

DELTA COUNTY ZONING ORDINANCE  
DELTA COUNTY, MICHIGAN

Delta County Board of Commissioners  
Ordinance No. 76-2  
July 28, 1976  
Corrected Copy: August 2010  
Amended: October 24, 2011  
Amended: November 2015

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DELTA COUNTY ZONING ORDINANCE  
DELTA COUNTY, MICHIGAN

An ORDINANCE to establish zoning districts and regulations governing the development and use of land within Delta County, Michigan, in accordance with the provisions of Act 183, Public Acts of 1943, as amended, to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

THE COUNTY OF DELTA ORDAINS:

Section 100 SHORT TITLE.

This Ordinance shall be known and may be cited as the Zoning Ordinance of the County of Delta.

Section 101 DEFINITIONS.

For the purpose of this Ordinance, words used in this Ordinance pertaining to access, building property, land use, building use, building measurement, and enforcement shall have the following meaning:

- 1) ACCESSORY BUILDING: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
- 2) ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 3) AGRICULTURE: Any land or building use for pasturage, floriculture, dairying, viticulture, horticulture, forestry, and livestock or poultry husbandry.
- 4) ALTERATIONS: Any change, addition or modification in construction or type of occupancy; and change in the structural members of a building, such as walls or partitions, columns, beams, or girders; or any change which may be referred to herein as "altered" or "reconstructed".
- 5) AMBIENT: The sound pressure level exceeded 90% of the time or L90.
- 6) ANEMOMETER TOWER: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM.

- 7) ANSI: The American National Standards Institute.
- 8) APARTMENT: A dwelling unit in a "multiple family dwelling" as defined herein.
- 9) AUTOMOTIVE REPAIR GARAGE: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
- 10) BERM: A man-made, formed earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
- 11) BOARD: The Delta County Board of Zoning Appeals.
- 12) BLUFFLINE: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally presents a precipitous front and inclines steeply on the water side (Dunal terraces which accrete and erode depending on water levels are not considered blufflines).
- 13) BREEZEWAY: A covered structure connecting as accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
- 14) BUFFER YARD/PLANTING SCREEN: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
- 15) BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced (fire)wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.
- 16) BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is located.
- 17) CARPORT: A shelter for one or more-vehicles which is not fully enclosed by walls and one or more doors.
- 18) CAR WASH: A lot on which motor vehicles are washing or waxed, either by the patron or by others, using machinery specially designed for the purpose.
- 19) CHURCH: A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated

therewith.

- 20) CLINIC: A place where medical or dental care is furnished to persons on an out-patient basis by four or more doctors or dentists.
- 21) CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
- 22) COMMUNITY FACILITIES: Utilities normally provided directly or by consent of local government including but not limited to water, sewer, electric, gas and telephone.
- 23) COMPREHENSIVE DEVELOPMENT PLAN: The statement of policy by the County Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
- 24) dB(A): The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- 25) DECIBEL: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- 26) DENSITY: The number of dwelling units situated on or to be developed on a net acre of land.
- 27) 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.
- 28) DRIVEWAY: A passage providing access to an individual's property along which normal two-wheel drive vehicles may be driven twelve months out of the year, comprised of suitable base as determined by the Zoning Administrator or his designated agency or person. If these driveways cross an existing roadside ditch, the property owner shall obtain a permit from the Delta County Road Commission to install a culvert (minimum length is 24 feet) of sufficient size to carry, unimpeded, the flow of water in the ditch.
- 29) DWELLING, SINGLE-FAMILY: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:
  - a. It complies with minimum square footage requirements of this Ordinance, in Section 401, General Requirements.
  - b. It has a minimum width across all front, side or rear elevations of 20 continuous feet of exterior wall and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code

Commission under the provision of 1972, P.A. 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards for construction are different than those imposed by the County Building Code, then and in that event such as federal or state standard or regulation shall apply. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed homes.s

- c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972, P.A. 230, as amended: and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code single-family dwellings. In the event that the dwelling shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no mobile home shall have any exposed towing mechanism, undercarriage or chassis.
- e. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- f. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- g. The foregoing shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the County pertaining to such parks.

30) DWELLING, TWO-FAMILY: A building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of single-family dwelling.

31) DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of single-family dwelling.



- 32) DWELLING UNIT: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
- 33) EARTH SHELTERED HOME: A building which is partially or entirely below grade.
- 34) EFFICIENCY APARTMENT: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes and having no separate designed bedroom.
- 35) ERECTED: The word "erected" includes built, constructed, reconstructed, move upon, or any physical operations on the premises required for a building. Excavations, fill, drainage, and the like, shall be considered part of erection.
- 36) ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
- 37) EXCAVATION: Any breaking of ground, except common household gardening, general farming and ground care.
- 38) FAMILY: An individual or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not-related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under PA 395 of 1976, as amended.
- 39) FARM: Any parcel of land containing least 5 acres, which is used for agricultural purposes.
- 40) FEEDLOT: A place or area, including land and buildings, where livestock are placed on feed for the purpose of increasing the weight or grade of the livestock prior to being sold for slaughter.

- 41) FENCE: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the enclosure of yard areas.
- 42) FILLING: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
- 43) FLAG LOT: A lot which has minimum frontage on a public or private street which is reached via a private drive or land and whose width some distance back from the street right-of-way, meets all ordinance requirements.
- 44) FLOOR AREA, GROSS: The sum of all gross horizontal areas of the several floors of a building or buildings measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.
- 45) FLOOR AREA, RATIO: An intensity measured as a ratio, derived by dividing the total floor area of-a building by the base site area.
- 46) FLOOR AREA, USABLE: For purposes of computing parking requirements, is 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, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation or "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- 47) GARAGE, PRIVATE: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats and similar items or equipment and having no public sales or shop serving in connection thereof.
- 48) GASOLINE SERVICE STATIONS: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing or conveyor-type car was operations.
- 49) GRADE: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

- 50) HEIGHT: The vertical distance from the highest point of a structure excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.
- 51) HOME BUSINESS: A use conducted entirely within an enclosed building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and employs only the inhabitants thereof and not more than one other person. There must be a minimum floor area of 100 square feet but cannot exceed 1,000 square feet in size. The following are specifically excluded when they can be viewed from off the lot: storage and display of merchandise, window display, or the storage of equipment or machinery. Signs are specifically excluded unless mounted flush with the building. Signs cannot exceed the size of 3 feet by 5 feet and cannot be illuminated or have working parts. The number of signs is restricted to two and if the sign is not visible from the road, it can be placed to the front of the lot or parcel, upon the determination of the Zoning Administrator.
- 52) IMPROVED PUBLIC ROAD: Roads which are fully maintained and accessible to automobile traffic throughout the year including US-2, US-41, M-35 and roads under the jurisdiction of the County Road Commission which are fully maintained and accessible throughout the year.
- 53) KENNEL, COMMERCIAL: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic pets.
- 54) KENNEL, PRIVATE: Any lot or premises used for the private maintenance of three (3) or more dogs, cats, or other household pets, four (4) months of age or older, not involving any commercial activities. If animals are individually licensed, a kennel license is not needed for household pets.
- 55) LAUNDROMAT: A place where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.
- 56) LEASE UNIT BOUNDARY: Boundary around property leased for the purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of the setback, the Lease Unit Boundary shall not cross road right-of-ways.
- 57) LOADING SPACE: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 58) LOT: Land occupied or to be occupied by a building, structure, land use or group of buildings, together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street.

- 59) LOT AREA: The total horizontal area within the lot lines of a lot.
- 60) LOT, CORNER: A lot which has at least two contiguous sides abutting upon a street for their full length.
- 61) LOT, DEPTH OF: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lot lines of the lot.
- 62) LOT, INTERIOR: A lot other than a corner lot.
- 63) LOT LINES: Any of the lines bounding a lot as defined herein:
- a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal; the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
  - b. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
  - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- 64) LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, prior to the adoption of the Ordinance.
- 65) LOT, THROUGH: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
- 66) LOT, WIDTH: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.
- 67) MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.
- 68) MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

- 69) MENTAL HEALTH CENTER: A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.
- 70) MINIMUM LANDSCAPED OPEN SPACE: The percentage of lot area which must be maintained in grass or other living vegetation.
- 71) MOBILE HOME: A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwellings with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.
- 72) MOBILE HOME PARK: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than one mobile home and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
- 73) MODULAR (PRE-MANUFACTURED) HOUSING UNIT: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- 74) MOTEL: A series of attached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the traveling public.
- 75) NONCONFORMING BUILDING (NONCONFORMING STRUCTURE): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- 76) NONCONFORMING USE: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- 77) NUISANCE: Is an offensive, annoying unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:
- a. noise;

- b. dust;
- c. smoke;
- d. odor;
- e. glare;
- f. fumes;
- g. flashes;
- h. vibration;
- i. objectionable effluent;
- j. noise of a congregation of people, particularly at night;
- k. passing traffic; or
- l. invasion of street frontage by adjacent land use which lacks sufficient parking and circulation facilities.

78) NUISANCE, ATTRACTIVE: A use, practice, structure or condition that meets the criteria as contained in the "classic statement of the doctrine of attractive nuisance" (2 Restatement of Torts, 2d 339, P167; 76 Mich. App. 137 -June 1977).

79) NURSERY SCHOOL (DAY-CARE CENTER): A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five (5) or more minors.

80) NURSING HOME: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

81) ON-SITE WIND ENERGY SYSTEM: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at the site.

82) OPEN SPACE REQUIRED: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by a structure or any part thereof, except as otherwise provided in this Ordinance.

83) PARKING SPACE: An area of not less than one hundred eighty (180) square feet in areas, exclusive of drives, aisles, or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

84) OUTDOOR EATING AREA: An area specially designated for outdoor eating. It may contain tables, outdoor cooking facilities, and similar related equipment.

85) PLANNED UNIT DEVELOPMENT: A tract of land developed under single ownership or management as a separate neighborhood or community unit. The Development shall be based on an approved site plan which allows flexibility of design not available under

normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.

86) PLANNING COMMISSION: The Delta County Planning Commission of Delta County.

87) PRINCIPAL USE: The main use to which the premises are devoted and the principal use which the premises exist.

88) PUBLIC SERVICES: Goods and services normally provided directly or by consent of local government including snowplowing, road patrol, emergency services, school bus service, other like services.

89) PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

90) RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of food and/or beverage in a ready-to-consume state, or consumption:

- a. within the restaurant, building;
- b. within a motor vehicle parked on the premises, picnic area or;
- c. off the premises as carry-out orders, and whose principal method of operation includes the following characteristics; food and/or beverage are usually served in edible containers or in paper, plastic or other disposable containers.

91) RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

92) RIGHT-OF-WAY: RIGHT-OF-WAY: A street, alley, or other thoroughfare or easement permanently established for the passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

93) ROADSIDE STAND: A structure which is used seasonally for display and sale of agricultural produce. The operation of a roadside stand shall not constitute a commercial use and shall comply with the Michigan Department of Agriculture's rules and regulations for such stands.

94) ROTOR: An element of a wind energy system that acts as a multi-bladed airfoil assembly,

thereby extracting through rotation, kinetic energy directly from the wind.

- 95) SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- 96) SCREEN: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be nonstructural, consisting of shrubs, or other material.
- 97) SEASONAL DWELLING: A residential building, whether temporary or permanent, and may include mobile homes, which was not originally intended or constructed for year-round occupancy.
- 98) SETBACK: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
- 99) SETBACK, FRONT: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
- 100) SETBACK, REAR: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- 101) SETBACK, SIDE: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
- 102) SHOPPING CENTER: Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
- 103) SIGN: Any device including words, numerals, figures, designs, pictures, or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention, excluding the signs used in the Delta County Rural Numbering System.
- 104) SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
- 105) SOUND PRESSURE: An average rate at which sound energy is transmitted through a unit



area in a specified direction. The pressure of the sound measured at a receiver.

106) SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

107) SPECIAL USE PERMIT (CONDITIONAL USE): Issued by the Delta County Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which poses unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the County's inhabitants.

108) STABLE, RIDING OR BOARDING: A facility where more than three (3) horses for hire, sale or boarding are kept.

109) STORY: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

110) STREET: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

111) STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, and free-standing signs and not including sidewalks, drives, patios, and utility poles.

112) STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

113) SUBDIVISION: The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

114) UTILITY GRID WIND ENERGY SYSTEM: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA Tower, electric substation. A UTILITY GRID WIND ENERGY SYSTEM is designed and built to provide electricity to the electric utility grid.

115) VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted

when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

116) WIND ENERGY SYSTEM: A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON-SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.

117) YARDS:

- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- c. Yard, Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

118) ZONING COMPLIANCE PERMIT: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property in the County.

#### Section 102 SEVERABILITY.

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

#### Section 103 EFFECTIVE DATE.

This Ordinance shall take effect and be in force on the date following its approval by the Michigan Department of Economic Development.

#### Section 104 RELATIONSHIP TO OTHER LAWS.

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through

legislations, rule, or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

Section 105 ADMINISTRATION STANDARDS.

- A) Whenever in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B) Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall:
1. Base their decision upon facts presented at a public hearing prescheduled by notice of at least 8, but not more than 30 days;
  2. Notify, by personal service or by mail, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision;
  3. Set forth in all notifications, the time, place, and the nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
  4. Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
  5. Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions;
  6. Set forth in writing and in detail any denial, approval, conditional approval, of order and the facts supporting such decision;
  7. File the record, written testimony or documents submitted with regard to the hearing and the decision with the Court Clerk to be open to public inspection.
- C) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the County Clerk and be open to public inspection.

Section 106 APPLICATION OF THIS ORDINANCE.

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the unincorporated parts of the County, except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permit granted by the County Planning Commission upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

### Section 107 ACCESSORY USES AND STRUCTURES.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A) Customary home occupations are permitted as an accessory to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance.
  
- B) Accessory uses to a gas station are limited to lubrication, changing oil, and filters, changing and repair of timers and tubes, engine tune-up, hand washing and polishing without automatic equipment, and replacement of light bulbs, windshield wiper blades and other small parts, and do not include steam cleaning, body repairs, painting or transmission, or chassis repairs except as listed above.
  
- C) ON-SITE WIND ENERGY SYSTEMS AND ANEMOMETER TOWERS UNDER 100 FEET HIGH  
An on-site wind energy system is a permitted accessory use in all districts which shall meet the following standards:
  - 1. Designed primarily to serve the needs of a home, farm or small business.
  - 2. Shall have a tower height of one hundred (100') feet or less and are exempt from the height requirements of the respective zoning district.
  - 3. Property Setback: The distance between an on-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
  - 4. Sound Pressure Level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
  - 5. Construction Codes, Towers and Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and local jurisdiction airport overlay zoning regulations. Off-grid systems are exempt from this requirement.
  - 6. Safety: An on-site wind energy system shall have automatic braking, governing or a feathered system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported for a wind energy system by guy wires, the wires shall be clearly visible to a height of at least six feet above guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet

employing a horizontal axis rotor.

Sec 108 EXEMPTIONS.

The location of pipes, wires, poles, and generating equipment and transmission equipment of public utilities or railroad tracts regulated by the State of Michigan or the United States are exempt from regulation under this Ordinance. Temporary buildings and uses for road repair, bridge repair and general construction, excepting residential construction, on US-2, US-41, M-35 and roads under the jurisdiction of the County Road Commission which are fully maintained and accessible throughout the year are also exempt under clearance from the Delta County Planning Commission up to the time of project completion in all district excepting, R-1, R-2, R-3, R-4 and LS/R. Any temporary buildings must be removed when maintenance or construction is completed. This section does not pertain to Utility Grid Wind Energy Systems.

Section 109 REPEALING CLAUSE.

The rural zoning ordinance for Delta County, Michigan, as approved by the Delta County Board of Supervisors on April 17, 1939, is hereby repealed.

Section 201 ESTABLISHMENT OF DISTRICTS.

The County of Delta is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the map in Sections 900-

Section 202 DISTRICT R-1.

- A) Intent. To establish and preserve quiet single-family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district. The R-1 District is designed to accommodate residential opportunities for those who desire exurban residential living and are willing to assume the cost of providing many of their own services.
- B) Permitted Principal Uses: Single-family dwellings. Private garages for non-commercial use. The keeping of domestic animals such as cats and dogs in a manner not constituting a nuisance to neighboring residents. Farms animals such are horses\*, cows, or fowl are not permitted.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory structures normally associated with single-family dwellings such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, and the like.
  - 2. Pens and private kennels for household pets.
  - 3. Automobile parking.
  - 4. Swimming pools.
  - 5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
  - 6. On-site wind energy system and anemometer towers under one hundred feet (100').

- D) Conditional Uses Permitted by Special Permit: the following uses of land and structures may be permitted in this district, by application for and the issuance of a Special Use Permit through the Delta County Planning Commission:
1. Schools.
  2. Churches.
  3. Private and public parks and similar recreational facilities.
  4. Recreational facilities such as swimming pools and unlighted golf courses.
  5. \*Horses, specifically riding horses, may be permitted if the owner has a recorded deed showing 7 acres or more of contiguous property with no more than one horse per four acres. Property must be fenced and cannot be within 200' of any residence other than their own regardless of ownership, and boarding of horses will not be allowed. There can be no accumulation of barnyard waste within 150' of any potable water supply. And any other conditions the Planning Commission may deem necessary to impose.

Conditional Uses in this district shall be permitted only on lots fronting on and with principal driveway access to an improved public road at least 24 feet in width, and so located, site planned, and designed as to avoid undue noise and other nuisances and dangers.

Section 203 DISTRICT R-2.

- A) Intent. To establish and preserve quiet neighborhoods for single-family dwellings, and mobile homes, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- B) Permitted Principal Uses: Single-family dwellings and mobile homes. Private garages for non-commercial use. The keeping of domestic animals, such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl are not permitted.
- C) Permitted accessory uses. The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings and mobile homes such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna and the like.
  2. Pens and private kennels for household pets.
  3. Automobile parking.
  4. Swimming pools.
  5. Home Business upon approval by the Zoning Administrator in accordance with the Home Business definition.
  6. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses Permitted by Special Permit: The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission:
1. Churches.
  2. Schools.

3. Two-family and/or multiple family dwellings.
4. Private and public parks and similar recreational facilities.

Conditional Uses in this district shall be permitted only on lots fronting on and with principal driveway access to an improved public road at least 24 feet in width, and so located, site planned, and designed as to avoid undue noise and other nuisances and dangers.

Section 204 DISTRICT R-3.

- A) Intent. To establish and preserve neighborhoods for medium density residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- B) Permitted Principal Uses. Single and two-family dwellings, multiple dwellings, motels, and nursing homes. Private garages for non-commercial use. The keeping of domestic animals, such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl are not permitted.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  1. Accessory structures normally associated with single-family dwellings, two-family dwellings, multiple dwellings, motels and nursing homes; such as a private garage, shed for yard tools, playhouse, boathouse, bath-house, woodshed, sauna and the like.
  2. Pens and private kennels for household pets.
  3. Automobile parking.
  4. Swimming pools.
  5. Home Business upon approval by the Zoning Administrator in accordance with the Home Business definition.
  6. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses Permitted by Special Permit: The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning commission:
  1. Churches.
  2. Schools.
  3. Private and public parks and similar recreational facilities.

Conditional Uses in this district shall be permitted only on lots fronting on and with principal driveway access to an improved public road at least 24 feet in width, and so located, site planned, and designed as to avoid undue noise and other nuisances and dangers.

Section 205 DISTRICT R-4.

- A) Intent. To make provision for mobile homes in mobile home parks not subdivided into individual lots, in an appropriate, safe, sanitary and attractive environment.
- B) Permitted Principal Uses. Mobile homes in mobile home parks. The keeping of domestic

animals, such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl are not permitted.

C) Permitted Accessory Uses.

1. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses. The same conditional uses are permitted in this district as in the R-1 subject to the same limitations.

E) District Regulations:

1. Density is limited to seven mobile homes per acre.
2. No mobile home shall be at any time so located as to be in violation of the laws of the State of Michigan.
3. Each mobile home site shall be provided with a stand consisting of a solid six inch thick poured Portland Cement concrete apron not less than eight feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance of the mobile home.
4. All utility wires, pipes, and tanks shall be underground, except that oil tanks used as part of a central distribution system may be above ground if fully screened from view by a wood or masonry wall or fence.
5. Each mobile home park shall have an underground master television antenna system, and exterior antennae shall not be permitted on individual mobile homes.
6. Each mobile home park shall contain one or more recreation areas totaling at least 300 square feet per mobile home. At least one such area in each mobile home park shall be of such size and shape that a 100 feet square may be laid out within it and shall be substantially flat, without trees, bushes, or other obstructions, and maintained as lawn. No mobile home shall be more than 500 feet distant from a recreational area. Streets, driveways, parking areas, and buildings are not to be included in calculating the size of recreation areas.
7. A greenbelt, at least 30 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
8. Each mobile home shall be located on a lot having an area of at least 3,200 square feet; provided, however, that no motor vehicle shall be parked on any lot having any area of less than 4,000 square feet.
9. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.
10. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least three feet wide.
11. If the parking of motor vehicles other than the passenger automobiles and motorcycles is allowed, it shall be restricted to areas surrounded, except at points of entry and exit, with a wood or masonry wall or fence at least eight feet high.
12. Each mobile home park shall provide refuse containers so located so that no mobile home is farther than 150 feet from such a container.
13. All refuse containers shall be located on Portland Cement concrete stands, abutting and



level with a driveway, which shall be surrounded, except on the driveway side, by a wood or masonry fence or wall at least six feet high.

14. Minimum street width in mobile home parks shall be as follows:

No parking on street	1 way	14
	2 way	20
Parallel parking on one side	1 way	20
	2 way	30
Parallel parking on both sides	1 way	26
	2 way	36

15. Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least 360 cubic feet and shall be located within 150 feet of said mobile home. No outside storage shall be permitted by any mobile home park or committed by an occupant, including the storage of anything underneath any mobile home.

16. No mobile home shall be occupied unless it is supported on masonry blocks or jacks, connected to utilities, and provided with skirting, from the bottom of the walls to the ground, made of aluminum or other durable material.

#### Section 206 DISTRICT C-1.

- A) Intent. To establish and preserve a compact business district suit to the needs of travelers, tourists, vacationers and nearby residents.
- B) Permitted Principal Uses. Retail establishments selling gifts, hardware, drugs, groceries, sporting goods, antiques, and baked goods, arts and crafts studios, barber and beauty shops, banks, restaurants, laundromats and gas stations.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.
  - 2. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses. Campgrounds.

#### Section 207 DISTRICT C-2.

- A) Intent. To establish and preserve general commercial areas consisting of shopping centers and commercial strips.
- B) Permitted Principal Uses. Offices; car wash establishments; clinics; kennels; hospitals; mental health centers; retail establishments selling gifts; hardware; drugs; groceries; sporting goods; antiques; and baked goods; art and crafts studios; barber and beauty shops, banks, restaurants, laundromats; gas stations; and all other retail and personal service establishments except those specifically listed in Section 208 B).

- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.
  - 2. On-site wind energy system and anemometer towers under one hundred feet (100’).
- D) Conditional Uses. Campgrounds.

Section 208 DISTRICT C-3.

- A) Intent. To establish and preserve a district for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- B) Permitted Principal Uses. Motor vehicle sales, service and rental; construction and farm equipment sales; sales of mobile homes, campers, recreational vehicles, boats and monuments; wholesale and storage uses; food packaging and bottling works; commercial printing and newspaper offices; contractor’s yards and shops; laundry and cleaning and dying plants.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.
  - 2. On-site wind energy system and anemometer towers under one hundred feet (100’).
- D) Conditional Uses. Gas stations and restaurants where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to improved public roads having at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any road or from any R-1, R-2, R-3, or R-4 District, Salvage Yards and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot. Campgrounds.

Section 209 DISTRICT I.

- A) Intent. To establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses.
- B) Permitted Principal Uses. Manufacturing, extractive processing and other industrial uses.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.
  - 2. On-site wind energy system and anemometer towers under one hundred feet (100’).

D) Conditional Uses. None.

E) Special Regulations. No merchandise shall be displayed for sale which is visible from the premises.

Section 210 DISTRICT PL.

A) Intent. To establish and preserve areas for certain public purposes.

B) Permitted Principal Uses. Any government or proprietary function conducted by any governmental agency or publicly owned corporation which is authorized to conduct such function, except such uses as constitute a nuisance in the place where conducted. These would include but not be limited to public cemeteries, public buildings, public service installations, public recreational facilities of a non-commercial nature and educational institutions.

C) Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.
2. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses. None.

Section 211 DISTRICT RP.

A) Intent. To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry and recreational uses.

B) Permitted Principal Uses. Single-family dwelling; mobile homes; churches; schools; parks; agricultural production operations including crop cultivation, pastures, orchards, and farmsteads, feedlots not to exceed 500 cows, 1,500 sheep, 1,000 hogs, as well as poultry farms; the growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to actual timber production; seasonal dwellings; and in addition, campgrounds, day camps, stables, winter sports facilities and trails.

C) Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, mobile homes and seasonal dwellings such as a private garage, sheds for yard tools, playhouses, boathouses, woodsheds, saunas and the like.
2. Pens and private kennels for household pets.
3. Automobile parking.
4. Swimming pools.
5. Home business by approval of the Zoning Administrator in accordance with the Home

Business definition.

6. Accessory uses clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment, storage and similar structures customarily incidental to the permitted principal uses and structures.
7. Roadside stands for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, provided it is raised on the property.
8. Accessory structures and uses normally associated with parks, trails, campgrounds, day camps, winter sports facilities and stables.
9. Single-family dwellings or mobile homes on lots of 3 acres or more if the Zoning Administrator determines that:
  - a. The residential home, mobile home was present prior to the effective date of this Ordinance; and
  - b. The creation of the new lot is incidental to a sale or lease of land that will not be contrary to the spirit of the RP District; and
  - c. The proposed lot is adjacent to an improved public road and is accessible to existing utilities, community facilities, and public services; and
  - d. The lot is of a size sufficient only to provide usable space incidental to the residential use, but may not of itself constitute a small farm of less than 20 acres. For example, garden space and nonproductive lands may be included in the lot, but it is not the intent to permit 10 or 15 acre "mini farms."
10. Accessory uses and structures normally associated with churches and schools.
11. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission.

1. Resorts and lodges on lots of 20 acres or more.
2. Hunting and shooting preserves on lots of 40 acres or more.
3. Feedlots and poultry farms exceeding the number of animals listed under Permitted Principal Uses.
4. Fur farms provided that no such operation shall be established within  $\frac{1}{4}$  mile of any existing residence not on the premise.
5. Private airports or landing fields.
6. Single-family dwellings or mobile homes on lots of 10 acres or more if the Planning Commission determines that:
  - a. The proposed lot or lots are adjacent to improved public roads; and
  - b. The proposed lot or lots is adjacent to an improved public road and is accessible to existing utilities, community facilities, and public services; and
  - c. The proposed conditional use will not be contrary to the spirit of the RP District.
7. Festivals not to exceed 7 contiguous days of operation and complying with all state licensing regulations as to food, beverages, septic disposal, etc.
8. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residences, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions by the Planning Commission may

deem necessary to impose.

9. Anemometer Tower Over 100' High
10. On-site Wind Energy System Over 100' High
11. Utility Grid Wind Energy System

Section 212 DISTRICT AP.

- A) Intent. This district is intended to maintain for agricultural purposes those lands which because of their soil characteristics and other factors, are especially well suited for agricultural land.
- B) Permitted Principal Uses. Agricultural production operations including crop cultivation, pastures, orchards, farmsteads, single-family dwellings or mobile homes, and feedlots not to exceed 500 cows, 1,500 sheep, 1,000 hogs as well as poultry farms.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, mobile homes and seasonal dwellings such as a private garage, sheds for yard tools, playhouses, boathouses, woodsheds, saunas and the like.
  2. Accessory uses clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment, storage and similar structures customarily incidental to the permitted principal uses and structures.
  3. Roadside stands for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, provided it is raised on the property.
  4. Automobile parking.
  5. Home business by approval of the Zoning Administrator in accordance with the Home Business definition.
  6. Swimming pools.
  7. Pens and private kennels for household pets.
  8. Single-family dwellings or mobile homes on lots of 2 acres or more if the Zoning Administrator determines that:
    - a. The residential home, mobile home was present prior to the effective date of this Ordinance; and
    - b. The creation of the new lot is incidental to a sale or lease of land that will not be contrary to the spirit of the AP District; and
    - c. The proposed lot is adjacent to an improved public road and is accessible to existing utilities, community facilities, and public services; and
    - d. The lot is of a size sufficient only to provide usable space incidental to the residential use, but may not itself constitute a small farm of less than 20 acres. For example, garden space and non-productive lands may be included in the lot, but is not the intent to permit 10 or 15 acre mini farms.
  9. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit

through the Delta County Planning Commission.

1. Feedlots exceeding the number of animals listed under Permitted Principal Uses.
2. Poultry farms exceeding the number of animals listed under Permitted Principal Uses.
3. Fur farms provided that no such operation shall be established within ¼ mile of any existing residence not on the premise.
4. Private airports or landing fields.
5. Hunting and shooting preserves on lots of 40 acres or more.
6. Festivals not to exceed 7 continuous days of operation and complying with all state licensing regulations as to food, beverages, septic disposal, etc.
7. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residence, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions that Planning Commission may deem necessary to impose.
8. Anemometer Tower Over 100' High
9. On-site Wind Energy System Over 100' High
10. Utility Grid Wind Energy System

Section 213 DISTRICT TP.

- A) Intent. This district is intended to maintain for timber production purposes those lands which because of their soil, drainage and other characteristics are especially productive timber lands.
- B) Permitted Principal Uses. The growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to actual timber production.
- C) Permitted Accessory Uses.
  1. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses. None.

Section 214 DISTRICT RR.

- A) Intent. To establish and maintain an alternative residential environment in accessible rural areas at very low intensity.
- B) Permitted Principal Uses. Single-family dwellings and mobile homes. Private garages for non-commercial use. Churches, schools, parks, agricultural production operations including crop cultivation pastures, orchards and farmsteads; and the growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to actual timber production.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  1. Accessory structures normally associated with single-family dwellings and mobile homes such as private garages, sheds for yard tools, playhouses, boathouses, woodsheds,

saunas, swimming pools, automobile parking and the like.

2. Accessory uses or structures clearly incidental to the operation of a farm, including barns, silos, sheds, equipment storage, and similar structures customarily incidental to the permitted principal use and structures.
3. Roadside stands for the sale of farm produce; specialty crops such as tree fruits, nuts, berries and the like provided it is raised on the property;
4. Pens and private kennels for household pets;
5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
6. Accessory structures and uses normally associated with parks.
7. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission.

1. Seasonal dwellings and accessory structures.
2. Single family dwellings or mobile homes on lots of 2 acres or more, if the Planning Commission determines that:
  - a. The proposed lot or lots are adjacent to an improved public road and, if the front lot line borders such a road, a minimum lot frontage of 200 feet shall be provided; and
  - b. The proposed lot or lots are so located as to be reasonable accessible to existing power and public services; and
  - c. The proposed conditional use will not place demands on public utilities or services in excess of current capacity; and
  - d. The proposed lot or lots are capable of supporting medium density development due to favorable soils, topography and other natural features. The developer shall contact the Zoning Administrator to have an on-site health department review prepared; and
  - e. The proposed conditional use will not be contrary to the spirit or purpose of the RR District.
3. Feedlots, poultry farms and fur farms.
4. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residences, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions by the Planning Commission may deem necessary to impose.
5. Anemometer Tower Over 100' High
6. On-site Wind Energy System Over 100' High
7. Utility Grid Wind Energy System

#### Section 215 DISTRICT OS.

A) Intent. To preserve as open space those lands which because of their soil, drainage or topographic characteristics, their lack of accessibility, or because they are important wildlife habitats, such as deer yards are not suitable for development.

- B) Permitted Principal Uses. Growing and harvesting of timber and bush fruit, and agricultural produce and wildlife management.
- C) Permitted Accessory Uses.
  - 1. hundred On-site wind energy system and anemometer towers under one foot (100’).
- D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission:
  - 1. Resorts and lodges.
  - 2. Seasonal dwellings and other recreational uses. Accessory structures normally associated with seasonal dwellings such as woodsheds, saunas, boathouses, private garages, and sheds for yard tools, on lots of 20 acres or more.
  - 3. Other recreational uses on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact.

Sec 216 DISTRICT LS/R.

- A) Intent. This district is intended to establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development.
- B) Permitted Principal Uses. Single family dwellings, mobile homes, and seasonal dwellings. Private garages for non-commercial use. The keeping of domestic animals, such as cats and dogs in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl are not permitted.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory structures normally associated with single family dwellings and mobile homes such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna and the like.
  - 2. Pens and private kennels for household pets.
  - 3. Automobile parking.
  - 4. Swimming pools.
  - 5. Home Business upon approval by the Zoning Administrator in accordance with the Home Business definition.
  - 6. On-site wind energy system and anemometer towers under one hundred feet (100’).
- D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission:
  - 1. Marinas, boats, liveries, bathing facilities and fishing piers.
  - 2. Resorts and lodges and campgrounds.
  - 3. Fish markets and commercial fishing docks.
  - 4. Associated facilities when located and designed so as not to unreasonably interfere



with, degrade or decrease the enjoyment of existing uses of nearby land.

Sec 217 DISTRICT TP-2.

- A) Intent. To establish and maintain low intensity seasonal use of those areas which because of their location, accessibility, soil, drainage, and other characteristics, are especially productive timber lands.
- B) Permitted principal Uses. The growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to actual timber production; the growing and harvesting of timber and bush fruit, and agricultural produce and wildlife management; and in addition, seasonal dwellings on lots of 20 acres or more.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory structures normally associated with seasonal dwellings such as woodsheds, saunas, boathouses, private garages, and sheds for yard tools.
  - 2. On-site wind energy system and anemometer towers under one hundred feet (100').
- D) Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit through the Delta County Planning Commission:
  - 1. Single-family dwellings on lots of 20 acres or more if the Planning Commission determines that:
    - a. The proposed lot or lots are adjacent to improved public roads; and
    - b. The proposed lot or lots are accessible to existing community facilities and public services; and
    - c. The proposed conditional use will not lead to a substantial increase in the need for community facilities or public services in the surrounding area; and
    - d. The proposed conditional use will not be contrary to the spirit or purpose of the TP-2 District.

Section 218 DISTRICT LS/R-2.

- A) Intent. To establish and maintain for residential and recreational use areas with frontage on inland lakes, river and Lake Michigan shoreline, which because of their natural soil and ground water characteristics and, to a lesser degree, accessibility are suitable for a lower density development than provided for in the LS/R District.
- B) Permitted Principal Uses. Single-family dwellings, mobile homes and seasonal dwellings. The keeping of domestic animals, such as cats and dogs in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows or fowl are not permitted.
- C) Permitted Accessory Uses. The following are permitted accessory uses:
  - 1. Accessory structures normally associated with residential dwellings, such as private garages, sheds for yard tools, playhouses, boathouses, woodsheds, saunas, and the like.

2. Pens and private kennels for household pets.
3. Swimming pools.
4. Automobile parking.
5. Home Business.
6. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses. The following uses of land and structures may be permitted in this district by application for and approval of a Conditional Use through the Delta County Planning Commission:

1. Resorts, lodges, and other recreational uses on lots of 5 acres or more, where such development can be accomplished without significant adverse environmental impact.
2. Private and public parks and similar recreational facilities and campgrounds.
3. Single family dwellings or mobile homes on lots of 2 acres or more if the Planning Commission determines that:
  - a. The proposed lot or lots are adjacent to a county improved road and, if the front lot line borders such a road, a minimum lot frontage of 200 feet shall be provided; and
  - b. The proposed lot or lots are so located 25 to be reasonably accessible to existing power and public services; and
  - c. The proposed conditional use will not place demands on public utilities or services in excess of current capacity and capable of supporting medium density development due to favorable soils, topography, and other natural features. The developer shall contact the Zoning Administrator to have an on-site health department review prepared; and
  - d. The proposed conditional use will not be contrary to the spirit or purpose of the LS/R-2 District.

#### Section 219 DISTRICT TD.

A) Intent. The TD, Town Development District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.

B) Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Cemeteries.
4. Township halls.
5. Community centers.
6. Fire halls.
7. Elevated water storage tanks.
8. Post offices.
9. Personal services.
10. Offices.

11. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises; must be sold on the premises.

C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
3. Signs, as required and subject to the regulations established in Section 101 (51).
4. On-site wind energy system and anemometer towers under one hundred feet (100').

D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Section 701.

1. Churches.
2. Schools.
3. Private and public parks and similar recreational facilities.
4. Multiple family dwellings.
5. Nursing homes and day-care facilities.
6. Road Commission and public works buildings and maintenance/storage facilities.
7. Motor vehicle sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Wastewater treatment facilities.
15. Home occupations, subject to the conditions of Section 101 (46).
16. Transfer stations, commercial and public, television, radio and microwave towers.
17. Sawmills, planing mills, woodworking and working with wood related products.

#### Section 300 HEIGHT AND PLACEMENT REGULATIONS.

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback, distance shall be measured from a line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained within 30 degrees of being parallel but not of their intersection, no rear setback is required. The setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or

side lot line. All distances are measured in feet.

District	Front	Side	Rear	Height	Minimum Lot Size	Minimum Lot Width-C
R-1	30	10B	35	30	20,000 sq. ft. D-E	100
R-2	30	10B	25	30	20,000 sq. ft. D	100
R-3	30	10B	30	30	20,000 sq. ft. D	100
R-4	30	30	30	30	20 acres D	None
C-1	30	5	20	30	None	None
C-2	40	5	20	30	None	None
C-3	40	5	20	30	None	None
I	40	5	20	A	None	None
PL	None	None	None	None	None	None
RP	30	30	30	30	20 acres D *10 acres Conditional Use	None
OS	30	30	30	30	None D-E *20 acres Conditional Use	None
AP	30	30	30	30	20 acres D-E *2 acres Conditional Use	None
TP	None	None	None	None	None D-E	None
RR	30	30	30	30	5 acres D-E *2 acres Conditional Use	300 200
LS/R	30	10B	30	30	20,000 sq. ft. D-E	100
TP-2	30	30	30	30	20 acres D-E	None
LS/R-2	30	30	30	30	5 acres D-E *2 acres Conditional Use	200 200
TD	Established by the Delta County Planning Commission					

Footnotes to table:

- A. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- B. A detached garage not exceeding 14 feet in height may be located within four (4) feet to a side lot line.
- C. Lot width shall be measured at front setback line.
- D. 12,000 sq. ft. where lot is served by public sewer and water supply. 15,000 sq. ft. where lot is served by public sewer or water supply.
- E. In districts R-1, R-2, R-3, R-4, LS/R, LS/R-2, RR, RP, OS, AP and TP-2, the minimum lot size and lot width regulations don't apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this ordinance.
- F. Lots created by natural or man made barriers such as lakes, rivers, streams, public roads or

railroads shall be considered to be the same as lots of nonconforming size that were in existence and recorded prior to the adoption of this ordinance.

Any lot, before being utilized under this provision must be reviewed and approved by the Delta County Planning Commission at a public hearing and must meet the following requirements:

1. Meet height and setback requirements of the district in which they are located.
2. The proposed lot is accessible to an improved public road.
3. The proposed lot is accessible to existing community facilities and public services.

\*Must be reviewed and approved by the Delta County Planning Commission at public hearing meeting.

There shall be a maximum floor area ratio of 25 percent in District R-3 and 80 percent in C-1, C-2, C-3 and I.

There shall be a maximum ground coverage ratio of 30 percent in Districts R-3 and 40 percent in Districts C-1, C-2, C-3 and I.

There shall be a minimum landscaped open space of 30 percent in District R-3 and ten percent in Districts C-1, C-2, C-3 and I.

#### Section 400 ZONING DISTRICT BOUNDARY SETBACK REGULATIONS.

On lots in DISTRICTS C-1, C-2, C-3, and I no structure shall be erected as maintained within 30 feet of the boundary line of any R-1, R-2, R-3, where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

#### Section 401 GENERAL REGULATIONS.

- A) Every dwelling unit, except seasonal dwellings shall have a floor area of not less than 600 square feet, provided, however, that not more than 120 square feet thereof may consist of storage space, at least six feet six inches high in a fully enclosed accessory building on the same lot, but if such accessory building is a garage or carport, such space must be fully partitioned from the area usable for motor vehicle storage. No crawl space or area under a mobile home shall be used for any storage purpose whatever and every such crawl space or area under a mobile home which is less than five feet in height shall be fully enclosed by weatherproof material and any ventilators shall be screened.
- B) In erosion control District 1, no structure except any erosion control structure shall be erected within 35 feet of the bluff line of Lake Michigan. Erosion control District 1 consists of the South 600 feet of the North 2,000 feet of Section 23, T.37N., R.24W.
- C) In erosion control District 2, no structure except any erosion control structure shall be erected within 35 feet of the bluff line of Lake Michigan. Erosion control District 2 consists

of that part of Section 31, T.38N. -R.23W., lying south of No-See-Um Creek.

- D) In erosion control District 3, no structure except any erosion control structure shall be erected within 40 feet of the bluff line of Lake Michigan. Erosion control District 3 consists of the North 400 feet of Section 13, T.39N, R.23W.
  
- E) In erosion control District 4, no structure except any erosion control structure shall be erected within 35 feet of the bluff line of Lake Michigan. Erosion control District 4 consists of the North 2,500 feet of Section 5, T.39N., R.22W., and Section 32, T.40N., R.22W., and that part of Section 29, T.40N., R.22W., lying South of the Gladstone City Limits.

Section 500 OFF-STREET PARKING REQUIREMENTS.

Except in Districts PL, RP, and OS, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be shown in the following list:

USE	SPACES REQUIRED
Single and two-family dwellings	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit or floor area in square feet divided by 440, whichever is greater
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishments and drive-in restaurants	.10 times floor area in square feet
Restaurants (except drive-ins)	1.2 per 100 square feet of floor space
Furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's	1.2 per 100 square feet of floor space

USE	SPACES REQUIRED
showrooms and others, museums and galleries	
Funeral parlors	1 per 50 square feet of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	.5 per machine
Doctor's and dentist's offices	1 per 100 square feet of waiting room area and 1 per doctor or dentist
Banks	1 per 150 square feet of floor space
Warehouses	1 per 500 square feet of floor space

FOR USES NOT SPECIFICALLY LISTED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:

USE	SPACES REQUIRED
Retail stores and service establishments	1 per 150 square feet of floor space and outdoor sales space
Offices	1 per 300 square feet of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

			PARKING	
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PARKING ANGLE	STALL WIDTH	AISLE WIDTH	STALL LENGTH	CURB TO CURB
0° to 15°	9 Feet	12 Feet	23 Feet	30 Feet
16° to 37°	10 Feet	11 Feet	19 Feet	47 Feet
38° to 57°	10 Feet	13 Feet	19 Feet	54 Feet
58° to 74°	10 Feet	18 Feet	19 Feet	61 Feet
75° to 90°	10 Feet	24 Feet	19 Feet	63 Feet

**Section 501 REQUIRED OFF-STREET LOADING SPACES.**

Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for business or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for business or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

**Section 502 SITE PLAN APPROVAL REQUIREMENTS.**

Except with respect to single-family dwellings, mobile homes on individual lots and the expansion of existing structures involving an expenditure of less than \$40,000.00, no person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this Section, and no other improvement or construction undertaken except as shown upon an approved site plan.

**Section 503 REQUIRED FORM OF AND INFORMATION ON SITE PLAN.**

Every site plan shall be submitted to the Zoning Administrator in two identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer licensed in the State of Michigan, which shall show the following:

- A) The boundary line of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- B) The shape, size, location height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.

The following may be required as part of the site plan at the discretion of the Zoning Administrator upon his determination that they are necessary for the proper enforcement of this and other ordinances.



- C) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- D) A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
- E) Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
- F) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
- G) Natural features such as woodlots, streams, and lakes, or ponds, and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- H) Proposed streets, driveways, parking spaces, landing spaces, and sidewalks, with indication of direction of travel or one-way streets and drives, and inside radius of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- I) The size and location of all existing and proposed public and private utilities and required landscaping.

**Section 503-1 SITE PLANS FOR ANEMOMETER TOWER, ON-SITE WIND ENERGY SYSTEM AND UTILITY GRID WIND ENERGY SYSTEM**

In addition to the requirements for a site plan found in Sections 502, 503 and 504 of this Ordinance, site plans and supporting documents for anemometer towers over 100' high, on-site wind energy systems over 100' high, and utility grid wind energy systems shall include the following additional information:

- A) Documentation that sound pressure level, construction code, tower, interconnection (if applicable) and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- B) Proof of the applicant's liability insurance for the project.
- C) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property(ies), lease units; and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
- D) The phases or parts of construction, with a construction schedule.
- E) The location, height and dimensions of all existing and proposed structures and fencing.
- F)** The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.

- G) All new infrastructure above ground related to the project.
- H) Two copies of the Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

Section 504 REVIEW PROCEDURE.

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and all other ordinances of Delta County, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the County Planning Commission.

Section 505 PLANNED UNIT DEVELOPMENT.

- A) Intent. To permit great flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.
- B) Application and Modification Powers. The provisions of this Section may be applied, upon application of the owner, to any lot exceeding two acres in size. The owner shall file with the County Planning Commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the County Planning Commission may reasonably require.

In acting upon the application, the County Planning Commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than ten percent of the lot area nor more ten percent of the building floor area. Where the Commission determines that the application is consistent with subsection (A) of this Section and with other requirements hereof, it shall enter an order authorizing development and use in accordance with the site plan and description contained in the application, modified as the Commission may require to carry out the intent and purpose of this Section and containing any conditions or restrictions which the Commission may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of the fact upon which it is based.

C) Procedural Requirements. Prior to making any order authorizing development and use under a planned unit development application, the County Planning Commission shall obtain the opinion and recommendation of a professional planning advisor. The Planning Commission shall proceed pursuant to Section 105 of the Ordinance and the opinion and recommendation of the professional planning advisor shall be made part of the written record.

Section 506 Reserved for future use.

Section 507 Reserved for future use.

Section 508 Reserved for future use.

Section 509 Reserved for future use.

Section 510 APPLICABILITY OF LANDSCAPE REQUIREMENTS.

The provisions of the following five sections are applicable to every lot with respect to which a zoning compliance permit or a building permit for any new structure or enlargement of any existing structure is hereafter required.

Section 511 REQUIRED PLANTING SCREENS.

In Districts C-1, C-2, C-3, and I, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any R-1, R-2, R-3, or R-4 District, a planting screen of sufficient length to interfere with the view there of from the adjoining district shall be required except where the view is blocked by change in grade or other natural or manmade features.

Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, an opaque wooden fence, a chain link fence, with interwoven redwood or cedar slats or a masonry wall may be substituted.

Section 512 PLANTING SCREEN SPECIFICATIONS.

All planting screen required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther than the distance indicated in each case.

Plant	Distance Apart
Forsythia	3 feet
Lilac	3 feet
Privet	1 ½ feet
Arbor Vitae	4 feet
Pfitzer Juniper	4 feet
Scotch Pine	5 feet

Substitution of other plant materials shall be permitted only upon certification by the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

Section 513 PARKING LOT PLANTING.

Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elms, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create no hazard to drivers or pedestrians.

Section 514 TIME OF COMPLETION.

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be issued until completion of all required plantings. Any certificate of occupancy may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 520 GRADING PERMITS.

No grading, including any act by which soil, rock, or mineral matter is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and including the removal vegetable cover, excavation, and land balancing shall be undertaken without first obtaining a grading permit from the Zoning Administrator and upon payment of a fee of \$10 per acre or fraction thereof, but not exceeding \$200, and a performance bond or other security in the amount necessary to insure compliance with the requirements of Section 521. No grading permit shall be required for agricultural, horticultural and forestry activities, the construction of a driveway which does not at any point vary from the surrounding grade by more than one foot, the normal graveling or grading of a road or driveway, any project that does not involve, in anyone year, an area exceeding 2,000 square feet or more than 1,000 cubic yards of material, or construction or maintenance of a septic tank or associated drainfield. No grading permit for operations requiring more than one year for completion shall be issued except for lands in District I.

In addition, no grading permit shall be required for activities for which a permit has been issued

pursuant to the provisions of the Soil Erosion and Sedimentation Control Act, Act 347, Public Acts of 1972.

Section 521 GRADING REQUIREMENTS.

Anyone engaged in grading shall at all times take all appropriate and reasonable steps to prevent erosion including the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at anyone time and the length of time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced.

Section 522 APPLICATIONS FOR GRADING PERMITS.

An application for a grading permit must contain sufficient information to enable the Zoning Administrator to determine that the applicant proposes to take such measure as are necessary to meet the requirements of the preceding section. Where necessary, the Zoning Administrator shall require the submission of topographic maps, soil boring reports, or other necessary technical information. Upon receiving an application meeting the requirements set forth in this Section, and the fee required in Section 520, the Zoning Administrator shall issue a grading permit to the applicant. No grading permits shall be valid except for work described in the application. The Zoning Administrator shall impose such conditions or requirements in granting the permit as may be necessary to insure compliance with the requirements of the preceding section, and shall impose such limits on working hours and time limits for completions of operations and various stages thereof as may be necessary to minimize incompatibility with nearby land uses, and failure to take any action or refrain from any action specified either in the application or on the face of the permit shall constitute a violation of this Ordinance.

Section 523 FINANCIAL SECURITY.

Pursuant to the provisions of Section 521, the applicant shall provide financial security in one or a combination of the following arrangements:

- A) Performance bond. A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan.
- B) Escrow fund. A cash deposit or by certified check.
- C) Irrevocable letter of credit. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

The security shall be filed with the County Treasurer and shall be for same time period as the grading permit and of an amount estimated by the Zoning Administrator as necessary to make the site as suitable for uses permitted in this Ordinance as before grading operations commenced.

Section 524 GRADING OPERATIONS.

Whenever, during or following grading operations, conditions arise which require the taking of any measures or precautions or the imposition of any limits or restraints to assure compliance with the requirements of Sec. 521, the Zoning Administrator shall make a written order requiring the taking or refraining from any such action and post such order on the premises, and any violation thereof shall constitute a violation of this Ordinance. Wherever it appears that measures or precautions previously required are unnecessary, the Zoning Administrator shall waive them in writing.

Section 601 DEFINITION AND CLASSIFICATION OF NONCONFORMING USES AND STRUCTURES.

Nonconforming uses and structures are those which do conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses or structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

Section 602 PROCEDURE FOR OBTAINING CLASS A DESIGNATION, CONDITIONS.

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be pursuant to Section 105 of this Ordinance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation.

Section 603 REVOCATION OF CLASS A DESIGNATION.

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

Section 604 REGULATIONS PERTAINING TO CLASS A NONCONFORMING USES AND STRUCTURES.

No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 605 REGULATIONS PERTAINING TO CLASS B NONCONFORMING USES AND STRUCTURES.

It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Sec. 700 ZONING BOARD OF APPEALS--POWERS, DUTIES, RULES.

There is hereby established a Zoning Board of Appeals as provided for in Act 183, Public Act of 1943, which shall have all of the powers and duties provided by State Law and no others except as specifically set forth in this or any other Ordinance of Delta County, it may make any rules or procedure, consistent with law, which may be necessary or convenient for carrying out its functions. Copies of such rules shall be made available to the public by the Zoning Administrator at cost and be filed with the County Clerk and be open to the public.

Section 701 CONDITIONAL USE PERMITS.

No conditional use shall be established in any zoning district except upon permit issued by the County Planning Commission, which shall be guided in making a decision by the standards set forth in this Ordinance. Any person seeking a conditional use permit shall provide to the County Planning Commission such information as it may reasonably require to determine whether the grant of the requested permit is authorized by the law. Procedure shall be pursuant to Section 105 of this Ordinance.

Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the

older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all use to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provisions for the security of the health, safety, convenience and general welfare of the community[’s inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation intensity of use, generation of traffic movements, concentration of population, processes, and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections (701-1 through 701-4), together with previous references in other sections (202 through 219), designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated (also see Section 105).

Section 701-1 -APPLICATION PROCEDURE.

- A) Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
  
- B) Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted “Schedule of Fees” to cover costs of processing the application. No part of any fee shall be refundable.
  
- C) Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
  - 1. Conditional Use form supplied by the Zoning Administrator filled out by the applicant.
  - 2. Site plan drawn to a readable scale and containing that information specified in Section 503.
  - 3. A statement with supporting evidence regarding the required, findings specified in Section 701-4.
  - 4. Information required for utility grid wind energy systems, on-site wind energy systems over 100 feet high and anemometer towers over 100 feet high as found in Section 701-5.



- D) Upon receipt of such materials by the Zoning Administrator, the County shall transmit one copy to the affected Township Coordinator and to the road commission drain commissioner, health department, fire department and planning commission for their review and comment. Each agency shall review the document and forward any comments to the Zoning Administrator. The Zoning Administrator shall transmit a copy of the site plan to the Planning Commission for their review.
- E) Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- F) In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- G) If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

Section 701-2-REVIEW AND FINDINGS.

- A) Planning Commission Action: The Planning Commission shall approve, approve with conditions, or reject the application within ninety (90) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit) in accordance with the site plan and any conditions as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and the petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

Section 701-3-GENERAL STANDARDS.

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A) Will be harmonious with and in accordance with the general policies or with any specific objectives of the Comprehensive Development Plan;
- B) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the

use will not change the essential character of the same area;

- C) Will not be neighboring hazardous uses; or disturbing to existing or future neighboring uses;
- D) Will not diminish the value of land, buildings, or structures in the District;
- E) Will be served adequately by essential public facilities and services, such as highways) streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H) Will protect the public health, safety and general welfare of the community;
- I) Will be consistent with the specific zoning district in intent and purpose the specific zoning district in which it is located.

Section 701-4—CONDITIONS AND SAFEGUARDS.

- A) Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 701-3 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B) Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C) Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.

- D) In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the County, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the County Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E) Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
  - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
  - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F) All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- G) No application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of ninety (90) days or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.
- H) The foregoing general standards are basic to all conditional uses; and the specific requirements accompanying the following sections relating to particular uses are in addition to and shall be required in all applicable situations.

Section 701-5 UTILITY GRID WIND ENERGY SYSTEM, ON-SITE WIND ENERGY SYSTEM OVER 100 FEET HIGH AND ANEMOMETER TOWERS OVER 100 FEET HIGH

An utility grid wind energy system, on-site wind energy system over 100 feet high and anemometer towers over 100 feet high shall meet the following standards in addition to the general conditional use standards:

- A) Property Setback:
  - 1. Anemometer tower over 100 feet setback shall be the greater distance of the following:
    - a. A distance equal to 1.1 times the height of the tower including the top of the blade in its vertical position from the road right-of-way;
    - b. A distance equal to 1.1 times the height of the tower including the top of the blade in its vertical position from the lease unit boundary.
  - 2. Utility grid and on-site wind energy systems over 100 feet shall meet the following setback requirements:

- a. A distance equal to 1.1 times the height of the tower including the top of the blade in its vertical position measured from the center of the Utility Grid or on-site wind energy system to a road right-of-way.
  - b. A distance equal to 2 times height of the tower including the top of the blade in its vertical position measured from the center of the Utility Grid or on-site wind energy system to a lease unit boundary line of or within a R-1, R-2, R-3, R-4, RR, LS/R, LS/R-2 or TD zoning district.
    1. The Planning Commission shall reduce the setback to 1.25 times the height of the tower including the top of the blade in its vertical position measured from the center of the utility grid or on-site wind energy system on the above zoning districts if the affected property owner(s) consent in writing to the reduced setback requirement.
  - c. A distance equal to 1.25 times the height of the tower including the top of the blade in its vertical position measured from the center of the utility Grid or on-site wind energy system to a lease boundary line of or within zoning districts not listed under 2(b)
  - d. A distance equal to 1,000' measured from the center of the utility grid or on-site wind energy system to dwellings in legal existence at the time a conditional use permit application is submitted, on participating parcels.
  - e. A distance equal to 1,320' measured from the center of the utility grid or on-site wind energy system to dwellings in legal existence at the time a conditional use permit application is submitted, on non-participating parcels.
3. An Operations and Maintenance Office building, a substation, or ancillary equipment shall comply with any property setback requirement of the respective zoning district.
- B) Sound Pressure Level: The sound pressure level shall not exceed either 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise, or 45 dB(A) measured at an existing dwelling, whichever measurement is less. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- C) Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- D) Post-Construction Permits: Construction codes, towers and interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.
- E) Pre-Application Permits:
1. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended), the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), and local jurisdiction

airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission and Federal Regulatory Commission interconnection standards.

2. Environment:

- a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
- b. Comply with application parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994) including but not limited to;
  1. Part 31 Water Resources Protection.
  2. Part 91 Soil Erosion and Sedimentation Control.
  3. Part 301 Inland Lakes and Streams.
  4. Part 303 Wetlands.
  5. Part 323 Shoreland Protection and Management.
  6. Part 325 Great Lakes Submerged Lands.
  7. Part 353 Sand Dunes Protection and Management as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.

F) Performance Security: Performance security, pursuant to Section 523 of this Ordinance shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

G) The following standards apply only to utility grid wind energy systems:

1. Visual Impact: Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic area and significant visual resources listed in Delta County's Master Plan.
2. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis.
3. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from the shadow flicker, as identified in the Shadow Flicker Impact Analysis. Shadow flicker shall not exceed 30 hours per year on any non-participating dwelling.
4. Decommissioning: A Planning Commission approved decommissioning plan indicating:
  - a. The anticipated life of the project,
  - b. The estimated decommissioning costs based on:

1. Ground preparation activities in order to access the site and provide room for disassembly.
  2. Dismantling of the project components which include the tower and operating components, the concrete foundations, any underground or overhead cabling, and electrical substation or switching equipment.
  3. Transportation issues including creating load sizes that meet height, width and weight restrictions. Traffic control issues necessary to create egress of components to the disposal points must also be considered.
  4. Site reclamation includes the removal and disposal of contaminated soils. The materials for remediation of the site to match the surrounding land use and form.
  5. Salvage value of materials
- c. The method of ensuring that funds will be available for decommissioning shall be one or more of the following:
1. A surety bond equal to the estimated costs in favor of Delta County
  2. Cash equal to the estimated costs payable to Delta County
  3. An escrow plan approved by the Planning Commission to be paid over time to Delta County or to an escrow agent acceptable to Delta County. An escrow account may be converted to a surety bond at any time by the applicant.
5. Complaint Resolution: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project. Two complete copies and sufficient executive summaries for Planning Commission members of a description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction and operation the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- a. Complaints shall be forwarded to the owner/operator and the Delta County Building and Zoning Office on a form prescribed by the Delta County Planning Commission.
  - b. A reasonable effort by the owner/operator shall be made to respond to a complaint within 24hrs.
  - c. All responses shall be forwarded to complaining parties and the local permitting office.
  - d. A reasonable effort shall be made by the owner/operator to investigate all complaints within 10 days of receipt of a complaint and propose a resolution within 15 days. The resolution shall include a time frame to correct any violation that may be found.
  - e. If at any time Delta County or the Delta County Planning Commission finds that a complaint is not being addressed in a timely manner, they may initiate their own investigation utilizing any means they deem necessary. Expenses incurred from such an investigation may be assessed to the owner/operator if it is found that a violation existed or to the complaining party if it is found that a violation does not exist.
6. Electromagnetic Interference: No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception

antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

H) Procedural Requirements: Prior to making any order authorizing a conditional use permit, the Planning Commission may obtain the opinion and recommendation of a third party consultant. The Planning Commission shall proceed pursuant to Section 105 of the Ordinance and the opinion and recommendation of the third party consultant shall be made part of the written record.

#### Section 701-6 ADDITIONAL CONDITIONAL SITE PLAN REQUIREMENTS FOR UTILITY GRID WIND ENERGY SYSTEMS

In addition to the requirements for a conditional use permit found in Sections 701, 701-1 701-2, 701-3, 701-4, 701-5 of this Ordinance, site plans and supporting documents utility grid wind energy systems shall include the following additional information:

- A) Two complete copies and sufficient executive summaries for Planning Commission members of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on analysis, so that the wind energy systems will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the County within 60 days of the commercial operation of the project.
- B) A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- C) Two complete copies and sufficient executive summaries for Planning Commission members of an Environmental Analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but not limited wetlands and other fragile ecosystems, historical and cultural sites and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- D) Two complete copies and sufficient executive summaries for Planning Commission members of an Avian and Wildlife Impact Analysis by a qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- E) Two complete copies and sufficient executive summaries for Planning Commission members of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.

Section 702 FEES.

Neither the County Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee as required, except that such fee shall not be required when the County is the moving party. The amount of fees for the petition shall be set by the Zoning administrator and are subject to review by the Planning Commission and approval of the board of Commissioners.

Section 703 THE ZONING ADMINISTRATOR.

The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the County commissioners and shall serve at their pleasure. The Administrator shall receive such compensation as the County Commission may, from time to time, determine. The Administrator may also serve in some other capacity as an employee or appointed office of Delta County. The administrator shall administer and enforce the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other office or body. The Administrator shall have no power to vary or waive Ordinance requirements.

Section 704 ZONING COMPLIANCE PERMITS.

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such a permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee in the amount of \$0 where the property involved is located in District R-1, R-2, RR, or LS/R or of \$0 when the property is located in any other zoning district. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time



subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance permit shall remain valid is the use or structure it authorized become nonconforming.

Section 705 CERTIFICATE OF OCCUPANCY.

No permanent certificate of occupancy shall be issued under any building code applicable in Delta County until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

Section 706 SPECIAL ZONING ORDERS BOOK AND MAP.

The Zoning Administrator shall .keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the. Special Zoning Orders Map, on which he shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book shall be open to public inspection.

Section 707 VIOLATIONS AND PENALTIES.

Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 or imprisonment in the County Jail for not more than 30 days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

Section 900 ZONING MAPS.

The location and boundaries of the zoning districts established by this Ordinance are set forth on the zoning maps of, the County of Delta which accompany this Ordinance, and which maps, with all notions, references, and other information shown thereon, is incorporated herein and is as much a part of the Ordinance as fully described and set forth herein. The following are the zoning maps of the County of Delta.

- Section 901 BALDWIN TOWNSHIP ZONING MAP
- Section 902 BAY DE NOC TOWNSHIP ZONING MAP
- Section 903 BRAMPTON TOWNSHIP ZONING MAP
- Section 904 CORNELL TOWNSHIP ZONING MAP
- Section 905 ENSIGN TOWNSHIP ZONING MAP
- Section 906 ESCANABA TOWNSHIP ZONING MAP
- Section 907 FAIRBANKS TOWNSHIP ZONING MAP

- Section 908 FORD RIVER TOWNSHIP ZONING MAP
- Section 909A GARDEN TOWNSHIP ZONING MAP
- Section 909B GARDEN TOWNSHIP ZONING MAP
- Section 910A MAPLE RIDGE TOWNSHIP ZONING MAP
- Section 910B MAPLE RIDE TOWNSHIP ZONING MAP
- Section 911A MASONVILLE TOWNSHIP ZONING MAP
- Section 911B RAPID RIVER (UNINCORPORATED) ZONING MAP
- Section 912A NAHMA TOWNSHIP ZONING MAP
- Section 912B NAHMA TOWNSHIP ZONING MAP
- Section 913 WELLS TOWNSHIP ZONING MAP
- Section 914A BARK RIVER TOWNSHIP ZONING MAP
- Section 914B BARK RIVER (UNINCORPORATED) ZONING MAP

Section 915 INTERPRETATION OF THE ZONING MAP.

Where, due to the scale, lack of detail or illegibility of the zoning map in Section 900, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Appeals. The Zoning Administrator, and the Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:

- A) Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- B) Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the County of Delta as well as all other relevant factors.

CERTIFICATION

I hereby certify that this is the official Zoning Ordinance of the County of Delta, Michigan, Ordinance No. 76-2, as adopted by the Delta County Board of Commissioners on June 21, 1976. This Ordinance shall become effective on the date following its approval by the Michigan

Department of Economic Development.

Effective Date: July 28, 1976.

Chairman, Delta County Board of Commissioners

Clerk, Delta County