

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

ORDINANCE NO. 39.160

**PREAMBLE**

AN ORDINANCE TO AMEND APPENDIX A KNOWN AS THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE, ARTICLE V "DISTRICT REGULATIONS" BY AMENDING §5.7 AND REPEALING §5.8; TO REGULATE THE RM: MULTIFAMILY RESIDENTIAL DISTRICT; AND TO CLARIFY THE PREVIOUS ADOPTION RECORD REGARDING THE SAME.

The Charter Township of Delhi, Ingham County, Michigan, ordains:

**SECTION I. RE-ADOPTION OF SECTION 5.7 “RM DISTRICT: MULTIFAMILY RESIDENTIAL”**

SECTION 5.7 RM DISTRICT: MULTIFAMILY RESIDENTIAL

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

The primary purposes of this District are:

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

5.7.2 USES PERMITTED BY RIGHT:

- 1) Multiple Family Dwellings: Subject to the requirements of Section 3.3 relating to Site Plan Submission and Review and Section 5.7.6. A minimum of

seven thousand two hundred sixty (7,260) square feet of land for each dwelling unit must be provided.

- 2) Signs may be permitted as provided in Article VI, Section 6.9.

5.7.3 USES PERMITTED UNDER SPECIAL CONDITIONS: The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

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

5.7.4 USES PERMITTED BY SPECIAL USE PERMIT. The following uses of land and structures may be permitted by Special Use Permit, in accordance with Section 8.1.3, upon the approval of the Planning Commission, PROVIDED all of the provisions of this Ordinance are met:

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

- d) Topography of proposed development site
- 2) Incorporated Retirement Centers, of six (6) or more units, including facilities for care and treatment of the convalescent and aged, PROVIDED such facilities are owned by the corporation and that such care is limited to members of the corporation.
- a) “Retirement centers” shall be construed to mean an incorporated development whose primary purpose is to provide living facilities for retired persons who are members of the corporation.
  - b) “Retirement centers” shall not be operated on parcels of land of less than ten (10) acres in size.
  - c) A Special Use Permit is not required for State-licensed adult foster care facilities providing services for six (6) or fewer residents pursuant to MCL 125.3206(a) and MCL 125.3102(t).
- 3) Commercial Services, in conjunction with a multiple housing project, provided that:
- a) Commercial services shall be for the principal use of the residents.
  - b) There shall be no direct access to the commercial service from any exterior (off-side) road.
  - c) The commercial service shall not be located on the absolute periphery of the multiple housing project.
  - d) There can be no external advertising displays or signs.
  - e) If the commercial service is contained in a separate structure, the agriculture shall be harmonious with the multiple family structures. Harmonious shall be considered at a minimum to include the following: similar building materials, styles, height, setback and roof pitch.
- 4) Lodging Homes, provided that not more than four (4) non-transient roomers are accommodated in one (1) dwelling and that said dwelling is occupied by a resident family.
- 5) Boarding Homes, provided that not more than four (4) non-transient persons are accommodated for the serving of meals.
- 6) Mobile Home Park Developments, in accordance with Article VIII, Section 8.4.

- 7) Educational, Social, and Religious Institutions: Private elementary and secondary schools, public or private institutions for higher education, auditoriums and other places for assembly and centers for social activities, and religious institutions provided that:
  - a) Institutional uses may be permitted in existing multiple tenant buildings if all parking requirements for the site, including the institutional use, are provided as established in Section 7.1, and the site and structure meet zoning requirements of the District or is a legal non-conformity.
  - b) Institutional uses on single occupant parcels and in single occupant buildings must meet the conditions for the use as stated in Section 8.2.4.
- 8) Anemometer Tower Over 20 Meters High, and/or On-Site Use Wind Energy System Over 20 Meters High.
- 9) One (1) or More On-Site Use Wind Energy Systems and/or Anemometer Tower: Subject to the requirements of Section 6.2.2.1.

5.7.5 SITE PLAN REVIEW PROCEDURE: All multiple family developments are subject to Site Plan Review as specified in Section 3.3 of this Ordinance. In addition, architectural sketches or renderings of the proposed buildings shall be provided with any Special Use Permit Application. Likewise, applicants are encouraged to submit a conceptual development site plan for review by Community Development Staff and the Delhi Charter Township Planning Commission as outlined in Section 3.3.4 of this Ordinance.

5.7.6 TRAFFIC IMPACT STUDY: A traffic impact study prepared by qualified personnel may be required to be submitted to the Community Development Department along with any request for a special use permit for any multiple-family dwelling projects (not including lodging houses and boarding house). Said traffic study will be required if any of the following circumstances exist:

- 1) Traffic issues related to flow and volume have been identified in the area at a previous date by the Ingham County Road Commission, City of Lansing and/or the Michigan Department of Transportation.
- 2) If the proposed development is not located on a primary road as defined by the Ingham County Road Commission.
- 3) If the project shall serve forty (40) or more units.
- 4) Said traffic study shall, as to all roadways abutting said development, set forth:

- a) Existing daily and peak flow traffic over a period of not less than two (2) weeks.
- b) Anticipated contribution to daily and peak flow traffic for each use proposed within the development.
- c) A description of all roadway improvements which the applicant intends to make, if any, including but not limited to, additional turn and deceleration lanes, signals and signage.
- d) A description of any enhancements to existing intersections, signage, and traffic signals in the area, which may be necessary as a result of the proposed use.
- e) All traffic studies shall be reviewed by the township consulting engineer and approved, modified if needed, and adopted by the Delhi Charter Township Planning Commission as part of final site plan approval.

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

1) Minimum Lot Area:

- a) For All Multiple Family Dwellings: A site of not less than one (1) acre.
- b) For Lodging and Boarding Houses: Six thousand six hundred (6,600) square feet for each dwelling unit, plus five hundred (500) square feet for each non-transient person accommodated.

2) Building Location:

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

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

- b) No building in a multiple housing development may be located closer than one hundred (100) feet to the center of the road right-of-way of an arterial street (primary road) as designated in the Comprehensive Development Plan of Delhi Charter Township, the Ingham County Road Commission, or by the Delhi Township Planning Commission.

- c) The minimum distance between buildings shall be twenty-five (25) feet for buildings of one (1) story in height. This distance shall be increased by not less than five (5) feet for each story added.
- d) No building shall be located closer to any private street or access drive than ten (10) feet.
- e) No building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than fifty (50) feet or allow a front yard of less than twenty (20) feet.
- f) No accessory building shall be located between the building line and the street. Any accessory building on the premises shall be at least five (5) feet from the rear property line, not less than three (3) feet from the side yard line, and no closer than ten (10) feet to any existing structure.

3) Maximum Building Height:

- a) For Multiple Family Dwellings: Three (3) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet. No space below grade level shall be used for dwelling purposes except as follows:
  - (1) The finished floor grade of the space below grade level shall be no more than four (4) feet below the finished outside ground level at any point on the periphery of that part of the structure enclosing the below grade dwelling space.
  - (2) On sloping sites, the finished grade of the dwelling space shall be above the finished outside ground level for at least the length of one (1) wall. All such dwelling spaces shall have either adequate through or cross-ventilation.
- b) For Lodging or Boarding Houses: Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.

4) Minimum Dwelling Floor Area:

- a) A minimum dwelling unit floor area does not include common hallways, common storage areas and service areas.
- b) Efficiency Unit: Shall have a minimum of four hundred (400) square feet of floor area. No more than ten percent (10%) of the total number of completed units may be efficiency units. Efficiency units may be in one

building or distributed uniformly throughout the various buildings in the development.

- c) One-Bedroom Unit: Shall have a minimum of five hundred (500) square feet of floor area. Each one-bedroom unit shall consist of a minimum of a living room, kitchen, or a combined living room, kitchenette and bedroom.
- d) First Additional Room: The dwelling unit shall be increased by not less than one hundred fifty (150) square feet for the first additional room.
- e) For each additional room thereafter, the dwelling unit shall be increased by two hundred (200) square feet.

5) Minimum Lot Width:

- a) Minimum Lot Width: One hundred and thirty-two (132) feet along the street on which the lot principally fronts, except where a curvilinear street pattern produces irregularly shaped lots with non parallel side lot lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the building line is no less than one hundred and thirty-two (132) feet. Provided that the depth to width ration shall not be greater than 3:1.
- b) Minimum Lot Width for Private Drive: Sixty-six (66) feet along the street into which the private drive will exit, PROVIDED that no building construction may take place within such sixty-six (66) foot width.

5.7.8 GENERAL STANDARDS:

- 1) Roadway Location: In order to facilitate orderly growth and prevent overburdening of public highways, all roadways which provide direct traffic egress to multiple family developments must be approved in advance by the Ingham County Road Commission.
- 2) Automobile Parking:
  - a) Developments of twelve (12) units or less, two and one-half (2 ½) parking spaces shall be required for each unit.
  - b) Parking areas on sites of five (5) acres or less shall be behind the front building line.
  - c) Parking areas shall not be closer than twenty (20) feet from an adjacent residential zone with a density of less than six (6) units per acre.
  - d) In developments of thirteen (13) units or more, off-street parking spaces shall be provided as specified in Article VII, Section 7.1.

- e) All parking spaces shall be a minimum of one hundred and sixty-two (162) square feet in area measuring at least nine (9) by eighteen (18) feet.
- 3) Curb and Gutters: Must be provided for all drives and at the perimeter of all parking area.
- 4) Sidewalks: Shall be required to provide smooth on-site movement of pedestrians throughout the development. Location of said sidewalks shall be determined through the site plan review process. All sidewalks shall be a minimum width of five (5) feet.
- 5) Fencing: Within the Multiple Family residential zoning district fencing shall be regulated as follows:
  - 1. During Site Plan Review:
    - a. Fencing may be required along the entire length of a property line whenever a multiple family development abuts property that is zoned other than RM, RM-1 or RM-2. This determination shall be based on the potential as recommended by the Director of Community Development and finally approved by the Planning Commission for land use conflicts, incompatible uses currently or in the future, traffic volumes, existence of an attractive nuisance, or other factor that is relevant to the use of the subject property or the adjacent property.
  - 2. Fencing may be constructed on an existing RM site without Site Plan Review provided that it meets the requirements of Section 5.7.8 (5) (3) (b) below.
  - 3. Fencing within the RM district shall conform to the following requirements:
    - a. Fencing that is installed as a requirement of Site Plan Review shall comply with the following requirements:
      - (1) Fencing shall not exceed ten (10) feet in height but shall be at least six (6) feet in height and shall be constructed of an opaque material to provide screening and visual separation between properties.
      - (2) All provisions of Section 6.2.4 (2) (d) through 6.2. (6) shall also apply.
    - b. Fencing that is installed as an elective property improvement shall conform to the following general requirements:
      - (1) Fencing shall not exceed six (6) feet in height.
      - (2) All provisions of Section 6.2.4 (2) (d) through 6.2.4 (6) shall also apply.



- 6) Private Streets: Private streets access drives may be permitted within group housing developments, PROVIDED that such street meet or exceed the requirements of Section 6.13, and provided further that all parking on said streets and drives shall be prohibited, and the following minimum requirements are met:
  - a) No dead-end street or roadway shall serve more than one hundred (100) dwelling units as a means of vehicular access.
  - b) Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of fifty (50) feet shall be required for all turnarounds; an additional width may be required by the Township Planning Commission after consideration of the vehicular needs of a particular multiple housing development proposal and the requirements of emergency services providers.
  - c) Satisfaction arrangement (including, but not limited to, financial guarantees) shall be made with the Township Planning Commission regarding the maintenance and repair of streets, roadways or access drives.
- 7) Open Space: A minimum open space consisting of not less than thirty-five percent (35%) of the total land area, exclusive of parking area and drives, shall be maintained properly and cared for as open space.
- 8) Recreation and Community Area: One hundred (100) square feet pre bedroom but no less in area than twelve hundred (1,200) square feet shall be developed and maintained for recreational use. The following shall be included in the calculation of recreation and community area:
  - a) Play courts, such as sandplay, playground equipment suitable for swinging, climbing, sliding and jumping
  - b) Community recreational facilities, such as field games (softball, etc.), court games (basketball, tennis, etc.), and swimming pool.
  - c) Picnic areas including picnic tables, grills, etc.
  - d) Area of Clubhouse or central meeting structure (or appropriate area for said purpose within an existing multiple dwelling structure).
  - e) Other open space areas that can be used for active recreation to be approved by the Director of Community Development or his/her designee.
- 9) Landscaping: Acceptable landscaping as defined in Section 6.10 and depicted on the site plan shall be provided in open spaces, around buildings, and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the Township. Said

performance bond shall be forfeited if landscaping has not been completed one (1) year after an occupancy permit has been issued for said building.

- a) In addition to any landscaping required in any particular district, all parking areas of twenty-five (25) or more vehicles shall be landscaped. Such landscaping shall be accomplished throughout the parking areas on the basis of two hundred (20) square feet of landscape area for each twenty-five (25) parking spaces. All parking area landscaping shall be adequately maintained in a healthy condition and conform to the material, curbing, and planting requirements established in Section 6.10.1.7.
  - b) When deemed necessary by the Planning Commission, in order to protect surrounding properties, appropriate screening with plant materials, wood or brick, approved by the Planning commission, may be required.
  - c) A landscape buffer, twenty (20) feet in width, shall be required for all RM developments along all side and rear property lines that is adjacent to any residentially zoned property.
- 10) Utility Service: All utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- 11) Solid Waste Disposal: A satisfactory solid waste disposal system shall be designed in accordance with the following Article VI, Section 6.1.6, and approved with the site plan.
- a) Solid Waste Dumpsters Trash dumpsters shall be located throughout the development to facilitate the temporary collection of trash. All dumpsters shall be easily accessible to the dwelling units served. Dumpsters shall be covered and screened from public view with a solid screen constructed on four sides.
  - b) Solid Waste Compactors: Trash compactors, if used, shall be placed in easily accessible locations in the development.
  - c) Individual Solid Waste Containers are prohibited. However, for attached or detached cluster housing in condominium developments, individual solid waste containers shall be permitted for waste removal pickup, provided that such pickup is on the same day for the entire development. While use of a single refuse company is preferred, this section shall not be construed to prohibit utilization of more than one (1) company, provided that waste pickup is limited to a single day each week for the entire development.

- d) Litter: Litter shall be collected regularly and the grounds shall be kept neat and orderly in appearance.
- 12) Security: In developments where more than one (1) unit enters through a single exterior door into a central corridor, security locks with an intercom device shall be provided.
- 13) Required Amenities: An exterior deck, patio, porch or balcony of not less than twenty-four (24) square feet shall be provided for, and with direct access to, each dwelling unit in all multiple family developments.

## **SECTION II. REPEAL OF SECTION 5.8**

Section 5.8 R-M2 District: Multiple Family Residential is hereby repealed and reserved for future use.

## **SECTION III. SAVINGS CLAUSE**

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

## **SECTION IV. REPEAL**

All Ordinances or parts of Ordinances of the Charter Township of Delhi inconsistent herewith shall be and are hereby repealed, insofar as they may be inconsistent with the provisions of this 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 V. 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 the 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 intend of the Delhi Charter Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

## **SECTION VI. EFFECTIVE DATE**

This Ordinance shall become effective seven (7) days after adoption and subsequent publication in a newspaper of general circulation.

A Roll Call Vote was recorded as follows:

Ayes: Ketchum, Sweet, Warfield, Davis, Harmon, Hayhoe, Hope

Nay: None

Absent: None

MOTION CARRIED

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C.J. Davis, Supervisor

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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. 39.160, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the 3<sup>rd</sup> day of December, 2013, and that the same was posted and published as required by law on the 8<sup>th</sup> day of December, 2013.

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Evan Hope, Clerk