall have the power and duty to authorize upon appeal in specific cases such non-use variances from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in [practical difficulty](#).
- B. **Application Required.** An application for a [variance](#) shall be with the [Zoning Administrator](#) or their designee. The application shall consist of a completed application form, required fee, and documentation demonstrating all of the following:
 - 1. That the [variance](#) request is due to unique circumstances peculiar to the property and not to the general neighborhood conditions.
 - 2. That the [variance](#) would not cause a substantial adverse effect on properties in the immediate vicinity of the subject [parcel](#) or be contrary to the public interest.
 - 3. That the need for the [variance](#) is not self-created.
 - 4. That the [variance](#) is not contrary to the purposes of this Ordinance.
 - 5. That no [non-conforming use](#) of neighboring lands, structures, or buildings in the same district, and no [permitted use](#) of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- C. **Findings.** Prior to granting a [variance](#), the [Zoning Board of Appeals](#) shall find that one (1) of the following requirements have been met by the applicant for the variance:
 - 1. Where there are practical difficulties preventing an applicant from strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or [density](#) which would unreasonably prevent the applicant from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
 - 2. That the granting of a [variance](#) would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the applicant, and be more consistent with justice to other property owners.



3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.
 4. That the [variance](#) observes the spirit of the Ordinance, secures public safety, and does substantial justice.
- D. **Conditions and Safeguards.** In granting any [variance](#), the [Zoning Board of Appeals](#) may prescribe appropriate conditions and safeguards in conformity with this Ordinance provided said conditions:
1. Are designed to protect natural resources and the health, safety, and welfare of the public.
 2. Are necessary to meet the intent and purpose of the Zoning Ordinance, are related to the standards established in the Ordinance for the land use or activity under consideration, and are necessary to ensure compliance with those standards.
- E. **Violations.** 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, and punishable under Section [3.07](#) of this Ordinance.
- F. **Limitations of Authority.** Under no circumstances shall the [Zoning Board of Appeals](#) grant a [variance](#) as follows:
1. To allow a use not permissible under the terms of this Ordinance in the District involved.
 2. Alter or change the zoning classification of a property.
 3. Make any changes to the regulations herein or take any action which results, in effect, in making a legislative change.

SECTION 15.05 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 [variance](#).
 2. Upon written application filed with the [Zoning Administrator](#) or their designee prior to the termination of the two (2) year time period, the [Zoning Board of Appeals](#) may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding by the Zoning Board of Appeals that the project has a reasonable expectation of being continued to [construction](#).
- B. **Reapplication for Variances Denied:** No application for a [variance](#) which has been denied wholly or in part by the [Zoning 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 Zoning Board of Appeals to be valid.



SECTION 15.06 APPEALS OF ZONING BOARD OF APPEAL DECISIONS

The decision of the [Zoning Board of Appeals](#) shall be final. A party aggrieved by a decision of the Zoning Board of Appeals may appeal to Eaton County Circuit Court, as provided by law.



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CHAPTER 16

AMENDMENTS

SECTION 16.01 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 (1) 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 16.02 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 by the Township Board or Planning Commission.
- 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.
 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, the specific text of the proposed amendment shall accompany the application form.

SECTION 16.03 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.



- 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 [16.04](#) 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 [16.04](#).

SECTION 16.04 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

- A. **Review.** In reviewing any application for an amendment to the Zoning Map, the [Planning Commission](#) and [Township Board](#) shall identify and evaluate all factors relevant to the application. The Planning Commission shall report its findings in full, along with its recommendations for disposition of the application to the [Township Board](#).
- B. **Findings.** The facts to be considered by the [Planning Commission](#) and [Township Board](#) shall include, but not be limited to, the following:
 - 1. Whether the rezoning is consistent with the goals, policies, and uses proposed for the subject [parcel](#) in the Township's [Comprehensive Plan](#).
 - 2. Whether the rezoning is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - 3. Whether the subject [parcel](#) possesses [natural features](#) and environmental characteristics which would be significantly adversely impacted by a [development](#) or use allowed by the requested rezoning.
 - 4. Whether the rezoning complies with the purposes of this ordinance as described in Section [1.02 D](#).
 - 5. Whether uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning.
 - 6. The ability of the Township or other governmental agencies to provide services, infrastructure and facilities that may be required if the rezoning were approved.

SECTION 16.05 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.



SECTION 16.06 CONDITIONAL REZONING PROCEDURES

- A. **Intent.** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to a property owner seeking a change in a zoning classification, if certain conditions could be proposed by a property owner as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Michigan Zoning Enabling Act, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or [development](#) of land as part of the rezoning request.
- B. **Application and Offer of Conditions.**
1. A property owner may voluntarily offer in writing conditions relating to the use and/or [development](#) of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a Conditional Rezoning request shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The Notice of Public Hearing for a Conditional Rezoning request shall include a general description of the conditions proposed by the property owner.
 4. The owner's offer of conditions may not purport to authorize uses and/or developments not permitted in the requested new [zoning district](#).
 5. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the Conditional Rezoning is requested.
 6. Any use and/or [development](#) proposed in conjunction with a Conditional Rezoning that would require special use approval under the terms of this Ordinance may only be commenced if special use approval for such use and/or development is ultimately granted in accordance with the provisions of this Ordinance.
 7. Any use and/or [development](#) proposed in conjunction with a Conditional Rezoning that would require a [variance](#) under the terms of this Ordinance may only be commenced if a variance for such use and/or development is ultimately granted by the [Zoning Board of Appeals](#) in accordance with the provisions of this Ordinance.
 8. Any use and/or [development](#) proposed in conjunction with a Conditional Rezoning that would require [site plan](#) approval under the terms of this Ordinance may only be commenced if site plan approval for such use and/or [development](#) is ultimately granted in accordance with the terms of this Ordinance.
 9. The offer of conditions may be amended during the processing of a rezoning request provided that any amended or additional conditions are entered voluntarily by the property owner. An owner may withdraw all or part of their offer of conditions any time prior to final rezoning action by the [Township Board](#) provided that, if such withdrawal occurs after



the [Planning Commission](#)'s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. **Approval.**

1. The [Planning Commission](#) and [Township Board](#) shall consider, but not limit themselves to, the facts contained in Section [16.04 B.](#) when reviewing a request for a Conditional Rezoning and Conditional Rezoning Agreement.
2. If the [Township Board](#) approves the rezoning request and offer of conditions, the offered conditions shall be incorporated into a Conditional Rezoning Agreement acceptable to the owner and conforming in form to the provisions of this Section. The Conditional Rezoning Agreement shall be incorporated by attachment to the rezoning request at such time as the rezoning is approved by the Township Board.

D. **Conditional Rezoning Agreement.**

1. A Conditional Rezoning Agreement shall be submitted with a rezoning application and shall include the following:
 - a. Be in a form recordable with the County Register of Deeds.
 - b. A statement acknowledging that the Agreement runs with the property and is binding upon successor owners of the property.
 - c. A statement confirming that the Agreement was proposed by the owner and entered into voluntarily.
 - d. A statement confirming that the property shall not be used or developed in a manner that is inconsistent with the conditions placed on the rezoning.
 - e. A list of conditions proposed by the owner.
 - f. A legal description of the property.
 - g. A [sketch plan](#) or other documents in sufficient detail to illustrate any specific conditions proposed by the owner.

E. **Compliance with Conditions.**

1. Any person who establishes a [development](#) or commences a use and/or development on a property that has been the subject of a Conditional Rezoning shall continuously operate and maintain the use and/or development in compliance with all of the conditions set forth in the Conditional Rezoning Agreement. Any failure to comply with a condition stipulated in the Conditional Rezoning Agreement shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.



2. No permit or approval shall be granted under this Ordinance for any use and/or [development](#) that is contrary to the Conditional Rezoning Agreement.

F. Amendment to Zoning Map.

Upon approval by the [Township Board](#) of a Conditional Rezoning request and a Conditional Rezoning Agreement, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation providing notice of the Conditional Rezoning Agreement.

G. Time Period for Establishing the Use and/or Development.

A use and/or [development](#) authorized by a Conditional Rezoning and Conditional Rezoning Agreement shall be commenced upon the property within two (2) years from the effective date of the rezoning. A use and/or development of the property is defined as actual physical [construction](#) of a substantial nature of the approved building improvements which must have commenced and proceeded meaningfully toward completion in accordance with the necessary Township approvals and permits. The two (2) year time limitation may, upon written request by the property owner prior to expiration, be extended by the [Township Board](#) if it is demonstrated to the Board's reasonable satisfaction that there is a strong likelihood that the use and/or development will commence within the period of the extension and proceed diligently thereafter to completion and further that the Board finds that there has not been a change in circumstances that would render the Conditional Rezoning and Conditional Rezoning Agreement incompatible with other zoning districts and uses in the surrounding area or be inconsistent with sound planning and zoning policies.

H. Reversion of Zoning.

If the use and/or [development](#) approved as a Conditional Rezoning does not occur within the time frame specified in Section [16.06 G.](#) above, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act, as amended. The reversion process shall be initiated by the [Township Board](#) requesting that the [Planning Commission](#) proceed with consideration of rezoning of the property to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Property.

When property that is rezoned as a Conditional Rezoning with a Conditional Rezoning Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Conditional Rezoning Agreement, whether as a result of a reversion of zoning pursuant to Section [16.06 H.](#) above or otherwise, the Conditional Rezoning Agreement imposed under the former zoning classification shall cease to be in effect.

J. Amendment of Conditions.

1. During the two (2) year period for commencement of an approved use and/or [development](#) pursuant to Section [16.06 G.](#) above, or during any extension thereof granted by the [Township Board](#), the Township shall not add to or alter the conditions in the Conditional Rezoning Agreement.



2. The Conditional Rezoning Agreement may be amended thereafter in the same manner as was prescribed for the original rezoning and Conditional Rezoning Agreement.

K. Recordation.

A Conditional Rezoning approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Eaton County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.

L. Township Right to Rezone.

Nothing in the Conditional Rezoning Agreement nor in the provisions of this Section shall be deemed to prohibit the [Township Board](#) from rezoning all or any portion of a property that is subject to a Conditional Rezoning Agreement to another zoning classification.

M. Failure to Offer Conditions.

The [Township Board](#) shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

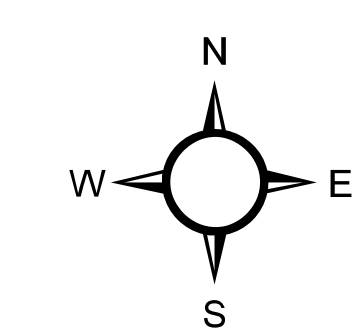




Official Zoning Map

Zoning Districts

- NR - Natural Resources
- A1 - Agricultural
- A2 - Agricultural / Residential
- RA - Very Low Density Residential
- RB - Low Density Residential
- RC - Moderate Density Residential
- RM - Multiple Family Residential
- C - Commercial
- O - Office
- I - Industrial
- City of Lansing



Adopted: August 21, 2017
Effective: September 3, 2017

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