

**CHARTER TOWNSHIP OF DELHI, COUNTY OF INGHAM, STATE OF MICHIGAN
ORDINANCE NO. 39.166**

PREAMBLE

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, AMENDING THE ZONING ORDINANCE OF DELHI CHARTER TOWNSHIP, TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL PRONOUNS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of Delhi Charter Township contains mostly masculine pronouns; and

WHEREAS, all genders are created equal; and

WHEREAS, amending the Zoning Ordinance of Delhi Charter Township to include gender-neutral pronouns by eliminating any gender preference language within the Charter Township of Delhi Code will promote equality.

The Charter Township of Delhi, Hereby Ordains:

SECTION I

The recitals and findings contained in the preamble to this ordinance are adopted by reference and incorporated as if fully set forth in this section.

SECTION II

The pronouns throughout the Zoning Ordinance of Delhi Charter Township are amended to promote gender-neutral pronouns.

SECTION III

Subject to final approval by the Township Attorney, the Municode has authority to degenderize the Zoning Ordinance of Delhi Charter Township and update pronouns when appropriate, which authority includes the updating of future ordinances, by making changes as set forth in Attachment A.

SECTION IV
SAVINGS CLAUSE

Except as expressly amended herein, all other provisions of the Zoning Ordinance of Delhi Charter Township shall remain in full force and effect.

SECTION V
REPEAL

All Township Codes and Ordinances or parts of Code and Ordinances of the Charter Township of Delhi inconsistent herewith shall be and are hereby repealed, provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance. The adoption of this Ordinance shall not, however, invalidate any prosecution or other legal proceeding taken in connection with a similar subject matter under ordinances existing at the time such action was initiated.

SECTION VI
SEVERABILITY

It is the legislative intent of the Township Board adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Delhi Charter Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

SECTION VII
EFFECTIVE DATE

This Ordinance shall become effective seven (7) days from and after its' adoption and publication as provided by law.

Planning Commission Public Hearing:
Township Board Action:
Publication of Notice of Adoption:
Effective Date:

John Hayhoe, Supervisor

Evan Hope, Clerk

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 39.166, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the _____, and that the same was published as required by law on _____.

Evan Hope, Clerk

Attachment A

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

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

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

The Director of Community Development or ~~his/her~~ **their** designee shall keep a record of all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article VI, Section 6.7.

Under no circumstances is the Director of Community Development permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out ~~his/her~~ **their** duties.

3.1.3

- 6) Temporary Certificates of Occupancy: The Director of Community Development or ~~his/her~~ **their** designee may issue a temporary certificate of occupancy for a specified period of time for a principal building on a project before full completion of screening, planting, fencing and parking if such items could not have been completed at the same time as the principal building; and, further, where a performance bond equal to the estimated cost of these improvements has been posted.

3.3.5 PRELIMINARY SITE PLAN REVIEW PROCEDURES. Both Minor and Major Development Projects shall require Preliminary Site Plan Review, unless waived pursuant to Section 3.3.2(3) above.

- 1) Applicants for Preliminary Site Plan Review shall be responsible for placing a sign, as supplied by the Community Development Department, on the site. This sign shall state that development is proposed for the site and include the telephone number of the Community Development Department for contact purposes. Said sign shall be placed on the subject property by the applicant within seven (7) days of submission of the application and should remain for a 30-day period.

- 2) The Director of Community Development or his/her designee shall review the preliminary site plan and approve, approve with conditions, or deny the plan, based on compliance of the plan with this Zoning Ordinance of Delhi Charter Township. If denied, reasons for the denial shall be cited. If approved, the applicant may submit a final site plan for the development or phase of the development.
 - a) The Director of Community Development shall process Minor Development projects.
 - b) Major Development projects shall be processed by the Director of Community Development and forwarded to the Planning Commission for action.

- 3) Applications for Preliminary Site Plan approval for all projects (Minor or Major) shall consist of the following, unless otherwise stipulated by the Director of Community Development pursuant to Section 3.3.2:
 - a) Application form and appropriate fee as adopted by the Delhi Township Board and the quantity of site plans as determined by the Director of Community Development.
 - b) Fifteen (15) full-size copies and one (1) reproducible copy of the preliminary site plan, no larger than eleven inches by seventeen inches (11" X 17"), with an appropriate text and graphic scale, shall be submitted with the application.
 - c) Legal description, lot line dimensions and bearings, tax parcel number(s), and address of the Site.
 - d) Name and address of property owner of record and the developer.
 - e) Existing development
 - (1) Zoning and property information:
 - (a) Zoning district of site and all adjacent property;
 - (b) Land use of the site and adjacent property;
 - (c) Proposed use of site;
 - (d) Lot area, in acres and/or square feet, excluding existing road right-of-ways as well as that in proposed right-of-ways.
 - (2) Existing deed restrictions, if any
 - (3) Location and outline of all existing development and natural features on the site and adjacent sites within 200 feet of the property line, such as buildings, drives, parking areas, wells, septic tanks, drain fields, utilities, poles, ditches, underground storage tanks, above ground storage areas, woods, streams, marshes, wetlands, fence rows, individual trees of six (6) inches or larger caliper when not located in a woods, 100-year flood hazard area depicted in plan view.

- (4) Location, width, and purpose of existing easement.
- (5) Location of adjacent buildings, drives and parking areas.
- (6) Indicate the nearest public transportation route and stop.
- f) Proposed Development:
 - (1) Ground floor and total floor area to be constructed;
 - (2) Floor coverage ratio (ground floor area/lot area);
 - (3) Floor area ratio (total floor area divided by net lot area);
 - (4) Number and types of dwelling units and density, for residential projects;
 - (5) Building height, in feet and number of floors;
 - (6) Number of buildings;
 - (7) Required yards and transition strips (delineated on the plan);
 - (8) Number of parking spaces required and provided with supporting calculations;
 - (9) Size of parking spaces and parking lot aisles;
 - (10) Proposed deed restrictions, if any;
 - (11) Proposed construction and completion dates.
- g) General proposed utility layout for sanitary sewer, water, lighting, and storm water systems.
- h) Location and screening of trash storage areas.
- i)** The location and elevations of existing water courses and water bodies, including county drains and ~~manmade~~ **human made** surface drainage ways, floodplains, and wetlands.
- j)** The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drain and pipes shall be specified on the site plan.
- k)** Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes.

- l) Inventory of hazardous substances to be stored, used or generated On-Site, presented in a format acceptable to the Township Fire Chief (include CAS numbers).
- m) Description and location for any existing or proposed above ground and below ground storage facilities.
- n) Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials.
- o) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
- p) Completion of the Environmental Permits Checklist on the form provided by the Director of Community Development.

3.3.10 CONDITIONS OF APPROVAL

- 6) The Director of Community Development or ~~his/her~~ **their** designee shall make periodic investigations of development for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission or Director of Community Development, whichever had final review/approval authority, to terminate said approval following a hearing, of which the applicant or owner shall be given notice by certified mail.

4.2.1 RULES OF PROCEDURE:

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

4.2.3 RECORDS:

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

The Zoning Board of Appeals shall select one (1) of its members to act as secretary and all records of the Board's action shall be taken and recorded under ~~his/her~~ **their** direction.

4.3.2 STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of Community Development certifies to the Zoning Board of Appeals, after notice of appeal has been filed with ~~him/her~~ **them**, that by reason of facts stated in the certificate a stay would, in ~~his/her~~ **their** opinion, cause imminent peril to life or property, in which case the

proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or on application, by a court of record.

5.1.7 DESIGN STANDARDS FOR ONE-FAMILY DWELLING UNITS

(5)(e) Building components, such as windows, doors, eaves, and parapets, shall have ~~workmanlike~~ **acceptable work standards of** proportions and relationships to one another.

5.1.11.4 Medical marihuana activities.

(1)(g) Transfers of medical marihuana from the registered primary caregiver to ~~his or her~~ **their** qualifying patients shall be accomplished only by the delivery of medical marihuana by the primary caregiver at the home of the qualifying patient.

5.10.3 USES PERMITTED UNDER SPECIAL CONDITIONS. The following uses of land and structures shall be permitted, subject to the conditions stated:

(6)(e) Approval for such display shall be granted by the zoning administrator or ~~his or her~~ **their** designee. Additional approval is required from the Director of the Downtown Development Authority if parcel is located within the Downtown Development Authority District.

5.11.2 REVIEW PROCEDURE: Review and approval by the Township Building Inspector is required before a building permit may be issued within any Highway Service District. The owner or lessee proposing development within this District shall submit a site plan of suitable scale indicating all above surface improvements to be made. Such site plan shall include the location of all buildings, driveways, parking areas, acceleration or details of the proposed development which may be required by the Township Building Inspector. To assure maximum traffic safety and to assure maximum protection to abutting properties, the Building Inspector may include, as part of ~~his~~ **their** written approval, the carrying out of certain development requirements by the owner or lessee that modify or are in addition to the standards set forth in this section.

5.16.9 SUPPORTING EVIDENCE REQUIRED: In all instances in which the building inspector and/or the Building Board of Appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of ~~his~~ **their** application. If such evidence is not presented, the building permit shall not be issued.

5.21.6 DRIVEWAY STANDARDS FOR A-1 DISTRICT:

- Plans submitted pursuant to Section 3.1.2 (2) of this Ordinance shall be reviewed by the Delhi Charter Township Fire Chief, or ~~his/her~~ **their** designee, prior to issuance of a building permit. The purpose of this review shall be to provide an opportunity for the Fire Chief to review the proposed site layout and provide information to the property owner regarding the Fire Department's ability to provide emergency services to the structure(s) based on the site design proposed. Additionally, the Fire Chief may make recommendations regarding the site development that will permit access or improve access to the site in the event of an emergency. Recommendations will be made in writing to the owner prior to the issuance of a building permit. Any changes to the site

design will require that a revised plot plan or drawing be submitted to the Director of Community development prior to approval of the building permit. Fire Chief recommendations that are not complied with by the property owner shall be documented in writing by the Fire Chief and attached as a permanent part of any future Certificate of Occupancy that may be issued for the structure(s). If the property owner opts not to comply with the recommendations made as a result of this review the Fire Department and other emergency service providers may not be able to provide emergency services to the property.

6.1.2.2 STANDARDS FOR ALL RESIDENTIAL:

2. Plans submitted pursuant to Section 3.1.2 (2) of this Ordinance shall be reviewed by the Delhi Charter Township Fire Chief, or ~~his/her~~ **their** designee, prior to issuance of a building permit. The purpose of this review shall be to provide an opportunity for the Fire Chief to review the proposed site layout and provide information to the property owner regarding the Fire Department's ability to provide emergency services to the structure(s) based on the site design proposed. Additionally, the Fire Chief may make recommendations regarding the site development that will permit access or improve access to the site in the event of an emergency. Recommendations will be made in writing to the owner prior to the issuance of a building permit. Any changes to the site design will require that a revised plot plan or drawing be submitted to the Director of Community Development prior to approval of the building permit. Fire Chief recommendations that are not complied with by the property owner shall be documented in writing by the Fire Chief and attached as a permanent part of any future Certificate of Occupancy that may be issued for the structure(s). If the property owner opts not to comply with the recommendations made as a result of this review the Fire Department and other emergency service providers may not be able to provide emergency services to the property.

- 6.1.3 REAR DWELLING PROHIBITED: Except in accordance with Section 5.2.2 (2) of this Ordinance, no building in the rear of and on the same lot with a principal building shall be used for residential purposes except for ~~watchmen~~ **security guards**, caretakers and domestic employees whose employment functions are related to the functions of the principal building, provided that all other requirements of this Ordinance are satisfied.

SECTION 6.9.8 PERMITS REQUIRED

- E. The owner or tenant of the property on which the sign is to be located, or ~~his~~ **their** authorized agent, or a sign contractor shall make application for a sign permit. Applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant. The application shall be accompanied by the following plans and other information:
1. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address of the proposed sign structure.
 3. A site plan, elevation drawings and caption of the proposed sign.

4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings and materials.
5. Application for and required information for the application, an electrical permit for all signs requiring an electrical connection.
6. A statement of valuation.

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

6.11.3 **WIRELESS COMMUNICATION TOWERS AND ANTENNAS:**

(4)(I) **Compliance with All Codes and Regulations:** All Wireless Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Township, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and ~~responsible~~ **workmanlike** industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to include, but are not limited to, construction, building, electrical, fire, safety, health, and land use. In the event of a conflict between or among any of the preceding the more stringent shall apply.

6.12.1 **STORM WATER RETENTION AREAS:**

5) Required Submissions

a) Shop drawings shall be submitted by the underground contractor for all storm sewers and appurtenances that ~~he or she~~ **they** will install. A minimum of six copies of each shop drawing shall be submitted. Shop drawings will consist of letters of certification for the pipe and manufacturer's standard details or cut sheets for structures and appurtenances.

6.12.2 **LAKES/PONDS:**

2) Gradients

Lake banks shall be graded and landscaped in a manner so as to provide a stable bank, and not be subject to erosion, will be easily maintained, and will minimize the risk of a person falling into the water and maximize the ability of a person in the water to safely get out. This may be done by a number of means. The owner and ~~his/her~~ **their** designer shall be responsible for providing a safe and aesthetically pleasing design which considers variable water levels and specific site conditions.

SECTION 6.13 PRIVATE ROADS

- 11) All private roads shall be built to the specifications of the Ingham County Road Commission for a public road.

- a) The Delhi Charter Township Engineer shall review and approve plans of the private road and inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road will be made by the engineer who shall forward ~~his/her~~ **their** recommendation to the Department of Community Development who shall be responsible for granting final approval.

7.1.14 PARKING DESIGN AND ACCESS STANDARDS: In addition to the general design requirements specified in other portions of this chapter and in Section 6.10.7, the following design and construction requirements shall be satisfied in all off-street parking areas with the exceptions noted below:

- F. Curb and Gutter. Except for single-family and two-family residential lots, concrete curbs and gutters shall be required to control storm water flow from the parking areas and to protect all landscaped areas such as landscape islands. Exceptions to this requirement may be granted by the zoning administrator or ~~his/her~~ **their** designee provided that the applicant can show that drainage will not run off onto adjacent parcels or otherwise negatively impact neighboring parcels.

8.1.2.1 ASSIGNABILITY Unless prohibited elsewhere in this Ordinance, Special Use Permits shall be assignable from one party to another, provided, however, that the site, location and any other restrictions placed on the original Special Use Permit do not change. Assignability of said permit shall be subject to the following requirements and conditions:

- 1) Prior to reassignment of the Special Use Permit to any owner, lessee, occupant or operator, the current permit holder shall notify the Director of Community Development of ~~his/her~~ **their** intention to assign the permit to a third party.

SECTION 10.2 DEFINITIONS

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of ~~man-made~~ **human-made** structures and/or other artificial apparatus which are necessary to or from the basis for said use.

