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July 22, 2004
Add 55.17 Private Road
Change 42.12 Circulation and Access
Change 55.06 Access to Public Street
Change 55.11 Site Condominium Review

June 6, 2006
Add/Alter Definitions
Add Home Occupation-Permitted Use
Remove Article 21.0 - R2 – Single-Family Suburban Residential District in its entirety
Revise Article 42.0 PUD Planned Unit Development
Change Section 54.03 Preliminary Site Plan
Change Section 54.04 Final Site Plan
Change Section 55.07 Bulk Regulations
Delete/Replace with new Section 55.08 Natural Features Protection and Preservation
Change Section 55.09 Plant Materials
Change Section 55.10 Sanitary Sewage Facilities
Change Section 55.11 Site Condominium Review
Change Section 55.17 Private Road Regulations
Add Section 55.18 Amateur Radio Towers
Add Section 55.19 Wind Energy Conversion Systems
Revise Article 58.0 Amendment Procedure

March 6, 2007
Amend Article 2.0, Definitions, and Article 22.0, R-3 - Low Density Multiple Family Residential District, to revise the permitted uses, and to add minimum lot area and lot with standards for permitted uses not served by a municipal water supply system and a municipal sanitary sewerage system.

November 6, 2007
Amendments to various sections to comply with the new Michigan Zoning Enabling Act (Public Act 110 of 2006).

November 6, 2007
Amendments to Article 57.0, Administration of the Ordinance.

As Amended and Edited: November 22, 2007
THE ZONING ORDINANCE
OF LODI TOWNSHIP
MICHIGAN

Prepared by the Lodi Township Planning Commission


Amended and edited November 22, 2007

As Amended and Edited: November 22, 2007
LODI TOWNSHIP BOARD

Jan Godek, Supervisor
Elaine E. Masters, Clerk
Michelle K. Foley, Treasurer
Robert P. Crowner, Trustee
William Lindemann, Trustee
Donald Rentschler, Trustee
Cynthia Radecki, Trustee

PLANNING COMMISSION

John Steeb, Chairman
Robert Crowner, Vice-Chair
Margaret O’Connor, Secretary
Ron Diuble
Craig Swenson
Steve Thelen
Douglas Veenstra

ZONING BOARD OF APPEALS

John Steeb, Chair
Mel Ellis
Oscar Henes
Donald Rentschler
Paul Thibault

PLANNING CONSULTANT

Donald N. Pennington
Rodney C. Nanney, AICP
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LODI TOWNSHIP ZONING ORDINANCE
AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN THE UNINCORPORATED PORTIONS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN.

WHEREAS, the Lodi Township Planning Commission did, in accordance with the procedures specified in Act 184 of the Public Acts of 1943 as amended, make and adopt a basic plan as a guide for the development of Lodi Township; and

WHEREAS, said basic plan has been designed to promote the public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation, education and other public improvements; to provide adequate light and air; and to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land resources and properties; and

WHEREAS, the Lodi Township Planning Commission did prepare a zoning map establishing zoning districts based upon said basic plan, which zoning map was designated to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land; to provide adequate light and air; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration, among other things, to the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land building and population development; and

WHEREAS, the Lodi Township Planning Commission did adopt and file with the Lodi Township Board recommendations as to (1) a basic or zone plan for the unincorporated portions of Lodi Township as a whole, (2) a zoning map establishing zoning district including the boundaries thereof, (3) the text of a zoning ordinance with the necessary provisions and zoning regulations, and (4) the manner of administering and enforcing the zoning ordinance after having properly noticed and held a public hearing thereon and made a recommendation; having submitted said proposed zoning ordinance and maps to the Washtenaw County Metropolitan Planning Commission of Washtenaw County, Michigan, for recommendation in accordance with the procedures specified in Act 168 of the Public Acts of 1959, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN:
Article: 1.0 TITLE, PURPOSES AND LEGAL CLAUSES

ARTICLE 1.0
TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01-TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Lodi Township.”

SECTION 1.02-REPEAL OF ORDINANCE

The Lodi Township Zoning Ordinance adopted on March 20, 1957 and all amendments thereto are hereby repealed coincident with the effective date of this Ordinance.

SECTION 1.03-PURPOSES

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 and 203 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). This Ordinance is based on the Township’s General Development Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

A. Promoting and protecting the public health, safety and general welfare;
B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the unincorporated portions of Lodi Township and promoting the orderly and beneficial development of such areas;
C. Providing adequate light, air, privacy and convenience of access to property;
D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
E. Lessening and avoiding congestion on the public highways and streets;
F. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
G. Promoting healthful surroundings for family life in residential and rural areas;
H. Fixing reasonable standards to which buildings and structures shall conform;
I. Prohibiting uses, buildings or structures which are incompatible with the character of development, or the uses of buildings or structures permitted within specified zoning districts;
J. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
K. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
L. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
M. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
N. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
O. Creating a Board of Appeals and defining the powers and duties thereof;

P. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance;

Q. Providing for the payment of fees for building permits; and

R. Providing penalties for the violation of this Ordinance.

SECTION 1.04-V A LIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not effect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.05-CONFLICT WITH OTHER LAWS

A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.06-P E R I O D OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 1.07-EFFECTIVE DATE

This Ordinance was adopted by the Township Board of the Township of Lodi, Washtenaw County, Michigan, at a meeting held on September 4, 1973, and ordered published in The Saline Reporter, a newspaper having general circulation in said Township, as required by Act 184 of the Public Acts of 1943, as amended. Effective date: September 14th, 1973 with amendments pursuant to that act and pursuant to the Michigan Zoning Enabling Act.

Date: ______________________

__________________________
Township Supervisor
Jan Godek

__________________________
Elaine Masters, Township Clerk
ARTICLE 2.0
DEFINITIONS

SECTION 2.01-PURPOSE
For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future, words used in the singular number include the plural number. The word “shall” is always mandatory and not merely permissive. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or occupied.

SECTION 2.02-DEFINITIONS
ACCESSORY USE, BUILDING OR STRUCTURE: A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to the principle use, building or structure.

ADULT FOSTER CARE FACILITY: An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

A. ADULT DAY CARE CENTER: A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home.

B. ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.

C. ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

D. ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

AGRICULTURE: The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

ALTERATION: Any change, addition or modification in construction, or type of accompanying change in the structural members of a building such as walls or partitions, columns, beams or girders.

ANIMALS – All animals except exotic animals, (see definition herein) cats and dogs.
AUTOMOBILE SERVICE STATION: A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles; kerosene; motor oil, lubricants or grease; sale of accessories and services such as polishing, washing, cleaning, greasing, undercoating, and minor repairs; but not including bumping, painting, or refinishing thereof.

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

BILLBOARD: See OUTDOOR ADVERTISING SIGN.

BLOCK: A “block” is comprised of a parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines, or the corporate boundary lines of any village, city or township.

BUILDABLE AREA: The buildable area of a lot is the space remaining after compliance with the minimum required setbacks of this ordinance.

BUILDING: An enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

BUILDING AREA: The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING HEIGHT: The vertical distance measured from the established grade to:

A. the highest point of the coping of a flat roof;
B. to the deck line of mansard roofs; or
C. to the average height between the eaves and the ridge for gable, hip, and gambrel roofs.

Where a building is located on sloping terrain, the height shall be measured from the front of the building at grade level.

BULK: “Bulk” is the term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

A. the size and height of a building or structure;
B. the location of the exterior wall of a building in relation to a lot line, street or other building;
C. the floor area of a building in relation to the area of the lot on which it is located;

D. the open spaces allocated to and surrounding a building; and

E. the amount of lot area per dwelling unit.

BUILDING LINE: The minimum distance which any building must be located from a street centerline.

CHILD FOSTER CARE FACILITIES: A private home in which one (1) or more minor children not related to an adult member of the household by blood, marriage or adoption are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

A. CHILD FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

B. CHILD FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CONDITIONAL USE: See SPECIAL USE.

CONDOMINIUM DEVELOPMENT: A development with individual ownership of dwelling units and the space enclosed by the description thereof as contained in the master deed in a multiple-unit structure, together with ownership of an interest in common elements. See also Site Condominium.

CONVALESCENT (NURSING) HOME: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care, and which are duly licensed by the State of Michigan.

COURT (OPEN SPACE): An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

DAY CARE CENTER: A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian.

A. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

B. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services.

C. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop in center.

DAY CARE HOME: An occupied dwelling unit in which a person(s) provides day-time care for children or adults other than his/her own family and the family of close relatives. Such care shall be limited to maximums as established by State law.

A. FAMILY DAY CARE HOME: A private residential dwelling, as licensed by the State of Michigan, in which up to six
(6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.

B. **GROUP DAY CARE HOME**: A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.

**DEVELOPMENT AGREEMENT**: An agreement entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place. The Development Agreement must be entered into following site plan approval and prior to the commencement of any site work or construction, and may address such issues as the dedication of easements, escrow accounts or letters of credit, provision of utilities infrastructure, maintenance of open space areas, as-built drawings, and such other issues as the Township deems appropriate. The proposed Development Agreement shall be reviewed by the Township Supervisor, Township Clerk, Utility Department Manager (if applicable), Township attorney, Township engineer, and such other consultants as the Township may deem necessary. The proposed Agreement, if approved by majority vote of the Township Board, shall be signed by the Supervisor and Clerk on behalf of the Township and recorded with the Washtenaw County Register of Deeds.

**DOG KENNEL**: See **KENNEL**.

**DRIVE-IN**: A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

**DRIVEWAYS**: A means of access to a parcel which shall not be less than an unobstructed width of 15'.

**DWELLING AREA**: The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

**DWELLING MOBILE HOMES**: See **MOBILE HOME** or **TRAILER COACH**.

**DWELLING UNIT**: One or more rooms with principal kitchen facilities designed as a unit for residence by only one family for living and sleeping purposes.

**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 the minimum square footage requirements of 1,000 square feet for a residence.

B. It has a minimum width across any front, side or rear elevation of 26 feet, has a minimum 4:12 roof pitch for a dwelling unit with a width across any front, side or rear elevation of 31 feet or less, and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission, under the provisions of 1972 PA 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 that are different than those imposed by the Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.

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 PA 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. If the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer’s set 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.
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 dwelling shall have any exposed towing mechanism, undercarriage or chassis.

E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

F. 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 or standard construction similar to, or of better quality than the principal dwelling of 100 square feet.

G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the township Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector’s decision. Any determination of compatibility shall be based upon the standards set forth in this definition of “dwelling,” as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. 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 home.

H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

I. 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 quality conforming to the “Mobile Home Construction and Safety Standards” as 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.

J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state of federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.

K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable provisions and requirements.

**DWELLING, TWO-FAMILY or Duplex**: A building or structure designed exclusively for or occupied by two (2) families or persons living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

**DWELLING, MULTIPLE-FAMILY**: A building or structure designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

**EASEMENT**: Any private or dedicated public way other than a street, providing a secondary means of access to a property having a rightofway not less than sixty-six (66) feet. Easement may also include drainage ways as established by the Washtenaw County Drain Commission and lands containing essential services as defined herein.

**EASEMENT – CONSERVATION**: A voluntary and legally binding agreement between a property owner and a governmental...
body or a land trust that restricts the type and amount of development and use that may take place on the property.

**ENTRANCE RAMP**: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

**ESSENTIAL SERVICES**: The term “essential services” shall mean the erection, construction, alteration, or maintenance by Public Utilities or Municipal Departments, Commissions or Boards of underground or overhead gas, electric, steam or water transmissions or distribution systems, collection, communication, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, fire hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by Public Utilities or Municipal Departments, Agencies, Commissions or Boards, or for the public health or safety or general welfare.

**EXCAVATION OF GRAVEL, SAND, TOPSOIL OR EARTH**: Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**EXOTIC/NON-DOMESTIC ANIMALS**: A specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health are prohibited.

**EXTRACTION OPERATION**: The terms shall mean any pit, excavation or mining operation for the purpose of searching for, or removing for commercial use any earth, sand, gravel, clay or stone or other nonmetallic material in excess of fifty (50) cubic yards in any calendar year. The terms shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway or pipeline.

**FAMILY**: One or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption and including the domestic employees thereof. A family is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel or tourist home.

**FARM**: A parcel or combination of parcels of land operated as a single unit on which bona fide raising of crops, livestock and/or poultry is carried on directly by the owners-operators, manager, or tenant-farmer by his own labor or with assistance of members of his household or hired employees. Land to be considered as a farm shall include a contiguous unplatted parcel of not less than thirty (30) acres in area.

**FLOOD PLAIN**: The area adjoining a river, stream, water course or lake which is inundated by a flood discharge which results from a One-Hundred-Year storm of twenty-four (24) hour duration.

**FLOOR AREA**: The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

**FLOOR AREA RATIO**: The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on that lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for two (2) stories, or 8,000 square feet for a single story.

**FREE-STANDING IDENTIFICATION SIGN**: A sign designed to identify, to persons not on the premises on
which a free-standing identification sign is located, only the title of the business or profession conducted on the premises, and such information shall be supported by a structural frame independent of any other structure.

**GARAGE, COMMERCIAL**: Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

**GARAGE, PRIVATE**: An accessory building or structure used principally for storage of automobiles and for other incidental storage purposes only.

**GENERAL DEVELOPMENT PLAN**: The adopted master land use and growth management plan for Lodi Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township’s development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development.

**HOME OCCUPATION**: An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. No operation shall be allowed when the nature of the use would require commercial or industrial zoning.

A. that such home occupation shall be carried on within the dwelling or within a building accessory thereto;

B. that no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building;

C. The dwelling has no exterior evidence other than a permitted sign and including no exterior storage of materials or equipment to indicate that the same is being utilized for any purpose other than that of a dwelling.

D. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time;

E. That no hazard of fire, explosion or radioactivity shall exist at any time; and

F. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Planning Commission shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed two (2) in number.

G. The Planning Commission shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to insure the comparability of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

**HOME OCCUPATION - PERMITTED USE**: An occupation or profession carried on in the home by resident members of the family, where such use is clearly incidental and secondary to the principal use of the dwelling as a residence. The Planning Commission shall have the authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to insure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired. The following regulations apply to home occupations as permitted uses:

A. That such home occupation shall be carried on within the dwelling or within a building accessory thereto.

B. The total floor area used by the home occupation shall not exceed twenty (20) percent of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
C. That the character or appearance of the residence shall not change and that the home occupation shall not generate traffic in excess of that normally associated with a residential dwelling.

D. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except an identification sign per Article 53.0 (Sign Regulations).

E. No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.

F. That no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.

G. That there shall be no exterior storage of materials or equipment.

H. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.

I. That no hazard of fire, explosion or radioactivity shall exist at any time.

J. That no additional parking for the home occupation shall be provided.

K. Instruction in a craft or fine art shall be considered a home occupation-permitted use for purposes of this Ordinance.

**HOME OFFICE**: A designation and use of a portion of a single family residence where activities are designed to take place which are part of a defined office activity. Such home office is intended as a secondary occupation or support extension of a primary occupation conducted outside of the principal residence. Such home office shall be a permitted use and shall be used only by resident family members residing within the residential dwelling. No representation of any non residential activities shall be visible from outside the residential dwelling.

**HOTEL**: A building, structure or part thereof occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be general kitchen and/or public dining room(s) for the accommodation of the occupants. The word ‘hotels’ shall not include a “motel” or “motor court”.

**JUNK YARD**: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, bar. barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, and inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**KENNELS**: any lot or premise which contains more than four (4) dogs and/or cats either permanently or temporarily

**LANDFILL**: Means any disposal area tract of land, building,
unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain any soil, waste, or refuse of any type.

**LANDSCAPE CONTRACTOR:** The landscape contractor is a business person who contracts with clients to install or maintain at a profit all or any part of the exterior or interior landscape environment.

**LIVESTOCK:** Animals, normally kept or raised on a farm for commercial purposes, or intended for sale or processing.

**LOADING SPACE, OFF-STREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**LOT:** A lot is all or part of a parcel of land excluding that portion in a road or street right-of-way within one (1) block.

**LOT AREA:** The area within the lot lines, but excluding that portion in a road or street right-of-way.

**LOT COVERAGE:** The percentage of the lot area covered by the building area.

**LOT MEASUREMENTS:**

A. **Depth:** The distance between the road right-of-way and rear lot line, measured along the median between the side lot lines.

B. **Width:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

The width of lots fronting on a cul-de-sac shall not be less than fifty (50) feet at the road right-of-way line. The number of parcels and/or access points established for single family parcels fronting on the circumference of a cul-de-sac shall not exceed five (5).

**LOT OF RECORD:** A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Washtenaw County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

**LOT, THROUGH OR DOUBLE FRONTAGE:** An interior lot having frontage on two parallel or approximately parallel streets.

**MAJOR RECREATION EQUIPMENT:** Boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**MANUFACTURING:** The process of making products by hand, machinery, or other agency, often with the provision of labor and
the use of machinery.

MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road, which provides access to abutting properties and protection from through traffic.

MEZZANINE: An intermediate floor in any story occupying not to exceed one third (1/3) of the floor area of such story.


MOBILE HOME OR TRAILER COACH: A detached portable single-family dwelling, prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, flush toilet, tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

MOBILE HOME PARK: Also referred to as “park” in this Ordinance. Any parcel of land intended and designed to accommodate more than one mobile home for living use which is offered to the public for that purpose; and any structure, facility, area or equipment used or intended for use incidental to the living use.

MOBILE HOME SITE: A plot of ground within a mobile home park designed for accommodation of a mobile home.

MOBILE HOME STAND: That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages or structural additions.

MOTEL: Any establishment in which individual cabins, courts, or similar structures or units, are let or rented to transients for periods of less than thirty (30) days. The term “motel” shall include tourist cabins and homes and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

NONCONFORMING BUILDING, STRUCTURE: A structure or building lawfully constructed that does not conform to the requirements of the District in which it is situated.

NONCONFORMING USE: A structure, building, plot, premise or land lawfully occupied by a use that does not conform to the regulations of the District in which it is situated.

NURSERY-LANDSCAPE CONTRACTORS: A lot or structure or combination thereof, for the storage, wholesale, or retail sale of live trees, shrubs, and plants and including as incidental sales, the sale of products used for gardening or landscaping. Landscape contracting includes the design and placement of the foregoing materials and storage of the equipment required to do the work.

NURSERY-PLANT MATERIALS: A lot or structure or combination thereof, for the storage, wholesale, sale or retail sale of live trees, shrubs, and plants and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside stand or a temporary sales facility for Christmas trees.

OFF- STREET PARKING AREA: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
OUTDOOR ADVERTISING SIGN: Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

PARCEL: A “parcel” is a piece or tract of land in single ownership.

PARKING SPACE: One unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than two hundred (200) square feet, and shall be exclusive of curves, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm water sewerage facilities to the public.

QUARRY: The term “quarry” shall mean any pit, excavation, or mining operation for the purpose of searching for or removing any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year for commercial use, but shall not include an oil well or excavation preparatory to the construction of a building or structure.

RECREATION VEHICLE: A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by additional vehicle. Such a unit shall not exceed eight (8) feet in width and shall not be designed or intended for full time residential occupancy. The term “Recreation Vehicle” shall include, among others, such commonly named vehicles as travel trailer, travel camper, pick-up camper, tent camper and motor home.

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

ROADSIDE STAND: A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district nor shall its use be deemed a commercial activity.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding one square foot in area bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;

B. Flags and insignias of any government except when displayed in connection with commercial connotations;

C. Legal notices, identification, information, or directional signs erected or required by governmental bodies;

D. Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights;

E. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

Also see OUTDOOR ADVERTISING SIGN and FREE STANDING IDENTIFICATION SIGN.

SITE CONDOMINIUM: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

SITE CONDOMINIUM STRUCTURE or BUILDING ENVELOPE: The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures. For example, in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.
SITE CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

SPECIAL USE: A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in a zoning district as a special use if specific provision is made in this Zoning Ordinance.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

STORY, ONE-HALF: A story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property having right-of-way not less than sixty six (66) feet in width.

STREET LINE: The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

STRUCTURE: Anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Fences, utility poles, conduits, pipelines, and cables shall not be deemed structures.

TOURIST HOMES/BED AND BREAKFAST: A dwelling in which overnight accommodations are provided or offered to transient guests for compensation. A tourist home shall not be considered or construed to be a multiple dwelling, motel, hotel, boarding or rooming house.

TRAILER COACH: See MOBILE HOME.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is, or may be, occupied.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning division or districts.

YARD, FRONT: An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the building.

YARD, REAR: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

YARD, SIDE: An open, unoccupied space of the same lot with the main budding, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard; and, if no front yard is required, the front boundary of the side yard shall be the front line of the lot; and, if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

SECTION 2.03—UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.
ARTICLE 3.0
GENERAL PROVISIONS

SECTION 3.01-ESTABLISHMENT OF DISTRICTS

The township is hereby divided into the following zoning districts as shown on the Official Zoning Map which, together with all matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance:

- RC RECREATION CONSERVATION DISTRICT
- AG AGRICULTURAL DISTRICT
- NR NATURAL RESOURCE DISTRICT
- R-1 SINGLE FAMILY, RURAL NON-FARM RESIDENTIAL DISTRICT
- R-3 LOW DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT
- MHP MOBILE HOME PARK RESIDENTIAL DISTRICT
- O OFFICE DISTRICT
- C-1 LOCAL COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- I-1 LIMITED INDUSTRIAL DISTRICT
- I-2 GENERAL INDUSTRIAL DISTRICT

SECTION 3.02-PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance the zoning districts as provided in Section 3.01 of the Ordinance are bounded and defined as shown on a map entitled “Official Zoning Map of Lodi Township,” a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 3.03-IDENTIFICATION OF OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Lodi Township,” together with the effective date of this Ordinance.

SECTION 3.04-CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, change is made in a zoning district boundary, such change shall be adopted and published in accordance with Article 58.0 (Amendment Procedure). No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

SECTION 3.05-AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Lodi Town Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 3.06-REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: “This is to certify that this is the

SECTION 3.07-RULES OF INTERPRETATION

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

A. A boundary indicated as approximately following the center line of a highway, street, alley or easement shall be construed as following such centerline.

B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

C. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.

D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.

E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

F. A boundary indicated as following the center-line of a stream, river, canal, lake or other body of water shall be construed as following such center-line.

G. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs A through F above shall be so construed.

H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by Paragraphs A through H above, the Board of Appeals shall interpret the zoning district boundary.

SECTION 3.08-APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

SECTION 3.09-SCOPE OF PROVISIONS

Except as may otherwise be provided in ARTICLE 56.0 of this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to the effective date of this ordinance and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure, use of building or structure, or use of lot or parcel may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied by the use for which originally designated subject thereafter to the provisions of ARTICLE 56.0 of this Ordinance.
ARTICLE 10.0
RC-RECREATION-CONSERVATION DISTRICT

SECTION 10.01-PURPOSE

The value to the public of certain open areas of the Township is represented in their natural, undeveloped or unbuilt condition. It is recognized by this Ordinance that the principal use of certain open areas is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams.

SECTION 10.02-PERMITTED USES

The following buildings and structures, and uses of parcels, lots buildings and structures are permitted in this district:

A. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.

B. A parcel may be used, and a building or structure located thereon for a riding academy or stable whether for profit or pleasure upon a lot having an area not less than five (5) acres, and a width not less than two hundred fifty (250) feet. Up to five (5) animals on the first five (5) acres are allowed and it is required to provide an additional one (1) acre for each additional animal. There shall be no limit in the number of horses on a lot having thirty (30) or more acres in the area.

C. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

D. Home Occupation-Permitted Use

SECTION 10.03-SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a special use permit as provided in ARTICLE 50.0:

A. Public and private recreation facilities such as but not limited to golf courses, baseball fields, soccer fields, and similar intense uses, camping ground, country club, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.

B. Single-family dwelling;

C. Home Occupation. A home office as defined herein shall not be subject to the requirements established in Article 50 (“Special Uses”)

D. Public utility structures.

SECTION 10.04-REGULATIONS

The following regulations shall apply in all RC – Recreation-Conservation Districts. Lot measurements shall be exclusive of any street, or right-of-way and easement for ingress and egress.
A. **LOT AREA**-The minimum lot area for a building or structure to be established on any lot shall not be less than five (5) acres. The minimum lot area for any lot without a building or structure shall not be less than one (1) acre. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot under ten (10) acres shall exceed a 1:4 width to depth ratio.

B. **LOT WIDTH**-The minimum lot width shall not be less than two hundred fifty (250) feet.

C. **LOT COVERAGE**-The maximum lot coverage shall not exceed ten (10) percent.

D. **FLOOR AREA RATIO**-The maximum floor area ratio shall not exceed .10.

E. **YARD AND SETBACK REQUIREMENTS**-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. **Front Yard**-The minimum setback shall not be less than one hundred (100) feet from the centerline of the road.

2. **Side Yards**-The minimum width of either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than the front yard requirement.

3. **Rear Yard**-The minimum setback shall not be less than fifty (50) feet.

4. **Livestock Facilities**-Any Structure for housing of livestock, and any storage of hay, feed or manure, shall be located no less than 100 feet from any lot line.

F. **HEIGHT REQUIREMENT**-Except as otherwise provided in ARTICLE 55.0, SECTION 55.07, the following height requirements shall apply in this district:

1. For Dwellings and Non-Farm Buildings and Structures—No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.

2. For General and Specialized Farm Buildings and Structures—No general and specialized farm buildings and structures shall exceed a height of one hundred (100) feet.

G. **REQUIRED OFF-STREET PARKING**-As required in ARTICLE 51.0.

H. **STANDARDS**-As required in ARTICLE 55.0, SECTION 55.02.

I. **PRESCRIPTION OF ENVIRONMENTAL QUALITY**-Specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 11.0

AG-AGRICULTURAL DISTRICT

SECTION 11.01-PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource-utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities.

SECTION 11.02-PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

A. A single-family dwelling.

B. A parcel used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs, and any building or structure located thereon and used for the day to day operation of such activities for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure, provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as non-cropland shall be so treated as to prevent soil erosion by wind or water.

C. A parcel may be used, and a building or structures located thereon for the raising or keeping of livestock whether for profit or pleasure upon a lot having an area not less than five (5) acres, and a width not less than two hundred fifty (250) feet. Up to five (5) animals on the first five (5) acres are allowed and it is required to provide an additional one (1) acre for each additional animal. There shall be no limit in the number of livestock on a lot having thirty (30) or more acres in the area.

D. A parcel used for the raising or growing of plants, trees, shrubs and nursery stock, and any building or structure located thereon and used for such raising or growing and for the storage of equipment and material necessary for such raising or growing.

E. Roadside stand, provided at least fifty (50) percent of the nursery stock or other agricultural products are raised on the premises where situated. Off-Street Parking as required in ARTICLE 51.0.

F. A parcel used for the growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.

G. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

H. An accessory use, building or structure.

I. Home Occupation-Permitted Use
SECTION 11.03-SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a special use permit as provided in ARTICLE 50.0:

A. Gardens, nurseries, greenhouses, and landscape contractors.
B. Community and governmental buildings.
C. Public and private nurseries, primary and secondary schools, business schools, and colleges and universities.
D. Hospitals, nursing homes, sanitariums.
E. Churches, synagogues, cathedrals, mosques, temples or other buildings used for public worship, or cemeteries.
F. Animal clinics and kennels.
G. Public utility structures, right-of-way and easements.
H. Radio and television broadcasting and receiving antennae.
I. A parcel may be used, and a building or structure located thereon for a riding academy or stable whether for profit or pleasure upon a lot having an area not less than five (5) acres, and a width not less than two hundred fifty (250) feet. Up to five (5) animals on the first five (5) acres are allowed and it is required to provide an additional one (1) acre for each additional animal. There shall be no limit in the number of horses on a lot having thirty (30) or more acres in the area.
J. One mobile home used for the housing of one agriculture worker’s family provided the farm where located is at least sixty (60) acres in size and that the worker obtains at least fifty (50) percent of his means from that farm where living and that said mobile home is to the rear and within one hundred (100) feet of the farm home and that the mobile home meets the provisions of ARTICLE 50.0.
K. Home occupations. A home office as defined herein shall not be subject to the requirements established in Article 50 (“Special Uses”).
L. Two-family dwellings including a duplex and any uses, buildings or structures accessory thereto.

SECTION 11.04-REGULATIONS

The following regulations shall apply in all AG-Agriculture Districts. Lot measurements shall be exclusive of any street, or right-of-way and easement for ingress and egress.

A. LOT AREA-The minimum lot area in this district shall be two (2) acres for a single-family dwelling and accessory structure thereto. The minimum lot area for all other buildings and structures shall be five (5) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot under ten (10) acres shall exceed a 1:4 width to depth ratio.
B. LOT WIDTH-The minimum lot width shall not be less than two hundred fifty (250) feet.
C. LOT COVERAGE-The maximum lot coverage shall not exceed ten (10) percent.
D. FLOOR AREA RATIO-The maximum floor area ratio shall not exceed .10.
E. **YARD AND SETBACK**-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. **Front Yard**-The minimum setback shall not be less than one hundred (100) feet from centerline of the road.

2. **Side Yards**-The minimum width of either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than the front yard requirements.

3. **Rear Yard**-The minimum setback shall not be less than fifty (50) feet.

4. **Livestock Facilities**-Any structure for housing of livestock, and any storage of hay, feed, or manure, shall be located no less than 100 feet from any lot line.

F. **HEIGHT REQUIREMENT**-Except as otherwise provided in ARTICLE 55.0, SECTION 55.07, the following height requirements shall apply in this district.

1. **For Dwelling and Non-Farm Buildings and Structures**-No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.

2. **For General and Specialized Farm Buildings and Structures**-No general and specialized farm buildings and structures shall exceed a height of one hundred (100) feet.

G. **REQUIRED OFF-STREET PARKING**-As required in ARTICLE 51.0.

H. **STANDARDS**-As required in ARTICLE 55.0, SECTION 55.02.

I. **PRESERVATION OF ENVIRONMENTAL QUALITY**-As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 12.0
NR - NATURAL RESOURCE DISTRICT

SECTION 12.01 - PURPOSE

The Natural Resources District is designated with the recognition that sand and gravel deposits within the Township’s land area are non-renewable natural resources necessary and beneficial to the economy of the Township and the regional area about and the welfare of its citizens. To provide for the utilization of this resource in a manner compatible with nearby residential areas, and to insure complete restoration of the sand and gravel areas ready for another land use at the conclusion of excavation and treatment, this Natural Resources District is hereby established. The land uses allowed in this district are subject to depletion of the available natural resources for which they exist. For this reason, this district is considered an interim zoning classification with the operations of the permitted land uses eventually leading to other approved land uses. The land uses allowed in the NR zoning district, by their on-going operation, can create significant changes to the environment, influencing the site, the surrounding land uses and long term community planning efforts. Per the Township Code, these uses are monitored through an annual permit process to insure compliance with an approved restoration/after-use plan.

SECTION 12.02 - PERMITTED USES

A. Extraction of sand and gravel.
B. Processing of sand and gravel.
C. Extraction of other materials.
D. Oil and natural gas wells.

SECTION 12.03 - CONDITIONAL REQUIREMENTS

The removal of sand, gravel, limestone, or similar materials by excavation, stripping, mining, or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting, crushing operations shall be carried on within the limits of the NR District. All extraction materials shall be washed, graded, and further processed and/or stored within the limits of the site, and no natural resource extracted outside the limits of the site shall be brought in for washing, grading, or further processing except in the event of a public emergency as declared and approved by the Township Board requiring the use of said natural resource. Resource related industries including, but not limited to: concrete batching plants and asphalt mixed plants shall not be permitted as a part of this Natural Resources District.

SECTION 12.04 - REVIEW REQUIREMENTS IN THE NR DISTRICT

A. Site Plan Review – All uses in the NR district shall be subject to the site plan review requirements of Article 54.0 of this Ordinance. However, changes to a site plan that are directly related to the removal of product under an approved annual township permit shall not require a new site plan review, if the changes are consistent with both of the following:

1. The operational requirements stated in township general regulations, and
2. The approved restoration/after-use plan.

B. Operational Considerations – Soil removal operations in this district are subject to the permit requirements of general township regulations. Each active site is reviewed annually by the Board of Trustees. These general operational requirements are hereby referenced as additional conditions of the Planning Commission site plan review under Article 54.0.
C. Review of Soil Removal Uses

1. Planning Commission Review – The Planning Commission shall complete their review prior to a new use in the NR District receiving a permit review from the Township Board. The applicant shall submit all information required for a permit under the general township regulations to the Planning Commission. Any Planning Commission approval of a site plan for a new natural resources use shall be contingent upon the approval of a required soil removal permit by the Township Board.

2. After Use Plan – In addition to the site plan requirements stated in Article 54.0, the initial site plan review of a use in the NR District shall require the submission of a after-use plan that indicates the feasible re-use of the site in a manner compatible with the adopted Township Land Use Plan for Future Land Use following termination of activities. This plan shall be the benchmark against which the annual township review of restoration activities will be gauged. This plan shall include the following information:

   a. Proposed after-use of the site following restoration.
   b. Proposed final topography of site at a minimum of five (5) foot contour intervals.
   c. Proposed water bodies or wetlands.
   d. Proposed closing elevations with adjoining properties.
   e. Delineation of areas to be subdivided or otherwise partitioned for development.
ARTICLE 20.0
R-1-SINGLE-FAMILY RURAL NON-FARM RESIDENTIAL DISTRICT

SECTION 20.01-PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be single-family dwellings on medium-sized lots. The regulations of this district are designed to preserve a predominantly rural character in those areas fit for concentrated residential use because of the soil’s ability to absorb sewage wastes from individual septic tanks. In addition to the dwellings permitted in this zoning district there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal use of this district.

SECTION 20.02-PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

A. A single-family dwelling and any use, building or structure accessory thereto.
B. Home Office.
C. A sign, only in accordance with the regulations specified in ARTICLE 53.0.
D. Home Occupation-Permitted Use
E. Family day care home.
F. Child foster family home.
G. Adult foster care family home.

SECTION 20.03-SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0.

A. Home Occupation.
B. Group day care home, subject to the standards of Section 50.14 (Group Day Care Home Standards).
C. Day care center.
D. Child foster family group home.

SECTION 20.04-REGULATIONS

The following regulations shall apply in all R-1 - Single-Family Rural Non-Farm Residential Districts. Lot measurements shall be exclusive of any street, or right-of-way and easement for ingress and egress.

A. LOT AREA-The minimum lot area for single-family dwellings and accessory structures thereto shall not be less than one (1) acre. The minimum lot area for all other buildings and structures shall not be less than three (3) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH-The minimum lot width shall not be less than one hundred fifty (150) feet.
C. **LOT COVERAGE**-The maximum lot coverage shall not exceed twenty (20) percent.

D. **FLOOR AREA RATIO**-The maximum floor area ratio shall not exceed .20.

E. **YARD AND SETBACK**-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. **Front Yard**-The minimum setback shall not be less than one hundred (100) feet from the center-line of the road.

2. **Side Yards**-The minimum width of either yard shall not be less than twenty-five (25) feet except in the case of a corner lot where the side yard on the road or street side shall not be less than the front yard requirement.

3. **Rear Yard**-The minimum setback shall not be less than thirty-five (35) feet.

F. **HEIGHT REQUIREMENTS**-Except as otherwise provided in ARTICLE 55.0, SECTION 55.07, the following height requirements shall apply in this district:

1. **For Buildings and Structures**-No building and no structure shall exceed a height of three stories forty (40) feet.

2. **For Detached Accessory Buildings**-No detached accessory buildings shall exceed a height of twenty-five (25) feet.

G. **REQUIRED OFF STREET PARKING**-As required in ARTICLE 51.0.

H. **STANDARDS**-As required in ARTICLE 55.0, SECTION 55.02.

I. **PRESERVATION OF ENVIRONMENTAL QUALITY**-As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 21.0
RESERVED

SECTION 21.01-RESERVED
ARTICLE 22.0
R3-LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 22.01-PURPOSE

This district is composed of those areas of the Township planned in the Township's General Development Plan to be served by a municipal water supply system and a municipal sanitary sewerage system whose principal uses are or ought to be single-family, two-family, and multiple family dwellings. The regulations of this district are designed to permit a higher density of population and intensity of land use in areas served by a municipal water supply system and a municipal sanitary sewerage system, and which abut or are adjacent to other uses, buildings, structures, or amenities that support, complement or serve the planned residential density and intensity. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal residential uses of this district.

It is the intent of this district that development at the density and intensity of the principal residential uses permitted in this district shall only occur where the area is served by a municipal water supply system and a municipal sanitary sewerage system. Areas not yet served by a municipal water supply system and a municipal sanitary sewerage system shall not be developed with the principal residential uses of this district. Such areas shall be limited to rural single-family detached dwellings served by private, on-site septic systems and private water wells; and associated public uses and accessory uses.

SECTION 22.02-PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

A. Single-family dwellings and any uses, buildings or structures accessory thereto.

B. Two-family dwellings and any uses, buildings or structures accessory thereto, provided that such use shall be served by a municipal water supply system and a municipal sanitary sewerage system. Use of on-site private wells or private septic systems to serve two-family dwelling units shall be prohibited.

C. Multiple-family dwellings, subject to Section 54.02A, and provided that such use shall be served by a municipal water supply system and a municipal sanitary sewerage system. Use of on-site private wells or private septic systems to serve multiple-family dwelling units shall be prohibited.

D. A home office.

E. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

F. Home Occupation-Permitted Use

G. Family day care home.

H. Child foster family home.

I. Adult foster care family home.

J. Adult foster care small group home, provided that such use shall be served by a municipal water supply system and a municipal sanitary sewerage system. Use of on-site private wells or private septic systems to serve this use shall be prohibited.
SECTION 22.03-SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0.

A. Home occupation.

B. Group day care home, subject to the standards of Section 50.14 (Group Day Care Home Standards).

C. Day care center.

D. Child foster family group home.

E. Adult foster care large group home, provided that such use shall be served by a municipal water supply system and a municipal sanitary sewerage system. Use of on-site private wells or private septic systems to serve an adult foster care large group home shall be prohibited.

SECTION 22.04-REGULATIONS

The following regulations shall apply in all R-3-Low Density Multiple-Family Residential Districts. Lot measurements shall be exclusive of any street, or right-of-way and easement for ingress and egress.

A. LOT AREA - The minimum lot area for uses in this district shall be subject to the following:

1. Lot acreage shall be exclusive of public and/or private road rights-of-way.

2. The lot configuration shall not exceed a width to depth ratio of one to four (1:4).

3. Uses served by municipal water and sanitary sewerage systems. The minimum lot area for uses in this district served by a municipal water supply system and a municipal sanitary sewerage system shall be subject to the following:

   a. The minimum lot area for a lot occupied by a single-family dwelling shall not be less than twenty thousand (20,000) square feet. A lot occupied by a two-family dwelling shall not be less than thirty thousand (30,000) square feet.

   b. Every lot occupied by a multiple-family structure which has three (3) or more dwelling units shall contain an area of not less than the greater of one (1) acre or the sum of the following:

      (1) For each dwelling unit having no bedroom, the minimum lot area shall not be less than four thousand (4,000) square feet.

      (2) For each dwelling unit having one (1) bedroom, the minimum lot area shall not be less than five thousand (5,000) square feet.

      (3) For each dwelling unit having two (2) bedrooms, the minimum lot area shall not be less than five thousand six hundred (5,600) square feet.

      (4) For each dwelling unit having more than two (2) bedrooms, the minimum lot area shall not be less than five thousand six hundred (5,600) square feet for the first two bedrooms and one thousand one hundred (1,100) square feet for each additional bedroom in excess of two.

   c. The minimum lot area for all other principal buildings and uses permitted in this district shall not be less than one (1) acre.
4. **Uses not served by municipal water and sanitary sewerage systems.** The minimum lot area for uses in this district not served by a municipal water supply system and a municipal sanitary sewerage system shall be subject to the following:
   a. There shall be provided a minimum of not less than one (1) acre of lot area for each single-family dwelling.
   b. The minimum lot area for all other principal buildings and uses permitted in this district shall not be less than three (3) acres.

**B. LOT WIDTH** - The minimum lot width for uses in this district shall be subject to the following:

1. **Uses served by municipal water and sanitary sewerage systems.** The minimum lot width for uses in this district served by a municipal water supply system and a municipal sanitary sewerage system shall not be less than the following:
   a. For a single-family dwelling, the minimum lot width shall not be less than seventy-five (75) feet.
   b. For a two family dwelling, the minimum lot width shall not be less than one hundred (100) feet.
   c. For a multiple dwelling structure, the minimum lot width shall not be less than one hundred and twenty-five (125) feet.

2. **Uses not served by municipal water and sanitary sewerage systems.** The minimum lot width for uses in this district not served by a municipal water supply system and a municipal sanitary sewerage system shall not be less than one hundred fifty (150) feet.

**C. LOT COVERAGE** - The maximum lot coverage shall not exceed thirty (30) percent.

**D. FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed .30.

**E. YARD AND SETBACK** - The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. **Front Yard** - The minimum setback shall not be less than one hundred (100) feet from the center-line of the road.

2. **Side Yards** - The minimum width of either yard shall not be less than fifteen (15) feet, but the sum of the two side yards shall not be less than thirty-five (35) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than the front yard requirement.

3. **Rear Yard** - The minimum setback shall not be less than thirty-five (35) feet.

**F. HEIGHT REQUIREMENTS** - Except as otherwise provided in ARTICLE 55.0, SECTION 55.07, no buildings shall exceed two (2) stories above finished grade or twenty-five (25) feet whichever is the lesser.

**G. DISTANCE BETWEEN GROUPED BUILDINGS** - In addition to the required setback lines provided elsewhere in this Ordinance, group dwellings (including semi-detached and multiple dwellings) shall be required to have the following minimum distances between each said dwelling:

1. Where buildings are front to front or front to rear, three (3) times the height of the taller building, not less than fifty (50) feet;

2. Where buildings are side to side, one (1) time the height of the taller buildings but not less than eighteen (18) feet; and
3. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than thirty-five (35) feet. In applying the above standards, the front of the building shall mean that face of the building having the greatest length; the rear is that face opposite the front. The side is the face having the smallest dimension.

H. REQUIRED OFF-STREET PARKING - As required in ARTICLE 51.0.

I. PLANNING COMMISSION REVIEW OF A SITE PLAN - As required in ARTICLE 54.0, SECTION 54.04.

J. STANDARDS - As required in ARTICLE 55.0, SECTION 55.02.

K. PRESERVATION OF ENVIRONMENTAL QUALITY - As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 23.0
MHP-MOBILE HOME PARK RESIDENTIAL DISTRICT

SECTION 23.01-PURPOSE

The purpose of this district is to provide for the development of mobile home parks; to bring about mobile home parks which are an asset to the community and to prevent the development of those which would be a community liability; to promote mobile home parks with the character of residential neighborhoods; to protect the health safety and welfare of mobile home park residents and the surrounding community; and to fit this legitimate use of land into development plans as they are considered, adopted and amended by the Township, which plans will harmonize this type of residential development with other existing and proposed land uses. It is the intent of this Ordinance that mobile home park districts will be served adequately by essential public facilities and services such as highways, police and fire protection, water and sewers, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the mobile home park shall be able to provide adequately any such service; further, that the establishment of any mobile home park district shall not create excessive requirements at public cost for public facilities and services.

SECTION 23.02-PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

A. Mobile Home Parks.

B. Accessory buildings or structures under park management supervision used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of the Building Code. This is not intended to prevent the sale of an occupied mobile home that is on an existing mobile home park pad and is being sold by the occupant owner of the mobile home.

C. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts, nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.

D. Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

E. Not more than one (1) local street sign at a local intersection of such park which identifies the local streets by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.

SECTION 23.03-PROCEDURES AND PERMITS

The following describes some of the procedures and permits necessary for development of a mobile home park.

A. In addition to all such procedures as may be required by this Ordinance, the owner or developer of a mobile home park in a lot or parcel of land zoned MHP—Mobile Home Park shall obtain Site Plan Review approval from the Township as provided in ARTICLE 54.0.

B. To construct a mobile home park the owner or developer shall:

1. Obtain a construction permit from the Director, Michigan Department of Public Health, as required in the Michigan Trailer Coach Act, Act 243, of the Public Acts of 1959 as amended, a copy of which shall be given to the Building Inspector.
2. Obtain a building permit from the Building Inspector, as required in the Building Code.

C. To inhabit, conduct or operate a mobile home park, the owner or developer shall:
   1. Obtain approval from the Director, Michigan Department of Public Health, of the completed construction as required in the Michigan Trailer Coach Park Act, Act 243, of the Public Acts of 1959 as amended, a copy of which shall be given to the Building Inspector.
   2. Obtain an annual license from the Director, Michigan Department of Public Health, as provided in the Michigan Trailer Coach Park Act, Act 243, of the Public Acts of 1959 as amended, a copy or receipt of which shall be given to the Township Clerk.
   3. Obtain a certificate of occupancy from the Building Inspector, as provided in the Building Code.

D. Periodic Inspection—The Building Inspector or other agents authorized by the Township are granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other township ordinance applicable to the conduct and operation of mobile home parks.

SECTION 23.04-REGULATIONS

The following regulations shall apply to all MHP—Mobile Home Park Districts:

A. LOT AREA-The minimum lot area of a mobile home park shall not be less than fifteen (15) acres.

B. SITE AREA-The minimum mobile home site area shall not be less than five thousand (5,000) square feet.

C. MOBILE HOME-Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.

D. YARD AND SETBACK-The following yard and setback requirements shall apply in this district:
   1. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than thirty (30) feet.
   2. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in width and the aggregate width of both said yards not less than twenty (20) feet.
   3. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard widths. Enclosed all-weather patios shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.

E. OTHER DIMENSION REQUIREMENTS-From all stands, the following minimum distances shall be maintained:
   1. Thirty (30) feet to the buffer strip;
   2. Fifty (50) feet to the boundary of such park which is not a public street;
   3. One hundred (100) feet to the right-of-way of any public street or highway;
   4. Fifteen (15) feet to any collector street of such part (parking bay, local drive, or central parking drive is not a collector street). A park collector street is that roadway which carries traffic from local park streets,
drives and parking areas to public street(s) outside the park;

5. Eight (8) feet to any common walkway or local drive of such park;

6. Fifty (50) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents); and

7. Fifty (50) feet to any service building in such park.

F. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.

G. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not more or less than the length and width of the mobile home that will use this site. This pad shall be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.

H. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management.

I. An all weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

J. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park. Such storage space should not be less than one hundred and fifty (150) cubic feet for each mobile home site or in common structure with individual lockers.

K. Uniform skirting of each Mobile Home base shall be required within thirty (30) days after initial placement. Such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry to rodents and insects. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.

L. Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Building Inspector, before such enclosure can be used for living purposes.

M. On-site laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers, if use of indoor dryers is not customarily acceptable to occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.

N. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the following requirements and be approved by the Washtenaw County Health Department:

1. All sanitary sewerage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, bumping or creating any type of nuisance or health hazard. Sewerage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home. Sewer connections shall not exceed ten (10) feet in length above ground.

2. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home.
park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to
insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

O. DISPOSAL OF GARBAGE AND TRASH

1. All garbage and trash containers should be placed in a conveniently located similarly designed enclosed
structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall
be prohibited.

2. The method used for such removal shall be approved by the State and inspected periodically by the
Washtenaw County Health Department.

P. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of
such type, size and number, and so located within the park to satisfy regulations of the State Fire Marshall and the
Saline Area Fire Department.

Q. All electric, telephone and other lines from supply poles outside the park or other sources to each mobile home site
shall be underground.

R. Any fuel oil and/or gas storage shall be centrally located in underground tanks, at a distance away from any mobile
home site as it is bound to be safe. All fuel lines leading to park and to mobile home sites shall be underground and
so designed as to conform with the Washtenaw County Building Code and any State Code that is found to be
applicable. When separate meters are installed, each shall be located in a uniform manner. The use of individual
fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited.

S. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along ail
boundaries of such park excepting at established entrances and exits serving such park. When necessary for
health, safety and welfare, a fence shall be required to separate park from an adjacent property.

T. Any and all plantings in the park shall be hardy plant materials and maintained thereafter in a neat and orderly
manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer
than one growing season.

U. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed
and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest
dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets,
sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the
necessary area.

V. STREETS AND PARKING REQUIREMENTS

1. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all
anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians
and vehicles. All roads and driveways shall have curbs and gutters.

2. One automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home
site. In such park there shall be provided additional automobile parking spaces in number not less than
twice the number of mobile home sites within such park. Central storage of all non-passenger type
vehicles including trucks and trailers shall be properly screened so as not to be a nuisance, and such park
central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in
the mobile home park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet
in length.

3. Minimum widths of roadways (curb face to curb face) shall be as follows:
MOBILE HOME PARK RESIDENTIAL DISTRICT

<table>
<thead>
<tr>
<th>MOTOR VEHICLE PARKING</th>
<th>TRAFFIC USE</th>
<th>MINIMUM PAVEMENT WIDTH (Curb Face to curb Face)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Prohibited</td>
<td>2-way road</td>
<td>24 Feet</td>
</tr>
<tr>
<td>Parallel Parking 1 side only</td>
<td>1-way road</td>
<td>24 Feet</td>
</tr>
<tr>
<td>Parallel Parking 1 side only</td>
<td>2-way road</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Parallel Parking 2 sides</td>
<td>1-way road</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Parallel Parking 2 sides</td>
<td>2-way road</td>
<td>40 Feet</td>
</tr>
</tbody>
</table>

4. When a cul-de-sac drive is provided, the radius of such roadway loop should be a minimum of fifty (50) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.

W. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three mobile home sites shall be not less than three (3) feet in width.

X. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

Y. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, safe manner.

Z. PLANNING COMMISSION REVIEW OF A SITE PLAN—As required in ARTICLE 54.0, SECTION 54.04.

AA. STANDARDS—As required in ARTICLE 55.0, SECTION 55.02.

SECTION 23.05-UNIQUE CHARACTER DESIGN

A. PURPOSE AND INTEREST—In the event an applicant for a site plan approval desires unique flexibility in a mobile home park design that can be obtained from a unique character of development and still conform to the purpose and intent of this ordinance even though the proposal does not comply with all provisions, one may apply for such by so stating on the site plan application. Qualification for such unique character design shall be determined by the Lodi Township Planning Commission upon review of the preliminary sketch plan.

B. PARK STANDARDS—Shall be in accordance with the provisions under “Required Park Standards for Mobile Home Parks,” except for the following:

1. An added degree of flexibility may be granted in the placement and inter-relationship of mobile home sites within the mobile home park. A gross density of not more than seven (7) mobile home sites per acre, and not more than eleven (11) mobile home sites per any single acre within park shall be maintained. No site shall be less than three thousand five hundred (3,500) square feet, with the square footage under five thousand (5,000) square feet being used for recreation purposes.

2. An added degree of flexibility may be granted in the yard dimensions of a mobile home site in the following manner

a. There shall be unobstructed open spaces of at least twelve (12) feet between the sides or end and sides of adjacent mobile homes for the full length of the mobile home, and at least ten (10) feet of unobstructed open space between the ends of the mobile homes.
b. No window of any mobile home shall open onto any other mobile home face unless such dimension between mobile homes is at least twenty (20) feet.

c. No doorway of any mobile home shall open onto any other mobile home face unless such dimension between mobile homes is at least thirty (30) feet.
ARTICLE 30.0
OFFICE DISTRICT

Section 30.01-PURPOSE

This district is intended for areas which are considered desirable locations for office activities but which are considered unsuitable for other commercial uses permitted in the C-1 and C-2 districts. This use is characterized by an insignificant amount of such nuisance factors as noise, heat, glare, and the emission of air pollutants. Activities associated with an office use shall not create hazardous conditions which involve the storage, sale, manufacture or processing of materials.

This district has been located within the Township to permit the development of this office use, to protect adjacent agricultural and residential areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which interfere with the operation of this business activity and the purpose of this district, have been excluded.

The district may be used as a transition zone between residential and commercial or industrial areas.

SECTION 30.02-PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district.

A. Business and professional offices, such as legal, engineering, financial, (not including drive-in facilities and drive-up windows), insurance, accounting, and Governmental.

B. Medical and dental offices and related laboratories.

C. Offices of non-profit organizations such as labor unions, political organizations, religious organizations.

D. Offices of educational institutions.

E. An accessory use, building or structure incidental to the permitted principal uses.

F. A sign, only in accordance with the regulations specified in Article 53.0.

SECTION 30.03-SPECIAL USES

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special use permit as provided in Article 50.0.

A. Restaurants or cafeteria facilities for employees.

B. Pharmacy, retail sales of medical and dental supplies and equipment, medical and dental laboratories located wholly within an office building having sixty-five percent (65%) or more of its floor area devoted to medical/dental office use; provided that not more than eight (8) percent of the building’s floor area shall be pharmacy. Except for one (1) building mounted sign and one (1) free-standing sign identifying the medical/dental building, signs and other advertising for the aforesaid uses shall not be permitted on the building exterior or otherwise visible to persons outside the building, notwithstanding the sign regulations set forth in Article 53.0, herein. Off-street parking shall conform to the regulations set forth in Article 51.0, herein.

C. Financial institutions such as banks, savings and loan associations and credit unions with drive-in facilities, provided that the conditions set forth in Article 50.0 herein and the following conditions are met:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window, so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site. Access to and egress from
the site shall be so located and designed such that traffic flow will not interfere with the street peak hour traffic flow on the street serving the property.

2. Projected peak hour traffic volumes which would be generated by a proposed financial institution shall not cause undue congestion during the street peak hour of the street serving the site.

3. On-site vehicle stacking for drive-in windows shall not interfere with access to or egress from the site or cause standing of vehicles in a public right-of-way.

SECTION 30.04-REGULATIONS AND STANDARDS

The following regulations shall apply in all O - Office Districts:

A. LOT AREA-No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a central sanitary sewerage system, in which case there shall be provided a minimum lot area of twenty thousand (20,000) square feet. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH-The minimum lot width for lots served with a central sanitary sewerage system shall be one hundred (100) feet. Where a lot is not so served, the minimum lot width shall be one hundred fifty (150) feet.

C. LOT COVERAGE-The maximum lot coverage shall not exceed twenty-five (25) percent.

D. FLOOR AREA RATIO-The maximum floor area shall not exceed forty (40) percent.

E. YARD AND SETBACK-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. Front Yard - The minimum setback shall not be less than 100 feet from the centerline of the road.

2. Side Yards - Least width of either side yard shall not be less than ten (10) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than the front yard requirement.

3. Rear Yard - Not less than thirty-five (35) feet.

4. The above yard requirements shall apply to every lot, building or structure.

F. HEIGHT REQUIREMENTS-Except as is otherwise provided in Article 55.0, Section 55.07 of this ordinance, no building or structure shall exceed a height of forty-five (45) feet or three (3) stories.

G. TRANSITION STRIPS-On every lot in the district which abuts a lot in a recreation-conservation, agricultural, and residential district (including mobile homes) there shall be provided a transition strip. Such transition strip shall be not less than fifteen (15) feet in width and shall be provided along every lot line, except a front lot line. Such transition strip shall not be included as part of the yard required around a building or structure.

H. LANDSCAPE STRIP - A use or structure on any lot in this district fronting a public road, or street right-of-way shall provide in addition to and as an integral part of any site development on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

I. REQUIRED OFF-STREET PARKING-As required in Article 51.0.

J. REQUIRED SITE PLAN REVIEW BY PLANNING COMMISSION - As required in Article 54.0.
K. SUPPLEMENTAL REGULATIONS-As required in Article 55.0.

L. PRESERVATION OF ENVIRONMENTAL QUALITY-As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 31.0
C-1-LOCAL COMMERCIAL DISTRICT

SECTION 31.01-PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be local retail, service and restricted repair business activities which serve adjacent and surrounding residential neighborhoods. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

SECTION 31.02-PERMITTED USES

The following buildings and structures and uses of parcels, lots buildings and structures are permitted in this district:

A. Clothing and apparel services including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.

B. Food services including grocery, meat market bakery, restaurant, delicatessen and fruit market, ice-o-mats and similar self serve units but not including any business of a drive-in type.

C. Personal services including barber shop and beauty salon, medical and dental clinic, music studio, bank and saving and loan association and other similar uses.

D. Retail services including drug store, hardware, gift shop and dry goods and notions store.

E. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

F. An accessory use, building or structure.

G. Business and professional offices such as legal, engineering, accounting, financial and insurance.

SECTION 31.03-SPECIAL USES

The following buildings and structures and uses of parcels lots buildings and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0.

A. Animal hospital or clinic.

B. Public utility structures.

C. Drive-in restaurants, banks and similar drive in businesses.

D. Establishments serving food and alcoholic beverages and/or providing entertainment.

SECTION 31.04-REGULATIONS

The following regulations shall apply in all C-1-Local Commercial Districts:

A. LOT AREA-The minimum lot area for a building or structure shall not be less than one (1) acre in area except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case
the minimum lot area shall not be less than ten thousand (10,000) square feet except where included in a neighborhood planned shopping center of five (5) or more stores. A minimum lot size of a neighborhood planned shopping center shall be five (5) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH-The minimum lot width for lots served with a public water supply system and a public sanitary sewerage system shall not be less than seventy (70) feet. Where a lot is not so served, the minimum lot width shall not be less than one hundred fifty (150) feet.

C. LOT COVERAGE-The maximum lot coverage shall not exceed twenty-five (25) percent.

D. FLOOR AREA RATIO-The maximum floor area ratio shall not exceed .60.

E. YARD AND SETBACK-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. Front Yard-The minimum setback shall not be less than one hundred (100) feet from the centerline of road.

2. Side Yards-The minimum width of either side yard shall not be less than ten (10) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than the front yard requirement.

3. Rear Yard-The minimum setback shall not be less than thirty-five (35) feet.

F. HEIGHT REQUIREMENTS-No building or structure shall exceed a height of twenty-five (25) feet or two (2) stories.

G. TRANSITION STRIPS

1. On every lot in this district which abuts a lot in a residential district there shall be provided a transition strip. Such transition strip shall be no less than fifteen (15) feet in width, shall be provided along every lot line, except at front lot lines which abut a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a solid fence, wall or hedge not less than four (4) feet nor more than six (6) feet in height, maintained in good condition.

2. A use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

H. REQUIRED OFF-STREET PARKING-As required in ARTICLE 51.0.

I. PLANNING COMMISSION REVIEW OF A SITE PLAN-As required in ARTICLE 54.0, SECTION 54.04.

J. STANDARDS-As required in ARTICLE 55.0, SECTION 55.02.

K. PRESERVATION OF ENVIRONMENTAL QUALITY-As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 32.0
C-2-GENERAL COMMERCIAL DISTRICT

SECTION 32.01-PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be general retail, service and restricted and repair business activities which serve the entire Township and surrounding area. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

SECTION 32.02-PERMITTED USES

The following buildings and structures and uses of parcels, lots buildings and structures are permitted in this district:

A. All permitted uses allowed in C-1-Local Commercial District as provided in SECTION 31.02 of this ordinance.

B. Retail services including department stores, furniture stores, appliance stores, and super markets.

C. Agricultural services including machinery sales and repair establishments and farm supply stores.

D. New automobile showroom and sales and used car sales in conjunction with new car dealerships.

E. Mobile home and trailer court sales and repair.

F. Equipment services including repair; radio and television electrical appliance shop, plumber, electrician and other similar services and trades.

G. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

H. An accessory use, building or structure.

SECTION 32.03-SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0.

A. Establishments serving food, alcoholic beverages, and/or providing entertainment.

B. Funeral establishments, mortuaries.

C. Motels and hotels.

D. Animal hospitals or clinics.

E. Open air display area for the sale of manufactured products such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, pneumatic tired cement mixers, wheelbarrows, rollers and similar products or equipment.

F. Used car lots.
G. Gasoline service stations including minor repair service.

H. Places of amusement, entertainment, or recreation such as dance halls, theaters, bowling alleys and roller and ice skating rinks, miniature golf, driving ranges, commercial swimming pools, trampolines, etc.

I. Public utility structures.

SECTION 32.04-REGULATIONS

The following regulations shall apply in all C-2-General Commercial Districts:

A. LOT AREA- The minimum lot area for a building or structure shall not be less than one (1) acre, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case the minimum lot area shall not be less than twenty thousand (20,000) square feet except where included in a general planned shopping center of ten (10) or more stores. A minimum lot size of a general shopping center shall be ten (10) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH- The minimum lot width for a lot served with a public water supply system and a public sanitary sewerage system shall not be less than one hundred (100) feet. Where a lot is not so served, the minimum lot width shall not be less than one hundred fifty (150) feet.

C. LOT COVERAGE- The maximum lot coverage shall not exceed twenty-five (25) percent.

D. FLOOR AREA RATIO- The maximum floor area ratio shall not exceed .80.

E. YARD AND SETBACK- The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. Front Yard- The minimum setback shall not be less than one hundred (100) feet from the centerline of road. For gasoline service station pump islands, the minimum setback shall not be less than one-half (1/2) the front yard setback.

2. Side Yards- The minimum width of either side yard shall not be less than ten (10) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than the front yard requirement.

3. Rear Yards- The minimum setback shall not be less than thirty-five (35) feet.

F. HEIGHT REQUIREMENTS- No building or structure shall exceed a height of forty-five (45) feet or three (3) stories.

G. TRANSITION STRIPS

1. On every lot in this district which abuts a lot in a residential district there shall be provided a transition strip. Such transition strip shall be not less than fifteen (15) feet in width, shall be provided along every lot line, except a front lot line which abuts a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a solid fence, wall or hedge not less than four (4) feet nor more than six (6) feet in height, maintained in good condition.

2. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
H. **REQUIRED OFF-STREET PARKING** - As required in ARTICLE 51.0.

I. **PLANNING COMMISSION REVIEW OF A SITE PLAN** - As required in ARTICLE 54.0, SECTION 54.04.

J. **STANDARDS** - As required in ARTICLE 55.0, SECTION 55.02.

K. **PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 40.0
I-1-LIMITED INDUSTRIAL DISTRICT

SECTION 40.01-PURPOSE

This district is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosion and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

SECTION 40.02-PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

A. Research oriented and light industrial park uses including testing facilities.

B. The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries and frozen food lockers.

C. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.

D. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.

E. Printing, lithographic, blueprinting and similar uses.

F. Light manufacturing industrial use which by the nature of the materials, equipment and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras, photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.

G. Research and testing facilities.

H. An accessory use, building or structure.

I. A sign, only in-accordance with the regulations specified in ARTICLE 53.0.

J. Public utility structures located on the surface of the ground including, but not limited to, transformer substations, pumping stations, communications relay stations, gas and steam regulating valves and stations.

SECTION 40.03-SPECIAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0:

A. Restaurants and cafeteria facilities for employees.
B. Bus, truck, taxi and rail terminals.

C. Open air areas display for the sale of manufactured products such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment such as household equipment, small tools, pneumatic tired two. and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.

D. Warehousing and material distribution centers, provided all products and material are enclosed in a building.

SECTION 40.04-REGULATIONS

The following regulations shall apply in all L 1-Limited Industrial Districts:

A. LOT AREA-The minimum lot area for a building or structure shall not be less than ten (10) acres, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case the minimum lot area shall not be less than two (2) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot under ten (10) acres shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH-The minimum lot width for a lot served with a public water supply system and a public sanitary sewerage system shall not be less than two hundred (200) feet. Where a lot is not so served, the minimum lot width shall not be less than four hundred (400) feet.

C. LOT COVERAGE-The maximum lot coverage shall not exceed twenty-five (25) percent.

D. FLOOR AREA RATIO-The maximum floor area ratio shall not exceed .60.

E. YARD AND SETBACK-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

1. Front Yard-The minimum setback shall not be less than one hundred (100) feet from centerline of road.

2. Side Yards-The minimum width of either side yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than the front yard requirement.

3. Rear Yard-The minimum setback shall not be less than thirty-five (35) feet.

F. HEIGHT REQUIREMENTS-Except as is otherwise provided in ARTICLE 55.0, SECTION 55.07 of this Ordinance, no building or structure should exceed a height of forty-five (46) feet or two (2) stories.

G. TRANSITION STRIPS

1. On every lot in the district which abuts a lot in a residential, commercial, or office and research and development district there shall be provided a transition strip. Such transition strip shall not be less than twenty-five (25) feet in width, shall be provided along every lot line except a front lot line, which abuts a lot in a residential, commercial, office or research development district, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a solid fence, wall or hedge not less than four (4) feet nor more than eight (8) feet in height, and maintained in good condition.

2. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
H. REQUIRED OFF-STREET PARKING - As required in ARTICLE 51.0.

I. PLANNING COMMISSION REVIEW OF A SITE PLAN - As required in ARTICLE 54.0, SECTION 54.04.

J. STANDARDS - As required in ARTICLE 55.0, SECTION 55.02.

K. PRESERVATION OF ENVIRONMENTAL QUALITY - As specified in ARTICLE 55.0, SECTION 55.08.
Article: 40.0 LIMITED INDUSTRIAL DISTRICT
ARTICLE 41.0
I-2-GENERAL INDUSTRIAL DISTRICT

SECTION 41.01-PURPOSE

This district is designed to provide the location and space for all manner of industrial uses, wholesale commercial and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of non-related uses such as residential, retail business and commercial; to encourage the discontinuance of uses presently existing in the district, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.

SECTION 41.02-PERMITTED USES

The following buildings, structures, and uses of parcels, lots, buildings and structures are permitted in this district:

A. All permitted uses allowed in L-1-Limited Industrial Districts provided in SECTION 40.02 of this Ordinance.

B. Contractor’s establishment not engaging in any retail activities on the site.

C. Manufacturing.

D. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.

E. Manufacturing product warehousing, exchange and storage centers and yards, lumber yards.

F. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed, or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits; such use shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.

G. Wholesale businesses including warehouse and storage, commercial laundries, dry clearing establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor’s equipment yards.

H. An accessory use, building or structure.

I. A sign, only in accordance with the regulations specified in ARTICLE 53.0.

SECTION 41.03-SPECIAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in ARTICLE 50.0:

A. Public or private dumps, incinerators, land fills, junk yards and inoperative vehicle storage.

B. Plating shops.

C. Rendering plants.

D. Slaughter houses.

As Amended and Edited: November 22, 2007
E. Heat treating processors.

F. Tanneries.

G. Other similar uses.

SECTION 41.04-REGULATIONS

The following regulations shall apply in all I-2—General Industrial Districts:

A. LOT AREA-The minimum lot area for a building, structure or use shall not be less than ten (10) acres. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot under ten (10) acres shall exceed a 1:4 width to depth ratio.

B. LOT WIDTH-The minimum lot width shall not be less than four hundred (400) feet.

C. LOT COVERAGE-The maximum lot coverage shall not exceed twenty-five (25) percent.

D. FLOOR AREA RATIO-The maximum floor area ratio shall not exceed .40.

E. YARD AND SETBACK-The following yard and setback requirements shall apply in this district. No building or structure may be built closer to a property boundary than the minimum side yard dimension.

   1. Front Yard-Not less than one hundred twenty-five (125) feet from centerline of road;

   2. Side Yards-Minimum width of either side yard shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard or the road or street shall not be less than eighty-five (85) feet; and

   3. Rear Yard-Not less than fifty (50) feet.

F. HEIGHT REQUIREMENTS-Except as is otherwise provided in ARTICLE 55.0, SECTION 55.07 of this Ordinance, no building or structure shall exceed a height of forty-five (45) feet.

G. TRANSITION STRIP

   1. On every lot in the district which abuts a lot in an open area, commercial office, research and development or residential district there shall be provided a transition strip. Such transition strip shall not be less than fifty (50) feet in width, shall be provided along every lot line, except a front lot line, which abuts a lot in a residential, commercial, office, research and development district shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a solid fence, wall or hedge not less than four (4) feet nor more than eight (8) feet in height, and maintained in good condition.

   2. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

H. REQUIRED OFF STREET PARKING-As required in ARTICLE 51.0.

I. PLANNING COMMISSION REVIEW OF A SITE PLAN-As required in ARTICLE 54.0, SECTION 54.04.

J. STANDARDS-As required in ARTICLE 55.0, SECTION 55.02.

K. PRESERVATION OF ENVIRONMENTAL QUALITY-As specified in ARTICLE 55.0, SECTION 55.08.
ARTICLE 42.0
PLANNED UNIT DEVELOPMENT

SECTION 42.01-PURPOSE

A Planned Unit Development ("PUD") shall include such terms as cluster zoning, planned development, community unit plan, planned residential development and other terminology denoting zoning requirements which are designed to achieve the following objectives:

A. Provide flexibility in regulation of land development.
B. Provide for a compatible mix of land uses.
C. Encourage innovation in land use planning and development, especially in housing.
D. Encourage variety in the design and type of housing, and to improve the quality of residential environments.
E. Create more stable communities by providing a variety and balance of housing types and living environments.
F. Provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing.
G. Encourage provision of useful open space and protect and conserve natural features.
H. Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities.
I. Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.
J. Insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.
K. Encourage innovations in residential, office, and commercial development so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing, recreation and shops conveniently located to each other may extend to all citizens and residents of Lodi Township.
L. To reflect changes in the technology of land development so that resulting economies may benefit those who need homes.
M. To lessen the burden of traffic on streets and highways.

SECTION 42.02-PERMITTED USES

A. Uses permitted in a PUD shall be compatible with the Township’s adopted General Development Plan.
B. All use of land and buildings in a PUD shall comply with the listing and location of uses shown on the approved area plan, approved preliminary site plan, approved final site plan, and/or approved plat, or condominium development, whichever is applicable. Uses and structures accessory to the listed uses shall be permitted. No other uses shall be permitted.
C. A residential area, designated on an area plan, preliminary site plan, or final site plan, may contain one or more
types of dwelling units, provided that such combination of dwelling unit types will not interfere with orderly and
reasonable platting of an area, if such area is to be platted, and subject to the approved area plan.

D. Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single
family detached unit, and shall be subject to the home occupation regulations set forth in the definition of home
occupation in Section 2.02, herein.

SECTION 42.03-LOCATION OF A PUD

A PUD shall be located in an area of Lodi Township that is determined to be suitable and desirable for such development,
upon recommendation by the Township Planning Commission and final approval of the Township Board. In making its
recommendation, the Planning Commission shall find that the location of a proposed PUD is consistent with Township
policy regarding land use type and density, as expressed in the adopted Zoning Ordinance, or represents land use policy
that is a logical and acceptable change in adopted policy.

SECTION 42.04-PETITION REQUIREMENTS

A. Pre-Application Conferences

1. A potential applicant for a special district classification shall request a pre-application conference with
Township officials prior to filing said application. The request shall be made to the Planning Commission
chair-person who shall set a date for the conference and shall inform the Township Supervisor, Clerk and
Treasurer and other Planning Commission members of the conference and invite their attendance. The
Planning Commission chair-person shall also invite other officials who might have an interest in the
proposed development, or who might assist the Township in the review process, such as but not limited
to Township Consultants, County Road Commission Engineer, County Health Department, and County
Drain Commission.

2. The purpose of the conference is to inform Township and other officials of the concept of the proposed
development and to provide the potential applicant with information regarding land development policies,
procedures, standards and requirements of the Township and other agencies in terms of the proposed
development. To this end the applicant is encouraged to present schematic plans, site data and other
information that will explain the proposed development.

3. Statements made in the conference shall not be legally binding commitments.

B. Petition Procedures

1. Application for PUD classification shall be for an amendment to the Official Zoning Map and approval of
an area plan. A petition for a PUD may be made by the owner(s) of record or by a person(s) authorized in
writing to act on behalf of the owner(s) of record of the subject parcel. The filing shall be in the name of and
signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD district,
such as legal title, or execution of a binding sales agreement, prior to approval of the petition by the
Township Board.

2. The petition shall be filed with the Township Clerk who shall transmit copies of the petition to the Planning
Commission. The petition including all required documentation shall be filed at least thirty-five (35)
calendar days prior to the Planning Commission meeting at which it is to be considered. Fees shall be paid
to the Township Treasurer at the time of application; no transmittals shall be made to the Planning
Commission unless the required fees have been paid in full.

3. Upon receipt of a complete and accurate petition from the Clerk, the Planning Commission shall undertake
a study of same. The Planning Commission shall advise the applicant in writing of any recommended
changes in the petition as are needed to conform to the regulations and standards of this Ordinance.
4. A public hearing date shall be established for the petition and notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).

5. At the public hearing the petitioner shall present evidence to the Planning Commission regarding the following characteristics of the proposed development:
   a. The general character and substance.
   b. Objectives and purposes to be served.
   c. Compliance with all applicable Township ordinances and standards, and federal and state statutes and regulations.
   d. Scale and scope of development proposed.
   e. Development schedules.
   f. Compliance with the adopted General Development Plan of Lodi Township.

The Planning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses; community impact, in terms of streets and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township; and environmental impact.

Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models or other materials, and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission, other Township officials, and the general public.

6. The report to the Township Board shall state the Planning Commission’s findings of fact and conclusions on the Petition for a PUD District, the basis for its decision, analysis with regard to its compatibility with the General Development Plan, the decision and any conditions relating to an affirmative decision.

7. The Township Board shall review the petition, reports of the Planning Commission, the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or table for future consideration the petition.
   a. The Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
   b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board shall refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
   c. Reasonable conditions may be required with the approval of a planned unit development. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
      (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use 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.
(2) Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

8. If the petition is approved by the Township Board, the applicant shall review the petition in its approved form. The applicant and all owner(s) of record of all property included within a PUD district or said owner’s legal representatives shall then sign a statement that the approved petition and area plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said statement has been signed as required herein and has been received by the Township Clerk.

9. Within ten (10) days of the official approval of the petition by the Township Board, the Township Clerk shall accurately note, and the Township Supervisor shall attest, the special district designation for the parcel(s) in question on the official zoning map, in accordance with Article 58.0 (Amendment Procedure), herein.

10. The approved area plan and signed agreement shall be recorded by the petitioner with the Washtenaw County Register of Deeds, within ten (10) days of the date of approval of the petition and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the Lodi Township Clerk.

11. The Township Board may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.

12. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Article 54.0 Site Plan Review, herein.

C. Information Required for the Area Plan

1. An area plan shall be submitted as part of a petition for a special district zoning change.

2. An area plan for a PUD shall contain all information required for preliminary site plans as set forth in Section 54.03 herein, and the following information:

   a. Density of use for each use area of the site.
   b. Location, size and uses of open space.
   c. General description of the organization to be utilized to own and maintain common areas and facilities.
   d. General description of covenants or other restrictions; easements for public utilities.
   e. Description of the petitioner’s intentions regarding selling or leasing of land and dwelling units.
   f. Description of all proposed uses.
   g. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
   h. Delineation of areas to be platted under the Subdivision Control Act, Act 288 of 1967, as amended, and Condominium Act, Act 59 of 1978, as amended.
i. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.

j. Delineation of required yards/setbacks; dwelling unit schedule, density, and lot area per dwelling unit, for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips.

D. Standards for Petition Review

The Planning Commission shall determine, and shall provide evidence of its determinations in its report to the Township Board, that the petition meets the following standards.

1. The proposed development shall conform to the adopted General Development Plan, or represents land use policy which, in the Planning Commission’s opinion, is a logical and acceptable change in the adopted General Development Plan.

2. The proposed development shall conform to the intent and all regulations and standards of a PUD.

3. The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.

4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands.

5. The petitioner shall have made provision, satisfactory to the Board, to assure that public and common areas will be or have been irrevocable committed for that purpose. Provisions, satisfactory to the Board, shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.

6. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard the Planning Commission shall consider, among other things; convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.

7. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.

8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.

9. The proposed development shall create a minimum disturbance to natural features and land forms.

10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.

11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the
site and to the edges of the site, where applicable.

**E. Effect of Approval of Petition**

Approval of the petition by the Township Board shall have the following effects:

1. Approval of an area plan shall indicate acceptance of uses, building locations, layout of streets, estimated dwelling unit count and type based upon a preliminary soil investigation, floor areas, densities, and all other elements of the area plan.

2. Approval of a petition for a PUD eighty (80) acres or less in area shall authorize the applicant to file an application for preliminary/final site plan approval for all or any phase of the development shown on the approved area plan, except areas to be platted for single-family detached residential use according to the Subdivision Control Act.

3. Approval of a petition for a special district of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan for each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required herein, and only in accordance with Section 54.03, herein.

4. Approval of an area plan by the Township Board shall authorize the applicant to file an application for review of a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the Township’s subdivision control ordinance for all or part of the area within the PUD which is to be platted.

5. No deviations from the area plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision, as provided in this Article.

6. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the Planning Commission gives permission for such construction, and provided that all required permits have been issued and are in effect. No other construction may commence until a final site plan has been approved by the Planning Commission.

Grading, tree removal and other changes in existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this subsection. Construction shall be limited to those elements whose location, size, alignment and similar characteristics will not be subject to change in the review of a final site plan or plat within the PUD.

**SECTION 42.05-GENERAL PROVISIONS**

A. **District Regulations** - All uses, structures, and properties shall comply with all regulations and requirements of this Zoning Ordinance, except as provided in this Article.

B. **Continuing Applicability of Regulations** - The location of all uses and structures, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved area plan, and on site plans and plats approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance. Such regulations shall be the continuing obligation of any subsequent interests in the land in a PUD or parts thereof and shall not be changed except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.

A parcel of land that has been classified as a PUD district by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.
C. **Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued therefore, on a lot zoned, or under zoning petition for, a PUD District classification, until the requirements of this Article have been met.

**SECTION 42.06 - ZONING BOARD OF APPEALS; JURISDICTION**

The Township’s Zoning Board of Appeals has no authority to hear an appeal on a PUD decision.

**SECTION 42.07 - DENSITY AND OPEN SPACE PRESERVATION REGULATIONS**

A. **Density in a PUD shall be regulated as follows:**

1. The maximum permitted residential density for a PUD shall not exceed the average residential density for the area included in the PUD as allowed by the Lodi Township Zoning Ordinance.

2. The maximum lot coverage (LC) shall not exceed twenty-five (25) percent.

3. The maximum floor area ratio (FAR) shall not exceed 0.35.

B. **Open Space Preservation Requirements**

1. Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land area, that as determined by the Township, could otherwise be developed under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

   a. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a municipal sewer system, 3 or fewer dwelling units per acre.

   b. When completed, a development shall have at least fifty (50) percent of the developable acreage in the development devoted to open space, which shall perpetually remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include land area devoted to the following: a residential unit, an accessory use, yard areas adjacent to buildings, vehicle access, vehicle parking, a roadway, a utility easement, an approved land improvement, and similar uses. For purposes of this calculation, developable acreage shall include all areas to be used for residential purposes and all open space devoted exclusively for residential use or uses accessory thereto or for natural resource preservation. However, developable acreage shall not include bodies of water, designated wetlands, or floodplain, except to the extent the applicant can show to the satisfaction of the Planning Commission that such areas would be considered developable areas under the zoning ordinance. If the applicant proposes to include such areas within its calculations of developable acreage, the applicant shall submit a traditional (non-PUD) site plan conforming to all applicable zoning ordinance regulations for the district in which the subject property is located, in order to establish both developable area and permissible density.

   c. The open space shall be preserved perpetually by a recorded legal document approved by the Township Board.

   d. The development does not depend upon the extension of a municipal sewer or municipal water supply system, unless development of the land without the exercise of the open space preservation option would also depend upon such an extension.

   e. The option provided pursuant to this open space preservation subsection has not been previously exercised with respect to that land.
f. The development of the land under this open space preservation subsection is subject to all other applicable ordinances, law, and rules, including rules relating to suitability of groundwater for an on-site water supply for land not served by municipal water and rules relating to suitability of soils for on-site sewage disposal for land not served by municipal sewers.

2. When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include the yard areas adjacent to buildings.

C. Density calculations shall meet the following requirements:

1. Residential uses shall be permitted with a maximum density equal to that authorized in the residential existing zoning district in which the property is situated.

2. Land areas to be used in calculating gross densities, lot coverage (LC) and floor area (FAR) shall be delineated on the area plan, preliminary site plan, and final site plan so that the acreage and density computations can be confirmed.

3. Land area used for calculating gross residential density shall include the total residential land area designated on the area or preliminary site plan, and final site plan, less any area within any public and private street right-of-way.

4. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential density. LC and FAR calculations for non-residential uses shall be based upon land areas designated for such use and shall include acreage for drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street right-of-way.

5. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not be used to compute density in another project within the PUD unless the overall and new densities, LC’s and FAR’s of the subject property, and all previous projects in the district are maintained at or less than the limits established in the approved area plan.

6. The LC and FAR shall include assumed ground floor area and total floor area for proposed single family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.

7. The Planning Commission may exclude land with slopes of fifteen percent (15%) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.

SECTION 42.08-MINIMUM LOT AREA

The Township Planning Commission shall determine that the lot area for any proposed planned unit development is reasonable for a development of that nature. Such determination shall take account of the lot size required for similar developments in other districts.

SECTION 42.09-REQUIRED YARDS AND SETBACKS

The following minimum yards/setbacks shall be provided in a PUD exclusive of road right-of-ways.

A. A setback of fifty (50) feet shall be provided along any part of a PUD fronting on a public street.

B. A setback of twenty (20) feet shall be provided along any part of a PUD not fronting on a public street and the setback shall be designed and landscaped as a buffer strip. Parking lots and driveways shall not be permitted in this setback area, except that drives may cross such setback area.
C. A setback of thirty-five (35) feet shall be provided along the right-of-way of a major public collector street proposed within a PUD and a setback of fifty (50) feet shall be provided along the right-of-way of a public arterial street proposed within a PUD.

D. A landscaped yard at least ten (10) feet deep shall be provided between a parking lot of five (5) or more spaces and a property line within a PUD. A yard at least twenty (20) feet deep shall be provided between a parking lot and a perimeter property line of a PUD, except when adjacent to a public street right-of-way line, in which case the preceding yard requirements shall apply.

Refer to General Development Plan for roadway classifications.

E. A transition strip at least twenty (20) feet deep shall be required along a perimeter of a commercial, warehouse, industrial, or office site when adjacent to a residential area, school site, park and similar areas within a PUD. Such strips shall be landscaped with trees, shrubs, ground cover, and other materials. Fencing may be required at the option of the Township Board at the time of area plan approval.

The preceding yard/setback requirements, may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The reduction or waiver shall be based upon findings that topographic conditions, existing trees, and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be shown on the approved area plan.

F. All required yards/setbacks shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided herein.

SECTION 42.10-DISTANCES BETWEEN BUILDINGS

A. A single family dwelling shall be located at least ten (10) feet from any other single family dwelling unless structurally attached thereto.

B. Distances between buildings shall be sufficient to meet fire protection requirements.

C. The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.

SECTION 42.11-HEIGHT REGULATIONS

Any building exceeding a height of two and one-half (2 1/2) stories or thirty-five (35) feet shall be approved as to specific height by the Township Board upon recommendation by the Township Planning Commission. Approval shall be based upon findings regarding natural light, air circulation, views, fire protection, and airport flight patterns, where applicable. The height of each building shall be indicated on the area plan and all site plans approved subsequently thereto. Where the height exceeds two and one-half (2 1/2) stories or thirty-five (35) feet, the Township Board upon recommendation from the Planning Commission may require larger lot areas or set backs to preserve the integrity of open areas.

SECTION 42.12-CIRCULATION AND ACCESS

A. Each lot or principal building shall have vehicular access from a public street according to the standards for public streets as established by the Washtenaw County Road Commission or from a private street according to the standards and specifications of Section 55.17 of this Ordinance.

B. Each lot or principal building shall have pedestrian access from a public sidewalk, where deemed necessary by the Planning Commission. All parts of a PUD shall be interconnected by a sidewalk system which will provide necessary, safe, and convenient movement of pedestrians. A bicycle path system may be required in a PUD and may be a part of a sidewalk system.
Article 42.0 PLANNED UNIT DEVELOPMENT

C. All streets shall be designed and constructed according to established standards for public or private streets, except that such standards may be modified if adequate service will be provided. Right-of-way standards may be modified, especially where the area plan provides for adequate off-street parking facilities and for the separation of pedestrian and vehicular traffic. Any modification of proposed public streets shall meet the approval of the Washtenaw County Road Commission.

D. An individual dwelling unit in a single family or two family structure, or an individual townhouse building or mobile home, or similar residential structure, shall not have direct driveway access to an arterial street. In such case, access shall be provided by a service drive.

E. Streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in sub-section C, preceding.

SECTION 42.13-UTILITIES

A. Refer to Section 55.10 regarding requirements for municipal or private on-site sanitary sewerage facilities. Each principal building shall be connected to public water lines, or to an on-site private well approved by the Township after approval by the Washtenaw County Environmental Health Department.

B. Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.

C. Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.

D. The Township Planning Commission may require that all structures within a PUD District which utilize metered utilities such as gas, electricity, water and sewer, shall have installed on the premises a meter reading device capable of determining usage amounts from a central location, which location shall be approved by the Township Board.

E. The Township Planning Commission may require the installation of street lighting on all or any portion of a street, sidewalks and bike paths where such installation is deemed to be in the interest of public health, safety and welfare.

F. The Township Planning Commission may require the installation of an audio warning system at such locations as to adequately warn persons within the PUD of natural or man caused disasters.

SECTION 42.14-OPEN SPACE REGULATIONS

A. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space, such as recreation areas and parks. Other buildings and improvements shall be prohibited therein.

B. Open space areas shall be conveniently located for the residents throughout the PUD in relation to the location of dwelling units and natural features.

C. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.

D. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as, but not limited to, ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams and marshes be preserved as part of the open space system of the PUD.
SECTION 42.15-PARKING AND LOADING REQUIREMENTS

The parking and loading requirements set forth in Section 51.0, herein, shall apply, except that the number of spaces required may be reduced. The reductions shall be approved by the Township Board, upon recommendation of the Township Planning Commission, as a part of the area plan, and shall be based upon specific findings. The parking area saved by reducing the number of spaces shall be put into landscape/open space areas within the PUD.

SECTION 42.16-PHASING

Development may be phased as delineated on the approved area plan, subject to the following requirements:

A. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

B. The Township Board, upon recommendation of the Planning Commission, may require that the development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that over-loading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Township Planning Commission may require the petitioner to provide market analyses, traffic studies, and other information, as outlined in 42.04 B5, herein, necessary for the Planning Commission to properly and adequately analyze a PUD petition for recommendation to the Township Board with respect to this requirement.

C. The Planning Commission may require, as part of a final site plan review of a phase of a PUD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

D. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.

E. Any phase containing commercial and/or office uses shall have a residential land area containing at least three (3) times the land area in the commercial/office use.

F. No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least one hundred (100) dwelling units or one-quarter of the total number of units in the approved area plan, whichever is less.

SECTION 42.17-SITE PLANS

A. Preliminary Site Plan Requirements

A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan. The preliminary site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 54.0, herein, that apply to preliminary site plans. In addition to these provisions, preliminary site plans shall conform to the approved area plan.

B. Final Site Plan Requirements

A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 54.0, herein, that apply to final site plans. After review by the Planning Commission, the final site plan shall be forwarded to the Township Board. Upon receipt, the Township Board shall study the final site plan and shall, within ninety (90) days approve, request modification(s) to, or reject the final site plan. The final site plan shall only be deemed valid after the applicant and all owner(s) of record or the owner(s) legal representative(s) and Township Clerk sign the
approved final site plan and all applicable fees have been paid.

SECTION 42.18-SUBDIVISION PLATS

A. A site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development according to the Subdivision Control Act.

B. Plats shall conform to the approved area plan and all conditions attached thereto.

C. Subdivision plats shall meet all requirements of P.A. 591 of 1998 as amended and Lodi Township.

D. The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

E. Condominium projects shall meet all requirements of the Condominium Act of 1978, as amended.

SECTION 42.19-COMMON AREAS AND FACILITIES

A. The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be clearly identified accordingly on the final site plan(s).

B. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.

C. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township attorney for review and a report on his/her findings issued to the Planning Commission as to legal form and effect, and to the Township Board or Planning Commission, whichever is applicable, for review, as to the suitability of such areas and facilities for the proposed use. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.

D. Where a Home Owners Association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, same to be filed with the zoning petition. The provisions shall include, but shall not be limited to, the following:

1. The HOA shall be established before any dwellings in the PUD are sold.

2. Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.

3. Restrictions shall be permanent.

4. The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.

5. Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be so specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.

6. The HOA shall have authority to adjust the assessment to meet changed needs.

7. The Township Board and Township attorney shall review the proposed by-laws and articles of incorporation prior to approval of the area plan.

8. All open spaces and common facilities shall be assessed to the HOA and all taxes thereon shall be paid by the HOA.
E. The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved petition, an approved preliminary site plan, where applicable, and final site plan.

F. Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. The trustee may be a homeowners association, a trust company, or similar organization.

G. Easements shall be given to each individual owner for the use of such areas and facilities.

H. Where facilities are to be constructed as part of the common area open space system performance guarantees shall be provided as required herein.

SECTION 42.20-AMENDMENT AND REVISION

Approved plans and any conditions imposed with respect to the approval of a PUD area plan or preliminary or final site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township and the landowner in accordance with the following:

A. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in an approved area plan, or a change in an approved preliminary or final site plan which results in a major change, as defined in this section, in the approved area plan, shall require an amendment to the approved area plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PUD zoning. A change which results in a minor change as defined in this section shall require revision to the approved plan and approval by the Planning Commission.

B. A request for a change in an approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the applicant in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.

C. The following changes shall be considered major, for which amendment is required:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved area plan.
4. Increase in the number of dwelling units (density).
5. Increase in non-residential floor area of over five (5) percent.
6. Increase in lot coverage or FAR of the entire PUD of more than one (1) percent.
7. Rearrangement of lots, blocks, and/or building tracts.
8. Change in the character or function of any street.
9. Reduction in land area set aside for common open space or the relocation of such area(s).
10. Increase in building height.

11. A change in residential floor area plus or minus 10%.

D. A developer may request approval of minor changes, as defined in this section, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).

E. Minor changes, for which approved plans may be revised rather than amended, shall be at the discretion of the Planning Commission.

F. The Planning Commission shall have the authority to determine whether a requested change is major or minor. The burden shall be on the applicant to show good cause for any requested change.

G. After the completion of any development within an approved PUD, alterations to existing uses/structures shall be handled on a case by case basis. Applicable sections of the Zoning Ordinance shall apply. Changes shall be consistent with the intent and character of the original PUD as approved.

SECTION 42.21-EXPIRATION OF PLAN APPROVALS

A. An area plan shall expire eighteen (18) months after approval by the Township Board unless a site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for review and approval. Thereafter the site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.

B. A final site plan for the entire property classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date of Township Board approval of the area plan. All final plats in a PUD shall have been approved and recorded within the preceding time periods.

C. Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in Section 42.21 A, preceding, and failure to obtain approval of final site plans and final plats as provided in Section 42.21 A and B, preceding, shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration.

In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirement for original application. Expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Inspector shall notify the Township of the expiration of an approved area plan.

D. Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval by the Township Board unless the Building Inspector shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five hundred forty-five (545) days after the date of approval by the Township Board unless construction has begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Township Board to require filing and review of a new final site plan in accordance with the provisions of this Article.

E. Development shall be diligently pursued to completion, and shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.
F. If an approved area plan or an approved site plan has expired as set forth in this Section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.

SECTION 42.22-EXTENSION OF TIME LIMITS

Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission and/or Township Board, whichever is applicable, in the case of area plans. In the case of preliminary and final site plans an agreement for time extensions shall be between the applicant and the Planning Commission.

SECTION 42.23-MODIFICATIONS DURING CONSTRUCTION

All site improvements and building construction shall conform to all approved plans required in this article which authorize such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans he/she shall do so at his/her own risk, without assurance that the Lodi Township Board, Planning Commission or Township official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. The Township Board, Planning Commission, Zoning Inspector, Building Inspector or Township Engineer, whichever is applicable, may require the applicant to correct any changes made in the field without prior approval so as to conform to the approved plans.

SECTION 42.24 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Article 54.0, herein.

SECTION 42.25 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Article 54.0 Site Plan Review, herein.

SECTION 42.26 VIOLATIONS

A. A violation of an approved area plan, preliminary site plan, final site plan, and conditions of approval, shall be grounds for the Township Board to order that all construction be stopped and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.

B. Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including conditions attached to an approved plan, shall be considered a violation of this ordinance, as provided in Section 57.09, herein.
SECTION 50.01-PURPOSE

The formulation and enactment of this Zoning Ordinance is based upon the division of the unincorporated portions of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need, or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 50.02-AUTHORITY TO GRANT PERMITS

The Lodi Township Board shall have the authority to grant special use permits subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all special uses specified in the various provisions of this Ordinance.

SECTION 50.03-APPLICATION AND FEE

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Lodi Township Board by letter of application submitting required data, exhibits and information and depositing the required fee. Such application shall be accompanied by a fee established by the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant after depositing the required fee with the Township Clerk.

SECTION 50.04-DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION

An application for a special use permit shall contain the applicant’s name and address in full; a statement that the applicant is the owner involved or is acting on the owner’s behalf; the address of the property involved; accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. Section 54.03 B.

SECTION 50.05-PUBLIC HEARING

Upon receipt of a complete and accurate application for a special land use from the Clerk, the Planning Commission shall undertake a study of same. A public hearing date shall be established for the petition and notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).

SECTION 50.06-PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall review the application for a special use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The Planning Commission shall recommend approval or denial of the application for a special use permit and shall transmit its recommendations, together with a report thereon, to the Township Board. The report shall contain the Planning Commission’s analysis of application in relation to the required standards and findings, and shall include a summary of the findings of fact and conclusions made as a result of the public hearings.
SECTION 50.07-REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance;

B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

D. Will not be hazardous or disturbing to existing or future neighborhood uses.

E. Will not create excessive additional requirements at public cost for public facilities and services.

SECTION 50.08-TOWNSHIP BOARD ACTION

A special use permit shall not be issued for the occupancy of a structure or parcel of land, or for the erection, reconstruction, or alteration of a structure, except in compliance with the following:

1. The Township Board shall review the application for a special use permit, reports of the Planning Commission, the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or table for future consideration the application.
   a. The Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
   b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board shall refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.

2. Reasonable conditions may be required with the approval of a special use permit. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
   a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use 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.
   b. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
   c. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

3. A violation of a requirement, condition or safeguard shall be considered a violation of this Ordinance.
4. If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Township Board shall not grant a special use permit. A request for approval of a land use or activity shall be approved if the request is in compliance with the standards of this Ordinance, other applicable ordinances, and state and federal statutes.

5. No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

6. Approved plans and any conditions imposed with respect to the approval of a special use permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township and the landowner. Changes to an approved special use permit shall be subject to the same review and approval procedures as for a new application.

SECTION 50.09-JUNK YARDS AND INOPERATIVE VEHICLES

In addition to and as an integral part of development, the following provisions shall apply:

A. Junk yards shall be established and maintained in accordance with all applicable State of Michigan Statutes.

B. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance’s definition of “Junk Yard” will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved. A solid, unpierced fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance’s definition of “Junk Yard” be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.

C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.

D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

SECTION 50.10-DRIVE-IN THEATERS AND TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES

In addition to and as an integral part of development, the following provisions shall apply:

A. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.

C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

SECTION 50.11-GASOLINE SERVICE STATIONS

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.
A. **FRONTAGE AND AREA**-Every gasoline service station shall have a minimum frontage of one hundred fifty (150) feet and a minimum area of one (1) acre.

B. **SETBACKS**-Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of fifty (50) feet and a minimum setback from all property lines of twenty-five (25) feet.

C. **CONSTRUCTION STANDARDS**-All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.

2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

3. Hydraulic hoist, lubricating, greasing, washing and repair equipment shall be entirely enclosed within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, may be carried out within the premises.

4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.

5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.

6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.

7. The minimum distance between curb cuts shall be no less than forty (40) feet.

**SECTION 50.12-KENNEL**

Kennels licensed by the County shall be subject to the following conditions:

A. **MINIMUM LOT SIZE**-will be operated on a parcel of land not less than ten (10) acres in area and six hundred sixty (660) feet in width;

B. **NOISE CONTROL**-on a lot on which a dog kennel shall be kept, no kennel structure or pens shall be located closer than three hundred (300) feet to the nearest edge of a public right-of-way nor within two hundred (200) feet of any neighboring site or rear lot line;

C. **PUBLIC PROTECTION**-dog kennel shall be established and maintained in accordance with all applicable county and township sanitation regulations.

**SECTION 50.13-TEMPORARY OCCUPANCY OF MOBILE HOMES**

The Township Board shall have authority to grant a permit for the temporary occupancy of mobile homes subject to the following conditions and fees set by the Township Board.

A. During the period of construction of a new dwelling, but not to exceed a period of twelve (12) months, the owner of such dwelling premises, and members of such owner’s immediate family, shall be permitted to occupy as a temporary residence one trailer coach situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.

B. Such mobile home shall not be located between the established setback line and the public roadway or curb line of such premises.
C. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.

D. The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewerage system available at such premises, and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Washtenaw County Health Department for the dwelling to be constructed thereat.

E. No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.

F. The water facilities of the mobile home shall be properly connected to the public water system available at such premises, and in case such system is not available then properly connected to the existing well system which is approved by the Washtenaw County Health Department for the dwelling to be constructed thereat.

G. A performance bond in the amount of one thousand dollars ($1,000), shall be provided to insure the removal of the mobile home at the termination of the permit.

SECTION 50.14-GROUP DAY CARE HOME STANDARDS

A special use permit for a group day care home shall be approved if the proposed use meets all of the following standards:

A. LICENSING – In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.

B. USE STANDARDS

1. SEPARATION DISTANCE – The use shall be located a minimum of 1,500 feet from any of the following, as measured along public or private road rights-of-way:

   a. Another licensed group day care home.
   b. An adult foster care small group home or large group home.
   c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, as licensed by the State of Michigan under the public health code.
   d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

   The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved special use permit for a group day care home.

2. FENCING – All outdoor recreation areas shall be completely enclosed and secured by a minimum four (4) foot high fence for the safety of children in the group day care home.

3. APPEARANCE AND SIGNAGE – The property shall be maintained consistent with the visible characteristics of a single-family dwelling. No signs shall be permitted for the group day care home, other than that permitted for a single-family dwelling in the zoning district.

4. HOURS OF OPERATION – The use shall not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.

5. EMPLOYEE PARKING – One (1) off-street parking space shall be provided per non-resident employee of
the group day care home, in addition to required parking for the dwelling per Article 51.0 (Off-Street Parking and Loading-Unloading Requirements).

C. EXCEPTIONS - A licensed or registered family or group day care home that operated before March 30, 1989 is not required to comply with the requirements of this Section.
ARTICLE 51.0
OFF STREET PARKING AND LOADING-UNLOADING REQUIREMENTS

SECTION 51.01-OFF STREET PARKING

Off-street parking spaces for automobiles with the requirements herein specified shall be provided in all districts in connection with industrial, business, institutional, agricultural, recreational, residential or other use at the time any building or structure is erected, or uses established, enlarged or increased in capacity.

A. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation for the above uses, shall be submitted to the Zoning Inspector for review at the time of application for a building permit for the erection or enlargement of a building. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family or two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

C. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, and not more than one commercial vehicle. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.

No major recreational equipment shall be parked or stored in the front yard of any lot in a residential district, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed seventy-two (72) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

D. Each off-street parking space for an automobile shall not be less than two hundred (200) square feet in area, with a minimum width of ten (10) feet exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width and, where a turning, radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

1. For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
2. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
4. For parallel parking the aisle shall not be less than eleven (11) feet in width.

E. Off street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of
sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.

F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer then ten (10) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.

2. No off-street parking space shall be located in the front yard set-back of any property except when adequate buffering is created as described in ARTICLE 55.0, SECTION 55.09 and in that case such parking shall be placed no closer to the street right-of-way line than one-half the minimum authorized front yard length.

3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

4. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

5. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact plantings not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

6. All off street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- and two-family dwellings.

7. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

8. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

G. For the purposes of determining off-street parking requirements the following units of measurement shall apply:

1. FLOOR AREA - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.

2. PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3. FRACTIONS - When units of measurement determining the number of required parking spaces result in a fraction space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

4. The minimum required off-street parking spaces shall be set forth as follows:
<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile or Machinery Sales and Service Garages</td>
<td>One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.</td>
</tr>
<tr>
<td>Banks, Business and Professional Offices</td>
<td>One (1) space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>Barber Shops and Beauty Parlors</td>
<td>One (1) space for each chair plus one (1) space for each employee.</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>Five (5) spaces for each alley.</td>
</tr>
<tr>
<td>Churches, Auditoriums, Stadiums, Sport Arenas, Theaters, Dance Halls, Assembly Halls other than Schools</td>
<td>One (1) space for each four (4) seats.</td>
</tr>
<tr>
<td>Dwellings (Single-Family)</td>
<td>Three (3) spaces for each family or dwelling unit.</td>
</tr>
<tr>
<td>Dwellings (Two-family and Multiple-family)</td>
<td>Three (3) spaces for each family or dwelling unit.</td>
</tr>
<tr>
<td>Funeral Homes and Mortuaries</td>
<td>Four (4) Spaces for each parlor or one (1) space for each fifty (50) square feet of floor area, plus one (1) space for each fleet vehicle, whichever is greater.</td>
</tr>
<tr>
<td>Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops</td>
<td>One (1) space for each four hundred (400) square feet of floor area.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.</td>
</tr>
<tr>
<td>Hotels, Motels, Lodging Houses, Tourist and Boarding Homes</td>
<td>One (1) space for each living unit plus one (1) space for each two (2) employees.</td>
</tr>
<tr>
<td>Gasoline Service Stations</td>
<td>One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.</td>
</tr>
<tr>
<td>Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories</td>
<td>One (1) space for each two (2) employees on maximum shift.</td>
</tr>
<tr>
<td>Medical and Dental Clinics</td>
<td>One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.</td>
</tr>
<tr>
<td>Restaurants, Beer Parlors, Taverns and Night Clubs</td>
<td>One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.</td>
</tr>
<tr>
<td>Roadside Stands</td>
<td>Five (5) spaces for each attendant.</td>
</tr>
<tr>
<td>Self Service Laundry or Dry Cleaning Stores</td>
<td>One (1) space for each two (2) washing and/or dry cleaning machines.</td>
</tr>
<tr>
<td>Schools, Private or Public Elementary and Junior High Schools</td>
<td>One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.</td>
</tr>
</tbody>
</table>
Senior High School and Institution of Higher Learning,
Private or Public .................................................. One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.

Super Market, Self-service Food and Discount Stores ..........One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.

Wholesale Establishments and Warehouses ...................... One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

SECTION 51.02-LOADING-UNLOADING REQUIREMENTS

In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.

B. Each off-street loading-unloading space shall not be less than the following:

1. In any Residential District a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.

2. In any Commercial or Industrial District a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.

C. Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.

D. Any loading-unloading spaces shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.

E. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

G. Off-street loading-unloading requirements for residential (excluding single-family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, and one (1) additional loading-unloading space the size of such loading-unloading space subject to the provisions of this Ordinance.

H. Where a use is not specifically mentioned, the requirements of similar or related use shall apply.
SECTION 53.01-GENERAL SIGN REGULATIONS

No sign shall be erected at any location where, by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effect on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area.

SECTION 53.02-PERMITTED SIGNS IN RECREATION-CONSERVATION AND AGRICULTURAL DISTRICTS

Signs in Recreation-Conservation and Agricultural Districts may be illuminated by non-flashing internal light or reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:

A. One sign advertising the sale or lease of the lot or building, not exceeding six (6) square feet in area on any one lot, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

B. One sign announcing a home occupation or professional service not to exceed six (6) square feet in area on any one lot, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

G. One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed twelve (12) square feet in area, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

D. One sign identifying a park, school building, other authorized use, or a lawful nonconforming use not to exceed eighteen (18) square feet, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

SECTION 53.03-PERMITTED SIGNS IN RESIDENTIAL DISTRICTS

One sign in Single-Family Rural Non-Farm Residential, Single-Family Suburban Residential, Low Density Multiple-Family Residential, and Mobile Home Park Residential Districts may be illuminated by non-flashing internal light or reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:

A. One sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one lot, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

B. One sign announcing a home occupation, boarding home, tourist home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.

C. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic. Such sign shall be removed within one year after the sale of ninety (90) percent of all lots or units within said subdivision or development.

D. One sign identifying a multiple-family building, subdivision, or development, not having commercial connotations, not to exceed eighteen (18) square feet in area, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.
E. One sign identifying a school, church, public building, other authorized use of a lawful nonconforming use, not to exceed eighteen (18) square feet, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

SECTION 53.04-PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. One sign in Local Commercial and General Commercial Districts is permitted only where it identifies an enterprise occupying the same lot upon which the sign is erected. A sign permitted may be illuminated by non-flashing internal light or reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. Signs shall conform to the building setback and height requirements, except for and in addition to the following requirements:

1. An identification sign may be affixed against the wall of the building. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.

2. One free standing identification sign may be erected for a research park or office center, or combined research park office center. Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the side, or rear property line than one half (½) the distance of the required setback, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

3. One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not within a research park or office center. Such sign shall not exceed eighteen (18) square feet in area, not be closer to the side or rear property line than one-half (½) the distance of the required setback, and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.

4. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot per front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one half (½) the distance of the required building setback, and shall be located off the public right-of-way and furthermore as not to interfere with the full view of traffic.

B. In Limited Industrial and General Industrial Districts, a sign is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

1. An identification sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.

2. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

SECTION 53.05-OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

A. Outdoor advertising signs (billboards) are permitted only in General Commercial, Limited Industrial, and General Industrial Districts.
B. Outdoor advertising signs are required to have the same setback as other principal structures or building in the zone in which they are situated.

C. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face, back-to-back or a V-type structure, shall be considered a single sign.

D. The total surface area, facing in the same direction of any outdoor advertising sign, shall not exceed three hundred (300) square feet.

E. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.

F. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible. If visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

G. Outdoor advertising signs shall:

1. Be harmonious with and in accordance with the intent, purposes and provisions of this Ordinance;

2. Be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

3. Not be hazardous or disturbing to existing or projected future uses.

SECTION 53.06-SIGNS FOR AUTOMOBILE SERVICE STATIONS

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback. A sign or legend may also be placed flat on the main building or fuel pump canopies.

SECTION 53.07-ELLMINATION OF NONCONFORMING SIGNS

All signs and billboards shall conform to the regulations as set forth in this Ordinance and its amendments. Any sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three (3) years from the date of the building permit or the effective date of this Ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard, it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this Zoning Ordinance.

SECTION 53.08-APPLICATIONS, FEES, HEARING, AND PERMITS

Application for a permit for an Outdoor Advertising Sign (billboard), by the owner of the property where the sign shall be erected shall be made to the Township Board by filing with the Township Clerk the completed application upon the forms therefore furnished by the Planning Commission, submitting the required data, exhibits and information. Such application shall be accompanied by a fee as determined by the Township Board paid by said property owner, except that no fee shall be required of any governmental body or agency. No part of the fee shall be returnable to the applicant. Such application shall contain the applicant’s name and address in full; a statement that the applicant is the owner involved; the address of said property involved; an accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance; and authorization of the Township, its officers and agents to enter upon said property for the purposes of inspection and for removal of said billboard as provided by this Ordinance.

As Amended and Edited: November 22, 2007
The Planning Commission shall hold a public hearing, or hearings, upon any application for a permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the township, within fifteen (15) days but not less than three (3) days next preceding the date of said hearing.

The Planning Commission shall review the application for a sign permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The Planning Commission shall recommend approval or denial of the application for a sign permit and shall transmit its recommendations, together with a report thereon, to the Township Board. The report shall contain the Planning Commission’s analysis of application in relation to the required standards and findings, and shall include a summary of the findings made as a result of the public hearing.

Renewal of such permit shall be made by the first day of each calendar year on an application form furnished by the Planning Commission, accompanied by a fee as determined by the Township Board paid by said property owner to the Township Clerk. No part of the renewal fee shall be returnable to the applicant. Such renewal form shall contain a statement that such billboard exists in compliance with the permit therefore. Failure to file such renewal application for a period of fifteen (15) days shall constitute a noncompliance with such permit whereupon the Township Board may cancel such permit and remove such billboard in the manner provided.

SECTION 53.09-REQUIRED FINDINGS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot, or parcel:

A. Will be harmonious with and in accordance with the general objectives, intent, and purposes and provisions of this Ordinance.

B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the same area.

C. Will not be hazardous or disturbing to existing or projected future uses. If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not grant a permit. In the granting of any permit, the Planning Commission shall impose such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property and to achieve the objectives of this Ordinance, and the breach of any such conditions shall, after due process, invalidate the permit thereof.
ARTICLE 54.0
SITE PLAN REVIEW

SECTION 54.01-PURPOSE

It is the intent of this Section to establish procedures and standards that provide a consistent method for review of site plans. The purpose of this Section is to ensure that any development in the Township conforms to all applicable standards contained in this Ordinance, other applicable ordinances, and state and federal statutes; and is consistent with the adopted policies of the Township’s General Development Plan. The Lodi Township Planning Commission shall have the authority to review and approve, approve with conditions or reject preliminary site plans, and recommend to the Township Board approval, approval with conditions or rejection of final site plans as required in this Article.

SECTION 54.02-DEVELOPMENTS AND USES REQUIRING SITE PLAN REVIEW

The following buildings, structures, and uses require site plan review.

A. A building containing three (3) or more dwelling units.

B. A mobile home park.

C. Any principal non-residential building or structure, and addition thereto, permitted in residential districts and any principal building or structure, and addition thereto, except single-family residences and all farm buildings and structures, permitted in conservation-preservation and agriculture districts.

D. A Planned Unit Development, in accordance with the provisions specified in Article 42.

E. Any building or structure, in any business and industrial district.

F. More than one (1) building or structure, except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership, in any commercial, or industrial district.

G. Any principal use of a lot in any business and industrial district which does not involve a building, such as, but not limited to outdoor sales, outdoor displays, and storage of wrecked vehicles.

H. A parking lot or addition thereto containing 5 or more parking spaces.

I. Any condominium development.

J. Public utility buildings and structures, but not including poles, towers, and telephone repeater buildings.

K. Any use subject to the provisions of Article 50.0 (Special Uses).

The Zoning Inspector shall not issue a Certificate of Zoning Compliance and the Building Inspector shall not issue a Building Permit for Construction of, addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced, or expanded, nor shall the Building Inspector issue a Certificate of Occupancy for such use, until a final site plan has been approved and is in effect.

No grading, removal of trees or other vegetation, site balancing, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.
SECTION 54.03-PRELIMINARY SITE PLAN

A. Application - Any person with legal interest in a lot may apply for preliminary site plan approval therefor by filing completed forms, review fee, and five (5) full size preliminary site plan drawing(s) 24” X 36” and ten (10) copies reduced to 1/2 size, 12” X 18”, with the Township Clerk. The Clerk, upon receipt of the application, shall transmit the preliminary site plan drawings to the Planning Commission at least thirty-five (35) calendar days prior to its next meeting.

B. Information Required - Each preliminary site plan submitted for review shall provide the following information:

1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.

2. Location and description of the site; dimensions and area, and vicinity map.

3. General topography and soil information.

4. Property owner(s) name and address; applicant(s) name and address and interest in the property; owner(s) signed consent for preliminary site plan approval application if the applicant is not the owner.

5. Scale, north arrow, date of plan.

6. Proposed buildings/structures - location, outline, general dimensions, distances between, floor area, number of floors, height, number and type of dwelling units (where applicable).

7. Location, size, and use of open areas and recreation areas.

8. Proposed streets/drives: general alignment, right-of-way (where applicable), surface type and width.

9. Proposed parking - location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface type, number of spaces.

10. Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.

11. Area of intended land balancing and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.

12. Adjacent land uses and zoning; location of adjacent buildings, drives and streets.

13. Location and area of development phases; building program for each phase; projected schedule of development by phase.

14. Location and width of all easements on the site.

15. General description of proposed water, sanitary sewer or soil percability, and storm drainage system.

16. All adjacent property owned or controlled by the applicant or owner of the subject property.

17. Location, size, and type of existing trees and bushes; location and description of existing wetlands, water courses, and water bodies, whether intermittent or permanent; and the location and description of any other natural features on the site.
18. Where applicable, a Natural Features Statement of Impact, Protection, and Mitigation is required under Section 55.08.

C. Standards For Review-In reviewing a preliminary site plan the Planning Commission shall consider the following standards:

1. That all required information has been provided.

2. That the proposed development conforms to all regulations of the Zoning Ordinance for the district(s) in which it is located.

3. That the applicant may legally apply for site plan review.

4. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

5. That the proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area and is compatible with the General Development Plan.

6. That natural resources and natural features will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.

7. That the proposed development is adequately coordinated with improvements serving the subject property and with other developments.

8. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and site balancing required.

9. That organic, wet, or other soils which are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.

10. That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.

11. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

12. A natural features statement of impact, protection, and mitigation for the proposed development.

D. Planning Commission Action-The Planning Commission shall study the plan and shall, within ninety (90) days of the filing date, if the submitted application is complete, approve or reject the preliminary site plan. The Planning Commission may require changes in the plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a preliminary site plan. The time limit may be extended upon a written request by the applicant and approval by the Planning Commission. The Planning Commission may extend the time limit up to thirty (30) days without written request after giving written notice of such action to the applicant.

E. Effect of Approval-Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed buildings, streets, drives, parking and other facilities and areas in and of the general character of the proposed development. The Township Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, provisions for control of possible erosion, for exempting the Township from any liability if a final site plan is not approved, and for furnishing a bond for site restoration if work does not proceed to completion.
F. Expiration of Approval - Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. The Planning Commission Secretary shall, within ten (10) days of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the approved preliminary site plan will become invalid with respect to the remaining parts of the site, unless the applicant requests and is granted, by the Planning Commission, a one (1) year extension.

SECTION 54.04 - FINAL SITE PLAN

A. Application - Following approval of a preliminary site plan by the Planning Commission, the applicant shall submit to the Township Clerk five (5) full size final site plans 24” X 36” and other data and exhibits hereinafter required, the review fee, and a completed application form and ten (10) copies reduced to 1/2 size, 12” X 18”. The Clerk, upon receipt of the application, shall transmit the final site plan drawing(s) to the Planning Commission at least fourteen (14) days prior to its next regular meeting.

B. Information Required - Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:

1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. The information shall be presented on more than one (1) drawing, when required by the Planning Commission for purposes of clarity.

2. Scale, north arrow, name and date of plan; date of revisions thereto.

3. Name and address of property owner(s) and applicant; interest of applicant in property; name and address of developer; owners signed consent for final site plan approval application if applicant is not the owner.

4. Name and address of designer. A final site plan shall be prepared by an architect, registered community planner, engineer, landscape architect, or land surveyor.

5. A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.

6. Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located on the final site plan.

7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed.

8. General description of deed restrictions, if any.

9. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.

10. Existing public utilities on or serving the property; location and size of water lines and hydrants; location, size and invert for sanitary sewer and storm sewer lines; location of manholes and catch basins; location
11. Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.

12. Zoning classification of the subject property; location of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units.

13. Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.

14. Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.

15. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross-section of same showing surface, base, and sub-base materials, dimensions, and slopes; location and typical details of curbs; turning lanes with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve-radii.

16. Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.

17. Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.

18. Location, width, and surface of proposed sidewalks and pedestrian ways.

19. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.

20. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.

21. Location, type, size, area, and height of proposed signs.

22. Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention/detention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of underground tanks where applicable; location and size of surface mounted equipment for electricity and telephone services; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Township Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Environmental Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan.

23. Landscape plan showing location and size of plant materials.

24. Description of measures to control soil erosion and sedimentation during grading and construction
operations and until a permanent ground cover is established. Such plan shall be approved by the County Soil Erosion and Sedimentation Control Enforcing Agent.

25. Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.

26. Location, type, direction, and intensity of outside lighting.

27. Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same prior to approval of the final site plan by the Planning Commission.

28. The Natural Features Statement of Impact Protection, or Mitigation if required.

C. Standards For Review- In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:

1. That the final site plan conforms to the preliminary site plan as approved by the Township Planning Commission.

2. That all required information is provided.

3. That the plan complies with all Zoning Ordinance regulations.

4. That the plan, including all engineering drawings, meets the specifications of Lodi Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Fire Chief and the Township Engineer.

5. That the proposed development will not cause soil erosion or sedimentation problems.

6. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will accommodate upstream drainage and not cause undue runoff onto neighboring property or overloading of watercourses in the area. The drainage plan shall be approved by and conform to the standards of the Washtenaw County Drain Commissioner.

7. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.

8. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.

9. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

10. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

11. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.

12. That the Natural Features Statement of Impact Protection, or Mitigation for the development has been recommended by the Commission, and that the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

13. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
D. Township Board Action - After review by the Planning Commission, the final site plan shall be forwarded to the Township Board. Upon receipt, the Township Board shall study the final site plan and shall, within ninety (90) days, approve, or reject the final site plan.

This time limit may be extended upon written request by the applicant and approval by the Township Board, or the Township Board may extend the time limit up to thirty (30) days without written request after giving written notice to the applicant. The Board may suggest and/or require changes or modifications in the proposed site plan as are needed to gain approval. The Board may attach conditions to its approval. The Township Board shall include in its study of the site plan consultation with the Township Zoning Inspector, the Fire Chief, and the Township Engineer, and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development.

Upon Township Board approval of a final site plan, the applicant, the owner(s) of record, or the legal representative thereof, and the Township Board Clerk shall sign six (6) copies of the approved final site plan. The Township Board Secretary shall transmit two (2) signed copies of the plan and any conditions attached to the approval to the Zoning Inspector, and one (1) signed copy each to the Township Clerk, Chair of the Planning Commission, and to the applicant. The Township Board Clerk shall attach a certificate of approval to the copy to be sent to the applicant. One (1) signed copy shall be retained in the Township Board’s files. If the final site plan is rejected, the Township Board shall notify the applicant in writing of such action and the reasons therefor, within ten (10) days following the action.

E. Effect of Approval - Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificates have been met.

At the discretion of the Township, approval of a final site plan authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement authorizes issuance of a Building Permit, provided all other requirements for a Building Permit have been met. No site work or construction shall begin prior to the execution and recording of the Development Agreement.

F. Expiration of Approval - Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

SECTION 54.05-COMBINING PRELIMINARY AND FINAL SITE PLANS

An applicant may, at the applicant’s discretion and risk, with approval of the Township Planning Commission, combine a preliminary and final site plan in an application for approval. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

In combining a preliminary and final site plan, the Planning Commission shall review and make a recommendation to the Township Board regarding a combined preliminary and final site plan. Upon receipt of the combined preliminary and final site plan, the Board may suggest and/or require changes or modifications in the proposed site plan as are needed to gain approval. The Board may attach conditions to its approval.

SECTION 54.06-AMENDMENT OF APPROVED SITE PLAN

A site plan may be amended upon application and in accordance with procedures and requirements provided in Section 54.03, herein, for a preliminary site plan and in Section 54.04, herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion
of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that a revised preliminary or final site plan drawing(s) be submitted showing such minor changes, for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved preliminary or final site plan. The Planning Commission shall record its determinations and reasons therefor in the minutes of the meeting at which the action is taken.

**SECTION 54.07 - MODIFICATION OF PLAN DURING CONSTRUCTION**

It shall be the responsibility of the applicant to notify the Zoning Inspector, the Building Inspector, and the Planning Commission before any changes may take place during construction.

If the applicant makes changes in the development in relation to the approved final site plan, such changes shall be made at the applicant’s risk, without any assurances that the Planning Commission will approve the changes. Such changes must be submitted in the form of a revised site plan.

**SECTION 54.08 - PHASING OF DEVELOPMENT**

The applicant may divide the proposed development into two or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

**SECTION 54.09 - INSPECTION**

The Zoning Inspector or representative shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.

The Zoning Inspector or representative shall obtain inspection assistance from the Fire Chief, Building Inspector, and Engineer, where applicable.

The Zoning Inspector or representative shall notify the Planning Commission and Township Board in writing, when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Inspector or representative shall notify the Township Board, the Planning Commission, and Building Inspector, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Inspector, or representative, of steps taken to achieve compliance. In such case, the Zoning Inspector shall periodically notify the Township Board, Planning Commission, and Building Inspector of progress toward compliance with the approved final site plan and when compliance is achieved.

**SECTION 54.10 - PERFORMANCE GUARANTEES**

To ensure compliance with this Ordinance and any conditions of final site plan approval, a performance guarantee may be required by the Township to insure faithful completion of the improvements, subject to the following:

A. A required performance guarantee shall be in the form of an irrevocable bank letters of credit, cash deposit, or other security, acceptable to the Township Board, and shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover the estimated cost of site improvements shown on the approved final site plan which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall include, among other items, the following: streets and drives, parking lots, sidewalks, grading, required landscaping, required visual screens, storm drainage, exterior lighting and utilities.

B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the Township Engineer. The form of the guarantee shall be approved by the Township Attorney.
C. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall be entitled to enter upon the site and complete the improvements. The Township Board may reimburse itself for the cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.

D. If a cash deposit is used, the applicant and Township Clerk, after consulting with the Township Engineer, shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.

E. The Zoning Inspector, or representative, may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Zoning Inspector, or representative, upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

SECTION 54.11 - FEES

Fees for the review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the Township Board.

SECTION 54.12 - CONSTRUCTION RECORD DRAWINGS

A. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township Building Inspector, and shall be approved by the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.

B. The construction record drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

C. The construction record drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as “Construction Record Drawings” in the title block of each drawing and shall be signed and dated by the owner of the development or the owner’s legal representative and shall bear the seal of a professional engineer.

SECTION 54.13 - VIOLATIONS

The approved final site plan shall become part of the record of approval and all subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the Planning Commission agrees to such changes as provided in this Article. Any violation of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance as provided in Section 57.09, herein, and shall be subject to all penalties therein.
ARTICLE 55.0
SUPPLEMENTAL REGULATIONS AND STANDARDS

SECTION 55.01-PURPOSE

Schedules of Specifications, Regulations and Standards governing land uses have been incorporated in this Ordinance for each zoning district. There are, however, at times some unusual conditions attendant on land uses and zoning classifications which justify elaboration and particularization in the application of these specifications, regulations, and standards.

SECTION 55.02-STANDARDS

No use, which because of potentially hazardous or objectionable features inherent in its exercise, shall be commenced or continued prior to the issuance of a Special Use Permit; and no such permit shall be issued prior to inspection and favorable recommendation by the Township Board. The applicant for a Special Use Permit under this Section shall certify in each alleged hazardous or objectionable feature, respectively, that the proposed use can and will comply to the provisions of this Ordinance, including the Standards herein declared. Such certification shall be verified by the Township Board. The verification shall be based on an independent inspection.

A. FIRE HAZARD-Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE-No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. VIBRATION-No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

D. SMOKE-Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

E. ODORS-No malodorous gas or matter shall be permitted which is offensive, or as to produce a public nuisance or hazard on any adjoining lot or property.

F. AIR POLLUTION-No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

G. GLARE-No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

H. WATER POLLUTION-Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Commission, the Michigan Water Resources Commission, and the Washtenaw County Health Department.

I. NOISE-Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
SECTION 55.03 - SEWAGE TREATMENT AND DISPOSAL

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

A. All operations shall be completely enclosed by a fence not less than six (6) feet high.

B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall approve the treatment of all buffer strips.

SECTION 55.04 - STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

A. On any lot or parcel in any conservation-recreation district, agricultural district, residential district or commercial district, the owner or tenant shall locate such materials within a completely enclosed building, but not for hire or for business.

B. On any lot or parcel in any industrial districts, the owner or tenant shall locate and store such materials, whether or not for hire or for business:

1. Within a completely enclosed building; or

2. Within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

C. The storage of materials and inoperative vehicles with current and valid license plates may be made to conform to the regulations of this ordinance or shall be removed by the land owner within. If the land owner fails to remove a nonconforming use, it may be deemed a violation of the Ordinance and subject to the penalties provided for in this Ordinance.

SECTION 55.05 - VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

SECTION 55.06 - ACCESS TO PUBLIC STREET

A. In any zoning district every use, building or structure established after the effective date of this Ordinance, shall be on a lot or parcel that adjoins a public road or private road. A private road shall be constructed in accordance with the standards and specifications within Section 55.17 of this Ordinance. The area of a public or private road easement shall not be included in the minimum required area of the lot.

B. The width of lots fronting on a cul-de-sac shall not be less than fifty (50) feet at the road right-of-way line. The number of parcels and/or access points established for single family parcels fronting on the circumference of a cul-de-sac shall not exceed five (5). All other lots shall have a lot width, measured at the setback line not to be less than specified within the zoning district it is located.
**Article: 55.0 SUPPLEMENTAL REGULATIONS AND STANDARDS**

**C.** In AG, R-1 and PUD districts a shared driveway serving two parcels, having access to a public or private roadway, may be allowed if constructed on a permanent, unobstructed easement in accordance with the standards and specifications contained within this Ordinance and approved by the Lodi Township Board. All parcels having access via a shared driveway shall maintain minimum lot width of the district in which located at the designated setback line of the parcel. No lot may have more than one driveway easement. When such driveway easements are shared, such easement shall not be included in determining and computing lot width or lot area as defined herein.

All shared driveways shall be maintained, unobstructed, safe, and provide continuous access to and from lots to promote and protect the health, safety, and welfare of the public and provide a safe means of access for ingress and egress for emergency, fire, and police vehicles from the public/private road to the single family dwelling units.

Shared driveways shall extend no greater distance than 1,500 feet from the center line of a public or private street.

**D.** Two (2) or more contiguous parcels of commercially zoned land that are developed as a shopping center, may share a driveway easement, said easement being a minimum of 66 feet wide and the drive paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.

**SECTION 55.07-BULK REGULATIONS**

**A. CONTINUED CONFORMITY WITH BULK REGULATIONS**-The maintenance of setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or structure is in existence. Furthermore, no setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area per dwelling unit allocated to or required about or in connection with one lot, use, building or structure may be allocated to any other lot, use, building or structure.

**B. DIVISION OF A LOT**-No one (1) lot, once designated and improved with a building or structure, shall be reduced in area or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all the bulk and yard regulations of the zoning district in which it is located.

**C. SETBACKS AND YARD REQUIREMENTS**-The setback and yard requirements established by this Ordinance shall apply uniformly in each zoning district to every lot, building or structure except, notwithstanding any other provision of this Ordinance, that any of the following structures are permitted but shall not be located closer than five (5) feet from the property line: open and unroofed terraces, patios, porches and steps, awnings, flag poles, hydrants, laundry drying equipment, recreation equipment including tennis courts, swimming pools, etc. Private driveways may cross, in a more or less perpendicular direction, for the purpose of providing vehicular access to the property from an adjacent street. The following structures may be located anywhere on any lot: arbors, trellises, outdoor cooking equipment, trees, plants, shrubs, and hedges, solid fences, screens or walls less than six (6) feet in height; provided that on a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and eight (8) feet above the centerline grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection.

**D. HEIGHT**-The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance subject to the provisions of Special Uses, ARTICLE 50.0: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, high tension power lines and support structures, radio and television broadcasting and receiving antennae, silos, parapets, and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of Lodi Township, the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.
SECTION 55.08-NATURAL FEATURES PROTECTION AND PRESERVATION

A. Intent

An essential part of the character and quality of life in Lodi Township and the surrounding region is the variety of natural features that remain largely undisturbed by land development in the Township.

As the Township’s General Development Plan specifies, the policy of the Township is that these natural features need to be protected and preserved to the maximum extent possible when land is developed. The protection and preservation of natural features will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

This Section is therefore designed for the management and preservation of natural features within the Township of Lodi and to protect the natural features from destruction and misuse; retain and provide the establishment and protection of interconnected and natural environmental areas to facilitate movement of wildlife between areas; to prescribe the powers, duties and functions of the Township Planning Commission and/or Township Board, and to establish design standards, specifications, and submittal requirements. The preservation of natural resources is essential to maintain the continued character and quality of life for the current and future residents of Lodi Township; and for the remaining public who may work in the Township or for those who may visit the Township to participate in recreational or other activities. This Section is designed to assist the Township Planning Commission, and/or Township Board, applicants, reviewers and the general public in the identification and preservation of natural features on sites being developed in the Township.

B. Definitions

1. “Activity” shall mean any use, operation, development, or action caused by any person, including but not limited to constructing, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching, land balancing; draining or diverting water; pumping or discharging surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operations.

2. “Builder” shall mean a person who builds or contracts to build a building or structure within the Township.

3. “Building Envelope” shall mean the area designated by the developer or builder for the construction of the principal building(s) upon the site in accordance with the following:

   a. In platted residential subdivisions or residential site condominiums, the buildable area remaining on the lot, parcel, or unit after complying with zoning setback and maximum lot or site coverage requirements; or such smaller building area designated by the developer for construction of buildings upon a lot, parcel, or unit within the development.

   b. In all other developments, the building area(s) plus ten (10) feet around the perimeter of the building(s), provided such areas do not encroach into any required setback.

4. “Commercial Nursery or Tree Farm” shall mean a plant or tree nursery or farm in which trees are planted and grown for sale wholesale or to the general public in the ordinary course of business.

5. “Critical Root Zone” shall mean the circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree’s DBH in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12-inch DBH tree has a radius of 12 feet.

6. “Developer” shall mean a person who installs or contracts for the installation of improvements such as sewers, streets, and watermains in a residential, office, commercial, or industrial development.
7. “Diameter at Breast Height (DBH)” shall mean the diameter of a tree measured four feet above the existing grade.

8. “Drip Line” shall mean an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

9. “Driveway Envelope” shall mean an area designated by the property owner to provide vehicular access to the building or parking areas.

10. “Generally Accepted Agricultural and Management Practices” shall mean those practices as defined by the Department of Agriculture of the State of Michigan.

11. “Groundcover” shall mean low growing shrubs, wood vegetation, wild flowers, and other all-herbaceous plants within a woodland.

12. “Groundwater Recharge Area” shall mean an area with a highly permeable natural surface that allows the rapid percolation of surface precipitation to groundwater, replenishing the groundwater.

13. “Grubbing” shall mean the effective removal of understory vegetation, groundcover, shrubs or trees, but not including removal of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher.

14. “Land Clearing” shall mean operations that remove trees and vegetation in connection with the installation of storm or sanitary sewers, public or private utilities, or streets, or any other clearing or grading of the property at any time prior to construction of a building.

15. “Landmark Tree” Any tree that has a DBH of 24 inches or greater, or that is of a type and DBH equal to or greater than shown on the following Landmark Tree List.

<table>
<thead>
<tr>
<th>Landmark Tree List</th>
</tr>
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<tbody>
<tr>
<td>Common Name</td>
</tr>
<tr>
<td>Basswood</td>
</tr>
<tr>
<td>Beech</td>
</tr>
<tr>
<td>Buckeye, Ohio</td>
</tr>
<tr>
<td>Catalpa</td>
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<tr>
<td>Cedar of Lebanon</td>
</tr>
<tr>
<td>Cherry, Black</td>
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<tr>
<td>Cottonwood</td>
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<tr>
<td>Elm, American</td>
</tr>
<tr>
<td>Fir</td>
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<tr>
<td>Fir, Douglas</td>
</tr>
<tr>
<td>Kentucky Coffee Tree</td>
</tr>
<tr>
<td>Pine</td>
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<tr>
<td>Spruce</td>
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<tr>
<td>Sycamore or London Plane</td>
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<tr>
<td>Tulip-tree</td>
</tr>
<tr>
<td>Walnut, Black</td>
</tr>
<tr>
<td>Hickory, various</td>
</tr>
<tr>
<td>Locust, Honey</td>
</tr>
<tr>
<td>Maple</td>
</tr>
<tr>
<td>Oak</td>
</tr>
<tr>
<td>Cedar, White (Arborvitae)</td>
</tr>
<tr>
<td>Cedar, Red</td>
</tr>
<tr>
<td>Baldcypress</td>
</tr>
<tr>
<td>Birch</td>
</tr>
</tbody>
</table>
Black Tupelo \textit{Nyssa sylvatica} 12" \\
Cherry \textit{Prunus} spp. 12" \\
Crabapple \textit{Malus} spp 12" \\
Dawn Redwood \textit{Metasequoia glyptostroboides} 12" \\
Ginkgo \textit{Ginkgo biloba} 12" \\
Hackberry \textit{Celtis occidentalis} 12" \\
Hawthorn \textit{Crataegus} spp. 12" \\
Hemlock, Eastern \textit{Tsuga canadensis} 12" \\
Larch/Tamarack \textit{Larix laricina} 12" \\
Pear \textit{Pyrus} spp. 12" \\
Persimmon \textit{Diospyros virginiana} 12" \\
Poplar (Aspen) \textit{Populus} spp.(except \textit{alba, deltoides}) 12" \\
Sassafras \textit{Sassafras albidum} 12" \\
Sweetgum \textit{Liquidambar styraciflua} 12" \\
Yellowwood \textit{Cladrastis lutea/kentukea} 12" \\
Cedar \textit{Juniperus} spp. 8" \\
Redbud \textit{Cercis canadensis} 8" \\
Dogwood, Flowering \textit{Cornus florida} 8" \\
Hornbeam, Blue Beech \textit{Carpinus} spp. 8" \\
Ironwood \textit{Ostrya virginiana} 8" \\
Maple, Mountain/Striped \textit{Acer spicatum/pensylvanicum} 8" \\
Pawpaw \textit{Asimina triloba} 8" \\
American Chestnut \textit{Castanea dentata} 6" \\
Butternut \textit{Juglans} \textit{cinerea} 6"

16. “Locate” shall mean to construct place, insert, or excavate.

17. “Material” shall mean soil, sand, gravel, clay, peat, mud, debris, refuse, or other material, organic or inorganic.

18. “Natural Features” shall include soil, wetlands, floodplains, water course and channels, topography, trees and other types of vegetative habitat, threatened or endangered species habitat, groundwater recharge area, landmark trees, woodlands, and geologic formations (including steep slopes).

19. “Operations” shall mean locating, moving, depositing, or grading of any material or any construction, use, or activity, or any combination of such activities that modifies conditions of property subject to this Section.

20. “Overlapping natural features” shall mean more than one natural feature, as defined within this section, which occupy the same area.

21. “Removal or Remove” shall mean the act of removing a tree by digging up or cutting down, the effective removal through damage or the infliction of damage to a tree or its root system.

22. “Replacement Tree” shall mean those trees considered by the Township to be acceptable to replace trees proposed to be removed. There are several tree species that can be used as replacement trees, and the characteristics expected of replacement trees are as follows:

\begin{itemize}
  \item[a.] Minimal fruit litter.
  \item[b.] Upright growth of trunk: trees used for streetscape purposes should branch at a minimum height of seven (7) or more feet; trees used for other landscaping may have branching at lower heights.
  \item[c.] Resistance to diseases.
  \item[d.] No thorns on trunk or branches.
  \item[e.] Resistance to drought.
\end{itemize}
f. Salt tolerance.
g. Combinations of deciduous and evergreen trees: evergreen trees should be used for screening purposes. Streetscaping and other landscaping should be done with a combination of deciduous and evergreen trees, incorporating the above characteristics.

23. “Residential Development” shall mean any single family or multiple family residential development including single-family residential subdivisions, single-family cluster housing, residential condominiums, residential site condominiums, and all other multiple family residential development.

24. “Site Inventory” shall mean a plan showing the proposed activity. Such plan shall include the following information and detail to the extent applicable to the proposed activity:

a. The shape, boundaries, and dimensions of the site, together with the existing and proposed locations of structures and improvements.
b. The location of existing rights-of-way and utility easements.
c. The location of proposed rights-of-way and adjacent utility.
d. Proposed lot configurations and the sizes thereof.
e. Proposed front, rear, and side yard setbacks.
f. Existing characteristics and conditions of the site.
g. A typical building site in the case of a single family residential or industrial subdivision plat. The United States Geological Survey (U.S.G.S.) quadrant map or the most recent county aerial photograph of the site superimposed upon the plan.
h. Such other information and detail as may be required to evaluate the impact of the proposed activity upon a woodland and contiguous property.

25. “Site” shall mean a parcel or unit of land.

26. “Steep Slope” shall mean a naturally occurring landform with a vertical change in elevation of eight feet or more, a slope of 12 percent or more, and a length of 30 feet or more measured parallel to the contour lines.

27. “Tree, Replant” shall mean trees existing at a specified location where site alteration or disturbance is proposed to take place that can be moved from their natural or preexisting location to an intended location on the same defined site.

28. “Tree, Replacement” shall mean trees that are brought to a specific site from another location not originating on the same site.

29. “Tree Survey” shall mean a minimum one (1) inch equals one hundred (100) foot scale drawing that provides the location of all individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, plotted by accurate techniques, including the common and botanical names of those trees and their D.B.H.

30. “Threatened or Endangered Species Habitat” shall mean the habitat necessary to maintain the existence of those plants and animals listed pursuant to law on the current federal and state lists of endangered, threatened, or special concern species.

31. “Undeveloped” shall mean a parcel of land that is substantially unimproved with buildings or structures on the effective date of this Section.

32. “Watercourse” shall mean any naturally occurring open waterway, river, stream, creek, lake, or any body of surface water having well-defined banks and bed, whether continually or intermittently flowing. Watercourse does not include lakes, ponds, streams, ditches, or detention or retention basins constructed, approved, or established by the County.
33. **“Woodland”** shall mean any property containing one (1) or more acres (excluding existing rights-of-way) that has been designated as a woodland on the official Township Woodland Map. The term “woodland” shall include all trees, shrubs, and groundcover located upon such property (regardless of size); or any area of land having trees which acts as a substantial buffer for existing residential structures or a residential zoning district or between adjacent uses, acts as a significant greenbelt linkage between other natural resources, or has significant environmental value due to unusual topography, diversity of habitat, unique beauty, endangered species, or a healthy tree of twenty four (24) inches D.B.H. or greater. The critical root zone of all trees on the perimeter of the forested area of plantation defines the area of a woodland.

34. **“Woodland Map”** shall mean the map approved by the Planning Commission, which identifies all woodland areas in the Township.

C. **Natural Features**

For the purpose of this Ordinance, natural features include the following:

1. Wetlands
2. Watercourses
3. Floodplains
4. Groundwater Recharge Areas
5. Woodlands and Trees
6. Steep Slopes
7. Habitat of Threatened or Endangered Species
8. Other Fragile Features
deemed necessary by the Planning Commission
including Hedgerows, Prairies and Meadows

A generalized rendition of natural resources, found within the Lodi Township General Development Plan, are shown on Township maps titled: “Fragile Lands”, “Woodlands and Wetlands”, “Hydrology & Groundwater Recharge Zones”, “Topography & Major Watersheds”, and “Erodible Soils”, which are on file at the Township Offices, and which all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein. If because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a natural resource, that determination shall be made by or through the direction of the Planning Commission.

When required by this Section, the applicant shall provide clear, precise and scaled delineation of all natural features found on land to be reviewed as part of the site plan, plat, or PUD review process. This site-specific information will supplement Lodi Township’s natural resource maps, referred to within this Section.

Federal, state and local governments have laws, rules and regulations governing natural features which often require licenses, permits, or approvals for development in (or affecting) these natural features, which may change from time-to-time. Licenses, permits or approvals required by, and obtained from, Lodi Township shall not relieve a person of the need to obtain applicable licenses, permits or approvals from other applicable jurisdictions; nor shall the issuance of licenses, permits or approvals from applicable jurisdictions relieve a person of the need to obtain licenses, permits or approvals required by Lodi Township.

D. **Purpose Statements**

1. **Wetlands**

   Wetlands are indispensable fragile resources that provide many public benefits, including maintenance of water quality through nutrient cycling and sediment trapping as well as flood and storm water runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands
provide open space; passive outdoor recreation opportunities; fish and wildlife habitat for many forms of wildlife, including migratory waterfowl, and rare, threatened or endangered wildlife and plant species; and pollution treatment by serving as biological and chemical oxidation basins.

Preservation of the remaining Township wetlands in a natural condition is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of the Township of Lodi and therefore a policy of no net loss of wetlands is established. The following objectives shall be considered when developments containing wetlands are reviewed:

a. The protection, preservation, replacement, proper maintenance, restoration, and use in accordance with the character, adaptability, and stability of the Township’s wetlands, in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.

b. The preservation of surface water, stream corridors, and wetlands in their natural condition.

c. The prevention of disruption to the hydrology, alignment, topography or vegetation within the wetland or waterway system.

2. Watercourses

Watercourse refers to any water feature that is confined to banks and includes lakes, ponds, and channelized flows, such as rivers and drains. Watercourses can be damaged during development activities by altering the natural features surrounding the watercourse, and by the contribution of sediments and contaminants. Preservation of slopes, woodlands, and wetlands adjacent to watercourses combined with land use planning to reduce stormwater runoff are essential in maintaining appropriate water quality and quantity. Lodi Township seeks to preserve the existing natural watercourses and encourages the restoration of damaged watercourses.

All watercourses are important to protect. Tolerance for soil erosion on any construction site in or near any watercourse is low. Special, effective soil erosion and flood preservation techniques must be devised and implemented during and after construction according to applicable governmental regulations. Every development project should evaluate the potential damage to nearby watercourses during the design, construction, and implementation phases to minimize problems associates with surplus stormwater, sedimentation, and contamination.

The morphology of stream channels depends upon the type and permeability of the soil, the vegetative cover, and the slope of the land adjacent to the watercourse. Channel shape can be altered by an increase in stormwater runoff from impervious surfaces, so extreme care must be taken to ensure that the quantity of water flowing to the channel does not exceed the physical ability of the stream to absorb the flow. Development projects must be reviewed in the context of both the stream channel and the watershed.

Urbanized aboveground watercourses are ones that no longer have much of a natural character, but which nonetheless have not been dumped into a storm drain beneath the ground. These watercourses may or may not have other important natural features surrounding them.

Underground (piped) watercourses are directly related to major storm drains and are often quite easy to find either by following valleys or by observing where flooding occurs after storm events. This potential for flooding is a major concern, and development projects must be designed to minimize the potential for flooding. An additional concern is the potential for increased flow to the watercourse, which may increase erosion and result in physical alteration of the watercourse (refer to the Rules of the Washtenaw County Drain Commissioner).

Construction of structures within a watercourse is regulated by both Federal and State statutes and may require permits or approvals from the United States Army Corps of Engineers, Michigan Department of Environmental Quality, and any other federal, state or county agencies with jurisdiction.

As Amended and Edited: November 22, 2007
3. **Floodplains**

Floodplains serve to minimize damage to land and water resources because of their capacity to store water. They also protect downstream properties from flooding. In so doing, they control erosion, silting and contamination of water features and aquatic wildlife. Healthy, stable plant life is important in determining a floodplain’s capacity and function in slowing, filtering, and cooling water. Floodplains are not a desirable location for stormwater retention facilities.

Floodplains also may qualify as wetland or watercourse natural features. With watercourses and other surrounding natural features, floodplains serve as vital wildlife reserves and linking corridors for important populations of plants, animals, aquatic organisms, and natural associations.

Natural plant life and landform conditions existing within floodplains are important and require protection from development. They may involve native floodplain forest fragments, or native sedge or fen meadows. These areas are not only rich biologically, but provide superb floodplain function. In cases where these habitats exist and are being invaded by exotics, every reasonable effort should be taken to restore the habitat as part of a development proposal.

4. **Groundwater Recharge Areas**

Due to groundwater recharge areas readily permitting water to move from the surface into a groundwater system, their protection is of prime importance. The type and amount of surface water runoff into these areas will be reviewed when development takes place as well as guarding against contaminated surface runoff into these areas.

5. **Woodlands and Trees**

Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically, it is found that:

a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.

b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.

c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.

d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.

Therefore, the purposes of this Section are as follows, to be applied throughout Lodi Township:

a. To prohibit the unnecessary removal of trees on undeveloped land.

b. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land.

c. To provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township, in order to minimize disturbance, to prevent damage from erosion and siltation, and to prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this Section to protect the integrity of woodlands as a whole, recognizing that woodlands serve as part of an ecosystem, and to place priority on preservation of woodlands and trees to the greatest extent reasonably possible.
d. To provide for the continuity of ecological systems designed to protect existing wildlife habitats.

e. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance.

f. To prevent owners or developers of property from removing trees from land prior to or in anticipation of development.

g. To provide for the replacement of trees removed, where no feasible alternative site for development is available.

h. To provide for the paramount public concern for the preservation of these natural resources in the interest of the public health, safety and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

i. To promote permanent protection and expansion of woodlands and areas of upland brush through the establishment of deed restrictions and easements.

6. Steep Slopes

   Steep slopes are prone to erosion if the vegetation on them is disturbed, or if surface runoff is directed toward them. Steep slopes shall not be disturbed and shall be protected from unwarranted runoff resulting in siltation of a watercourse or disturbance to land below.

7. Habitat for Threatened or Endangered Species

   Endangered species habitat is the habitat necessary to maintain the existence of those plants and animals listed on the current federal and state list of endangered, threatened or special concern species. Endangered species are most likely to be found in the midst of a natural area of considerable value. When a special concern, threatened, or endangered species is found, careful assessment should be made of the species and the area in which it is found. These organisms and their habitat may be intolerant of change caused by development, such as change in hydrological conditions, even if the habitat itself is outside the limits of soil disturbance for a project. These species and their habitat are important to the Township for the richness and diversity of species they offer.

E. Applicability Requirements

   This Section shall apply to all parcels within Lodi Township that:

1. Require an approved preliminary or final site plan according to Section 54.02, herein; or

2. Require an approved subdivision plat; or

3. Require PUD rezoning according to Article 42, herein.

A Natural Features Statement of Impact, Protection, and Mitigation, as described herein, is required from the developer for land use activities as described herein. Such statement must be approved by the Township Planning Commission. When approved by the Township Planning Commission, a Natural Features Statement of Impact, Protection, and Mitigation for a development shall be incorporated into and considered part of the final site plan, plat, or PUD rezoning petition for the development and shall be enforceable as such.

Grading, removal of trees or other vegetation, site balancing or construction of improvements, changing the water level, vegetation or natural conditions of the edge, bank, or shore of any lake, river, stream or drainage way...
whether filled or partly filled with water or dry in certain seasons shall be prohibited, except in conformance with this section and Federal and State law.

Any preliminary or final site plan, Plat, or PUD area plan that has been approved and expired under the provisions of this Ordinance shall be resubmitted under the provisions of this Section.

F. Natural Features Statement of Impact, Protection, and Mitigation

1. Natural Features Determination

A determination shall be made regarding the nature and extent of natural features currently existing on the site or that has existed on the site within the last five (5) years. This determination shall be made by outside professional consultants retained by the applicant. Township staff and the Planning Commission will confirm these determinations during the review process. This determination shall be part of the preliminary site plan, preliminary plat (tentative approval) or PUD review process. If the determination results in no natural features being found on the site, as defined or regulated herein, no further action is necessary in this regard.

2. Preparation of Required Plans

Required natural resource information must be shown on plans submitted for Township Planning Commission review and with a recommendation to the Township Board. Prior to submitting a plan, the applicant is encouraged to meet with Township staff to review the proposed site layout and consider suggestions for complying with Township requirements. In addition, applicants may wish to consult with experts on questions regarding the type, extent, quality, and management needs of natural features, and on the impacts of various design approaches on these features.

3. Plan Submission

Once the applicant submits the required plans and supporting information and pays the necessary fees, the proposal will be scheduled for Township Planning Commission review. When natural features are determined to exist on a site, a Natural Features Impact Statement must be provided as part of the preliminary site plan, preliminary plat (tentative approval) process, or PUD application.

4. Natural Features Impact Statement

A Natural Features Impact Statement will contain the following information:

a. Site Inventory Map

The site inventory map must clearly show the locations and types of natural features, existing or that have existed within the last five (5) years, both on the site and within 100 feet of the subject site. The map should delineate edges of woodlands and wetlands, show applicable setbacks, show watercourse stream banks, ordinary pond high water marks, floodways, floodplains, areas of hydric soils, highly permeable soils, groundwater recharge areas, topographic information depicting steep slopes, habitat of threatened or endangered species and other fragile features deemed necessary by the Planning Commission including hedgerows, prairies and meadows. Landmark trees on the site should be located by numbered dots, with an accompanying database table of corresponding specie and size listings. The site inventory should contain a written description of the quality, character and health of the natural features.

When a site is proposed for development necessitating review and approval of a site plan, subdivision plat, PUD, or other permit pursuant to the Ordinances of the Township, said application shall include, in addition to those requirements outlined in Article 54, the following information:
1) The most current available aerial photograph of the site, at a scale not less than one (1) inch equals one hundred (100) feet.

2) United States Geological Survey (U.S.G.S.) quadrant map of the site.

3) A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land.

4) Natural feature location survey, in a form acceptable to the Township, including but not limited to the following:

   a) All natural features located on the parcel shall be inventoried by an actual field survey and shown on a map by type, location and drawn to scale.

   b) Proposed changes to any designated natural resources within the subject site.

   c) A statement setting forth how natural features, not to be relocated or physically impacted, are to be protected during land clearance and/or development construction.

   d) A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the natural resources.

   e) Existing individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, shall be shown on the map with the ground elevation at the base of each such tree. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown on the map as a group with the overall crown spread drawn to scale, by predominant species, with estimated number and size of each predominant species, and with an average base elevation of each group. The inventory shall include existing trees, all individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, within adjoining street rights-of-way and twenty-five (25) feet beyond the property.

   f) An evaluation of the quality of woodland area and trees proposed for removal, including but not limited to the following:

      i. Tree species (including diversity of species).
      ii. Tree size and density.
      iii. Health and vigor of the trees.
      iv. Soil conditions and site drainage characteristics.

   g) Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer, or other environmental benefit (i.e., cooling effect).

   h) Isolated trees shown on the topographical map shall be tagged in the field with identifying numbers using non-corrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.

   i) All existing trees proposed to remain, to be relocated, or to be removed, shall be so designated by the identifying number.
j) If existing trees are to be relocated, the proposed locations for such trees, together with a statement setting forth how such trees are to be removed, protected, and/or sorted during land clearance, development, and construction, and how they are to be maintained after construction.

5) Such other information and detail as to vegetation or physical details as may be requested by the Township.

6) All information and details shall be provided by a registered land surveyor, registered engineer, registered landscape architect, certified arborist, or forester who must verify the contents by seal or signature, whichever applies.

b. Review Standards

Development subject to this Section shall be considered in regards to the following:

1) The protection and conservation of natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, all woodlands, trees, and related natural resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other improvements. The applicant must consider and pursue all development options available under the Zoning Ordinance in order to preserve the woodlands and trees.

2) The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.

3) Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way, drainage and utility easements, building and driveways envelopes, and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under the Zoning Ordinance.

4) Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.

5) The removal of trees shall be limited to any of the following instances:

   a) When necessary for the location of a structure or site improvements and when no reasonable alternative location for the structure or improvements can be had without causing undue hardship, considering all development options which are available under the Zoning Ordinance.

   b) Where necessary, as determined by the Township, to provide reasonable drainage upon the site, and when no reasonable alternative drainage is available without the removal of the trees.

   c) Where the prospective owner of the residential dwelling unit has requested the builder in writing to remove the trees in order to facilitate the homeowner making certain specified improvements that must be undertaken within twelve (12) months of the date of the certificate of occupancy for the dwelling unit.

6) Any additional governmental review or actions that may take place after site plan approval, which may result in tree removal under the jurisdiction of this Section, shall be subject to the requirements of this Section.
7) The burden of satisfying standards shall be upon the applicant.

c. Natural Features Preservation Plan

This plan must delineate natural features to be retained on the site or excluded from development. Lines should show the limits of soil disturbance expected on the site. Protective measures such as barrier fencing, restrictions on traffic and storage of materials under trees, soil erosion control measures, etc., are also to be shown on site plan submissions. In some cases the Planning Commission may require that this plan include information on how the retained natural features are to be sustained on the site.

d. Alternatives Analysis

When the proposed development will disturb or destroy natural features existing on the site, the statement must include an explanation of the alternative approaches and designs that were considered in arriving at the design proposed, in an effort to minimize disturbance to natural features on the site and a written justification as to why the design proposed must cause the degree of disturbance to natural features planned, and explaining how the mitigation proposed is the best course of action.

e. Mitigation Plan

In situations where “as is” preservation of natural features is not required by the Township Planning Commission or Township Board, and mitigation in the form of replacement is permitted under the following particular natural features preservation and mitigation guidelines, a mitigation plan shall be submitted to the Lodi Township Planning Commission. A mitigation plan to replace natural features shall be considered to be a proposal, which is subject to review by the Lodi Township Planning Commission and approval by the Township Board. A proposed mitigation plan shall be included as part of the site plan or plat and shall include:

1) A written description of the proposed mitigation program.
2) Replacement calculations for required mitigation of natural resources.
3) A planting plan, showing the location of trees, shrubs, and ground cover.
4) A planting list, including botanical and common names, caliper sizes, root type and height.
5) A timing schedule for the implementation of the mitigation measures.
6) Depict the minimum elements set forth under each particular natural features preservation and mitigation guidelines, where mitigation is applicable.

5. Review Criteria for Natural Features Statement of Impact, Protection, and Mitigation

a. The Planning Commission shall recommend and the Township Board shall approve the Natural Features Statement of Impact, Protection, and Mitigation in conjunction with the site plan, plat, or PUD review process after it determines that all of the following requirements have been met:

1) The Natural Features Statement of Impact, Protection, and Mitigation accurately and completely identifies all natural features within the previous five (5) years on, and within 100 feet of, the property covered by the site plan.
2) The contemplated development would comply with all applicable state, local and federal...
law, ordinances, standards, and regulations.

3) The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety, or welfare.

4) The development will limit the overall removal or disturbance of natural features to the minimum necessary to allow a reasonable, economically viable use of the land. However, in the case of wetlands, the development is regulated under applicable state or federal laws.

b. In determining whether the proposed removal or disturbance of natural features is limited to the minimum necessary to allow a reasonable, economically viable use of the land, the following criteria shall be applied:

1) The importance and overall value of a natural feature, both on the site and on a township and regional basis. In general, the importance of a natural feature increases with its rarity, size, age, and condition.

2) The existence of overlapping natural features in one area. Overlapping natural features increase the importance and overall value for preservation of an area.

3) The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.

4) The amount of disturbance in relation to the scale of the proposed development and to that permitted under this Zoning Ordinance.

5) The adequacy of the mitigation plan.

G Natural Features - Preservation of Environmental Quality

The following provisions shall apply for the following natural features found within any zoning district:

1. Wetlands

   a. Wetland Delineation Process

      Prior to the approval of any land development specified herein for a property containing any suspected wetland, the applicant shall be required to provide a wetland delineation as part of the review process. To establish actual wetland boundaries on a property, the applicant shall provide a survey or dimensional site plan, drawn at an appropriate scale, showing property lines, buildings and any points of reference along with the wetland boundaries.

      A wetland delineation shall also include, but not be limited to the following information: dominant tree, sapling, shrub and herb vegetation; presence or lack of accepted wetland hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to Washtenaw County Soil Survey and maps of the wetland(s) mapped.

   b. Protected Wetlands

      The following wetlands shall be subject to Planning Commission review and recommendation to the Township Board for approval upon the submittal of a site plan, plat, or PUD:

      1) All wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond, whether partially or entirely contained within the project site.
2) Wetlands, regardless of size, which are partially or entirely within five hundred (500) feet of the ordinary high water mark of any lake, stream, river or pond, unless it is determined by the MDEQ that there is no surface water or groundwater connection between the wetland and the water body.

3) Wetlands which are larger than five (5) acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.

4) Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the preservation of the wetland is essential to the preservation of the natural resources of the State from pollution, impairment or destruction.

c. Review of Wetlands within Proposed Development

In the Planning Commission’s review of wetlands, the following shall be considered:

1) The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 36505 of the Natural Resources and Environmental Protection Act [Act 451 of 1994 (previously Section 6 of the Endangered Species Act of 1994, Act No. 203 of the Public Acts of 1974, being Section 299.226 of the Michigan Compiled Laws)].

2) The site represents what is identified as a locally rare or unique ecosystem.

3) The site supports plants or animals of an identified local importance.

4) The site provides groundwater recharge documented by a public agency.

5) The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

6) The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.

7) The site provides preservation of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.

8) The site provides pollution treatment by serving as a biological and chemical oxidation basin.

9) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

10) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

d. Activities Permitted Within Wetlands

In the Planning Commission’s review of wetlands, certain activities may be allowed within the wetland. If and to the extent the Township is prohibited by its ordinances and/or law from regulating wetlands, regulation under this section shall be exempted. In addition, the following activities shall be exempted, provided, it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
1) Fishing, swimming, boating, canoeing, hiking, horseback riding, bird watching, or other similar recreational activities which do not require alteration of wetland vegetation or grading of soils.

2) Grazing and/or watering of animals.

3) Education, scientific research, and nature study.

4) Installation of a fence within a setback area.

5) Maintenance of previously established lawn areas.

6) Grading and filling necessary in order to conform with express requirements recommended by the Township Engineer.

7) Planting of trees and other vegetation, but not the use of fertilizer.

8) Uses exempt under Section 30305 of the Wetland Protection Act (previously Section 6 of Act 203 of the Public Acts of 1979 as amended).

e. Activities Prohibited Without First Obtaining Development Approval as Recommended by the Planning Commission and Approved by the Township Board

1) Deposit or permit to be deposited any material or structures into any portion of a parcel with wetland characteristics.

2) Remove or permit to be removed any soil from any parcel with wetland characteristics.

3) Drain, or cause to be drained, any water from a parcel with wetland characteristics.

4) Fill or enclose any ditch, which would result in a significant reduction of a storm water absorption and filtration into the ground or would otherwise negatively impact the existing wetland.

f. Wetland Use Conditions

The Planning Commission may attach any reasonable conditions considered necessary to minimize or mitigate damage or impairment to, encroachment in, or interference with, wetlands or to otherwise improve or maintain water wildlife quality. These conditions include, but are not be limited to, the following:

1) Prior to the commencement of construction of any structure, building, or any land alteration in any zoning district on a site that contains a wetland or where the site abuts, adjoins, or is adjacent to a wetland, a permanent setback shall be established. The purpose of the setback is to preserve the existence of wetlands and to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding. The setback shall run parallel to the edge of a wetland and shall be of a width determined as follows:

a) A twenty-five (25) foot setback from the boundary or edge of a wetland, determined in accordance with part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and the Administrative Rules thereunder, as amended.
2) The setback shall remain permanently undisturbed and in its natural condition with natural vegetation for the following purposes:

a) To serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.

b) To provide for the preservation and proper maintenance in order to minimize disturbance to wetlands and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.

c) To provide for the continuity of ecological systems designed to protect existing wildlife habitats.

d) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

3) All buildings shall be set back a minimum of fifty (50) feet from the edges of wetlands.

2. Watercourses

a. Identification

Watercourses may be identified by field observation, on United States Geological Survey Topographic Maps, and/or aerial photographs. Many watercourses are clearly delineated on Flood Insurance Rate Maps produced by the Federal Emergency Management Agency. However, some small features may be difficult to locate using maps and may require field observation for identification. Watercourses should be identified as the top of the bank of the channel carrying water or as the ordinary high water mark line of a pond. Watercourses may be associated with other valuable natural features, such as woodlands and wetlands.

b. Preservation and Restoration Strategies

1) Efforts will be made to preserve watercourses in a natural state. Stormwater and sedimentation can damage the watercourse. Controlling stormwater in watersheds will ensure that watercourses are not damaged and eroded during storm events. Development options should be explored that will reduce the adverse impact of both stormwater and sedimentation.

2) The following watercourses will be preserved by any development proposal:

a) Streams and watercourses delineated on Map 6 – “Hydrology & Groundwater Recharge Zones” contained within the Lodi Township General Development Plan.

b) Other watercourses with natural areas around them, such as wetlands or woodlands that the Planning Commission designates including watercourses integrated into steep terrain; and watercourses still flowing in natural channels.
When the watercourses referred to herein are located on a project site, efforts must be made during the design phase to ensure that these watercourses and adjacent setback areas are protected.

3) A permanent setback strip, vegetated with natural plant species, will be maintained or restored within a twenty-five (25) feet setback from the high water mark of any watercourse. Buildings and construction activity should be setback at least fifty (50) feet from the high water mark of any watercourse. This setback is provided to ensure that on-site runoff into a watercourse is filtered naturally and to maintain a corridor for wildlife along stream ways. When watercourses are crossed, effort must be made to ensure that the crossing occurs at a location where there is least potential for physical, scenic, and biologic impact upon the watercourse and its surrounding natural features. Crossing locations should be kept to the minimum necessary to provide access.

4) Whenever possible, development projects should incorporate restoration of these watercourses and associated natural features. Efforts to control erosion, sedimentation and contamination problems is required, as is the connection of natural corridors across properties.

5) The planning phase of the project should recognize that underground (piped) watercourses are connected to surface drains and must address stormwater and peak flow rates through these watercourses. Restoration of the surface watercourse is desirable, and these efforts may assist in stormwater control.

3. Floodplains
   a. Identification

Floodplains are areas that are low-lying, adjoin a lake, stream, river or pond and that receive excess water from flooding. They are also natural flood spaces for stream overflow during intense rainstorms. The 100-year floodplain is the boundary of overflow during a 100-year storm. The likelihood of this storm occurring is one percent during any given year.

   b. Preservation and Restoration Strategies

Unless it can be demonstrated by the applicant that flooding is not relevant, the Township requires mapping of 100-year floodplain along watercourses in any development regulated within this Section. Development regulated within this Section shall not occur within the 100-year floodplain.

4. Ground Water Recharge
   a. Identification

Washtenaw County has mapped groundwater recharge areas for Washtenaw County. Using this data and that from the Washtenaw County Soil Survey and from well logs, trained experts can determine areas where water flows quickly through soil, where there is a high degree of highly permeable sand and gravel particles in the ground, and where the water table is high. In these areas, risk of groundwater contamination is high. Areas not mapped by the Washtenaw County, but that may also serve as recharge areas, are those with highly permeable geology (sand and/or gravel) or soils, but that do not exhibit a high water table. These higher elevation areas also provide recharge waters to groundwater. A generalized map of “Hydrology & Groundwater Recharge Zones” are shown on Map #6 contained within the Lodi Township General Development Plan. The Township may ask for additional investigation and mapping of areas with highly permeable soils and geology.
b. Preservation and Restoration Strategies

1) Development should be located away from groundwater recharge areas and wellhead protection areas as mapped by the Washtenaw County Planning Advisory Board or otherwise identified. Where development occurs, impervious surfaces should be limited to the greatest extent possible. Land grading should be controlled to retain the water holding characteristics of the land. Vegetation essential to the water holding characteristics should be preserved, or, where necessary, enhanced as part of the development program. The balance and integrity of the hydrological system should be maintained in a proposed development.

2) Recharge areas should be protected from pollution by regulating the uses permitted within these areas and by controlling the quality of surface water runoff from tributary areas. Areas classified in the county soil surveys as having soils with water tables at or near the surface shall also be protected from pollutant entry because of the ease with which pollutants on such soils can enter the underground water system.

3) Proper storage of hazardous substances will be paramount to protecting groundwater and the environment. Developments storing or handling hazardous substances shall abide by the following groundwater preservation standards:

   a) Hazardous substance storage areas must be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands.

   b) Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated time necessary for the recovery of any released substance.

   c) General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

   d) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharge shall be allowed without required permits and approvals.

5. Woodland and Tree Preservation

a. Identification

A map of generalized woodland areas are shown on Map #5 – "Woodlands and Wetlands" contained within the Lodi Township General Development Plan, which is on file at the Township Offices, and which all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein. If because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a woodland, that determination shall be made by or through the direction of the Planning Commission.

b. Tree Removal

Except as otherwise provided in this Section, any development that includes a building, structure, or use that requires site plan review and approval, according to Section 54.0 of this Ordinance, subdivision plat approval or PUD approval on the effective date of this Section, shall not:
As Amended and Edited: November 22, 2007

Lodi Township Zoning Ordinance

Article: 55.0 SUPPLEMENTAL REGULATIONS AND STANDARDS

1) Remove, transplant, damage, or destroy any tree or similar woody vegetation of any D.B.H. in a woodland currently existing or that has existed on the subject site within the last five (5) years.

2) Remove, transplant, damage or destroy any tree or similar woody vegetation including individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, which are not located in a woodland.

3) Conduct any land clearing or grubbing activities within a woodland area.

c. Requirements

The following requirements shall apply to all property upon which any development requiring site plan, plat, or PUD approval on the effective date of this Section are undertaken after the effective date of this Section:

1) Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:

   a) Preserve and leave standing a minimum of thirty-five (35) percent of the total number of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher within the development that have existed on the subject site within the last five (5) years.

   b) If existing preserved trees do not average 30 trees per acre, additional trees shall be planted to equal a minimum average ratio of 30 trees per acre, at a minimum D.B.H. of 2.5 inches for deciduous trees and a minimum of six (6) feet for evergreen trees within any development subject to the provisions of this Section. Species and spacing of trees shall be subject to the approval of the Planning Commission. The required mitigation of trees shall be counted towards this ratio.

2) Where a developer has submitted and obtained approval of a development, as required under this Section, such tree preservation designation, together with any additional terms and conditions attached to the approval, shall satisfy the requirements of this Section.

6. Steep Slopes

a. Identification

Slopes in excess of twelve (12) percent having a vertical change in elevation of eight (8) feet or more and a length of 30 feet or more as measured parallel to the contour lines, shall be protected. A generalized map of Erodible Soils are shown on Map #8 – “Erodible Soils” contained within the Lodi Township General Development Plan, which is on file at the Township Offices, and which all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein. If because of problems with scale or detail, there is any ambiguity as to whether a particular area slopes in excess of twelve (12) percent, having a length of 30 feet or more as measured parallel to the contour lines, that determination shall be made by or through the direction of the Planning Commission.

b. Preservation and Restoration Strategies

1) Areas of steeper slopes, such as more than twelve (12) percent, having a length of 30 feet or more as measured parallel to the contour lines, shall be protected to reduce erosion potential, maintain slope and stability, control amounts and velocities of surface
55.0 SUPPLEMENTAL REGULATIONS AND STANDARDS

water runoff, and protect an aesthetic resource. Slopes greater than eighteen (18) percent having a length of 30 feet or more as measured parallel to the contour lines, must be excluded from development as regulated by this Section unless the developer presents an effective method for protective development of these slopes. Slopes shall be considered in terms of soil type, as well as steepness. Where highly erodible soils are present, special care must be taken.

2) Development that is permitted on steep slopes shall maintain or enhance the natural contour, vegetation, and drainage patterns. Existing land form should be a major factor in the land use and site planning processes. The primary objective will be preservation of natural contours rather than alteration by mass grading.

3) Slopes of forty (40) percent or greater, facing or adjoining a stream or drain shall be protected as key scenic assets. Where these slopes are visible from locations frequented by people off-site, development of these slopes can have dramatic impact upon the visual character of the area. Such impacts (from buildings above the canopy of trees, for example) should be carefully considered.

4) A primary goal in protecting steep slopes is to prevent erosion and subsequent damage to natural features on and off the site. Retaining walls can reduce the amount of grading necessary, but are discouraged. Underground utilities should not be located in steep slopes and certainly should not run lengthwise along them. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during or after construction.

7. Habitat for Threatened or Endangered Species

a. Identification.

The “Natural Features Inventory” of the Michigan Department of Natural Resources records and monitors endangered, threatened, and special concern plants, animals, birds, and insects. The areas most likely to contain endangered species are sandy, wet bottomlands and wetlands along Drains and along their tributaries, and in small pocket wetlands in native forest fragments. Many of the areas can be quite small in size. Rare and unusual species may also be found on disturbed ground, including along shorelines and stream banks, flooded areas, old farmed fields, borrow pits, eroding slopes, burned areas, embankments along railroads and roads, in cemeteries, old settlement areas and farmsteads, etc.

b. Preservation and Restoration Strategies

1) The protection of endangered species and their habitats is regulated by the State of Michigan Department of Environmental Quality (MDEQ), in cooperation with the U.S. Fish and Wildlife Service. The Township will work in coordination with state and federal regulating agencies to identify the best preservation approach, based on the specific characteristics of the species involved.

2) For those plant species, which are not protected but highly desirable, and within any disturbed area of the development, the Planning Commission may require the applicant to transplant these species in an orderly fashion.

H. Mitigation of Natural Features

The following mitigation measures, as applicable, shall be provided for in the Natural Features Statement of Impact, Protection, and Mitigation for all natural features proposed to be removed or disturbed:
1. Wetlands

Wetlands shall be mitigated as provided pursuant to any state or federal permit issued for the wetlands activity and protected by compliance with all setback and setback zone requirements of this Ordinance and the following:

a. Wetland Mitigation and Restoration

1) Findings that Wetland Loss is Unavoidable

Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetland impacts. Prior to considering a proposal for wetland mitigation, the Planning Commission must find all of the following:

a) All feasible and prudent efforts have been made to avoid the loss of protected wetland.

b) All practical means have been considered to minimize protected wetland impacts.

c) It is practical to replace the protected wetland, which will be unavoidably eliminated.

d) Alternatives for preserving protected wetlands and watercourses have been evaluated and found to be impractical, inappropriate, or ineffective.

To ensure no net loss of wetlands take place in the Township, mitigation shall be required in instances where there are accepted losses of wetland resources.

2) Criteria for Approving Proposals for Wetland Mitigation

a) The mitigation plan provides for the substantial replacement of the predominant functional values of the protected wetland to be lost.

b) The mitigation plan provides for no net loss of protected wetland resources and watercourses.

c) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered.

d) The mitigation plan will comply with all applicable federal, state, and local laws.

3) Other Mitigation Requirements

Wetland mitigation and monitoring plans shall become conditions as part of the development approval and shall be the responsibility of the applicant.

a) Financial assurances that mitigation is accomplished as specified within the development submittal may be required by the Planning Commission.

b) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the Planning Commission and the applicant.
2. Waterbodies, channels, and floodplains

These resources shall be mitigated to provide no net loss of flood storage capacity. Such mitigation shall comply with any conditions of valid permits or approvals from federal, state, and county agencies with jurisdiction, including the Michigan Department of Environmental Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, and the administrative rules thereunder, as amended. Areas receiving mitigated flood storage capacity shall be protected by compliance with all setback and setback zone requirements of this Ordinance.

3. Groundwater recharge areas

Any lot or parcel, containing a land use which will result in the coverage of more than 30% of the lot or parcel of land, shall incorporate a stormwater management system that is designed and constructed in such a way that all water runoff from such lot or parcel shall be collected, retained, filtered and purified as necessary to be suitable for return by natural percolation to the naturally occurring aquifer, and returned to the land in such a way that the full, natural recharge of the groundwater aquifer is maintained.

4. Tree Relocation and Replacement

The intent of this Section is to replace removed species with similar species in appropriate habitats. Whenever the removal of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, is deemed necessary from the site, such trees shall be replaced or relocated in accordance with this Section. If removed trees are to be replaced as provided within this Section, replacement trees may be used to satisfy preservation percentage requirements of this Section, but may not be used to satisfy landscaping requirements of the Zoning Ordinance.

a. Replacement Species Standards

Replacement trees shall be of the same species as the removed tree, except where prohibited by this Section. Species native to Michigan may be substituted for non-native or prohibited species. All replacement tree species shall be suitable for the habitat in which they will be located.

b. Replacement Ratio

Removed trees shall be relocated or replaced in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Removed Tree Size</th>
<th>Replacement Ratio (minimum replacement trees per removed tree)</th>
<th>Minimum Replacement Tree Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coniferous (height):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Six (6) to ten (10) feet</td>
<td>1:1</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>Ten (10) to 14 feet</td>
<td>1.5:1</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>14 feet or greater</td>
<td>2:1</td>
<td>Five (5) feet</td>
</tr>
</tbody>
</table>

| Deciduous (D.B.H.): | | |
| Six (6) to ten (10) inches | 1:1 | Eight (8) feet |
| Ten (10) to 14 inches | 1.5:1 | Eight (8) feet |
| 14 inches or greater | 2:1 | Eight (8) feet |

**Landmark Trees:**
Landmark trees, as defined in this Section and shown on the required site plan, plat, or area plan to be removed, shall require a minimum Replacement Ratio as follows:

As Amended and Edited: November 22, 2007
1) One (1) replacement tree for each four (4) inches of DBH for the landmark deciduous tree to be removed. Such replacement deciduous trees shall have a minimum height of eight (8) feet.

2) One (1) replacement tree for each four (4) inches of DBH for the landmark coniferous tree to be removed. Such replacement coniferous trees shall have a minimum height of five (5) feet.

c. Minimum Requirements

All replacement trees shall satisfy current American Association of Nurseryman standards and shall be as follows:

1) Nursery grown or comparable, relocated from same parcel.

2) State Department of Agriculture inspected.

3) Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. Burlap to be removed or cut open at planting.

4) Number I grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable). Guaranteed for one (1) year.

5) Approved through inspection by the Township.

d. Species Prohibited as Replacement Trees

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Species</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box Elder</td>
<td><em>Acer negundo</em></td>
<td>-</td>
</tr>
<tr>
<td>Elm varieties</td>
<td><em>Ulmus x</em></td>
<td>Except disease-resistant cultivars</td>
</tr>
<tr>
<td>Horse Chestnut</td>
<td><em>Aesculus x</em></td>
<td>Except in transition zones for undeveloped areas of a site</td>
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<tr>
<td>Poplar varieties</td>
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<td>-</td>
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<td>Ginkgo (female)</td>
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<td>Male trees are acceptable</td>
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<td>Black locust</td>
<td><em>Robinia pseudoacacia</em></td>
<td>-</td>
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<tr>
<td>Ash</td>
<td><em>Fraxinus x</em></td>
<td>Only varieties susceptible to the Emerald Ash borer</td>
</tr>
</tbody>
</table>

e. Location

The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If the tree replacement on the same parcel is not feasible, the Township may designate another planting location for the replacement tree within the Township.

If tree relocation or replacement is not feasible either on the parcel or on another approved location within the Township, the Township may allow a deposit into the Township General Fund, Tree Preservation Line, in an amount determined to be acceptable by the Township for tree replacement on a per tree basis based upon the current market value for tree replacement that would otherwise be required. These funds shall be utilized for the planting, maintenance,
and preservation of trees and woodland areas within the Township.

f. **Maintenance**

Relocated or replacement trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition. Any relocated or replacement tree determined by the Township to be diseased, dying or dead within the first three (3) years after planting shall be replaced at the developer’s expense.

g. **Applicability of Requirements**

Procedural and/or time requirements of this Section shall be incorporated into applicable review processes at the same time as the contemporaneous approval granted by the Township for the development, if any (i.e. tentative preliminary plat, preliminary site plan, special land use, site plan approval, etc.).

h. **Protection During Construction**

All trees, which have been deemed necessary for removal shall be identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.

1) No person shall conduct any construction activity within the dripline of any tree relocated or designated to remain, including but not limited to the placing of solvents, building materials, construction equipment, soil deposits, or parking of vehicles.

2) During construction, no person shall attach a device or wire to any remaining tree, or relocated tree, except to cordon off protected areas as required.

3) Before development, land clearing, filling, or any property alteration, the developer or builder shall provide and maintain suitable barriers, installed at the drip line, such as snow fencing, cyclone fencing etc., to protect remaining and relocated trees. (wood, metal, or other substantial material shall be utilized in the construction of barrier.) Protective barriers shall remain in place until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers are required for all trees designated to remain, except as follows:

   a) Street rights-of-way and utility easements may be cordoned by placing stakes a maximum of fifty (50) feet apart and tying ribbon, plastic tape, or other brightly visible materials at least two and one half (2 1/2) feet above the ground from stake along the outside perimeters of areas to be cleared.

   b) Large property areas separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described above.

5. **Steep Slopes:** Disturbed areas of steep slopes shall approximate the natural terrain and be planted with native vegetation at the completion of construction. No new drainage may be directed over areas of disturbed slope. No development shall be permitted on slopes greater than 20 percent and a length of 30 feet or more measured parallel to the contour lines.

6. **Threatened or Endangered Species Habitat:** Such habitat shall be mitigated in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.

In cases where providing mitigation will cause undue hardship, the applicant may request relief from the Planning Commission as part of the site plan review process. Relief will only be granted when the applicant provides evidence supporting all of the following findings:
a. The hardship is exceptional and peculiar to the property and results from conditions which do not exist generally throughout the Township and region.

b. The condition upon which the requested relief is based is not a self-imposed or created hardship.

c. The relief to be granted is the minimum amount necessary to allow a reasonable, economically viable use of the land.

I. Protection of Natural Features During Construction

Natural features that are identified in the Natural Features Statement of Impact, Protection, and Mitigation as features to be preserved shall be protected during construction as follows:

1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:

   a. At the limits of soil disturbance adjacent to natural features.

   b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.

   c. At the edge of the natural features identified to be protected under this regulation and in compliance with the required exterior limits of natural features setbacks as defined within this Ordinance

2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.

3. Temporary construction fencing shall be maintained in place in good condition until it is authorized to be removed by the Township.

4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity within three years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan or plat shall be replaced by the applicant in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees, which are damaged, dead, or dying, the applicant shall post security in the form of cash, surety bond, or letter of credit in an amount calculated to cover the cost of the total replacement. The security shall be deposited with the Township Clerk prior to the issuance of a certificate of occupancy, or within 20 days after written notice to the property owner that the Township has determined that replacement of a landmark tree will be required under this subsection.

5. To ensure compliance with this Section, the Township shall perform periodic inspections of subject lots or parcels, at such times determined to be necessary, during all phases of construction and development as well as after completion of the project to ensure continued compliance with this Section.

SECTION 55.09-GREENBELT BUFFER

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such a property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an attractive six (6) foot masonry wall may be built and adequately maintained in lieu of a greenbelt.

A greenbelt, minimum width of twenty (20) feet, shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting, provided their equal in characteristics is used.
SPACING

1. Plant materials shall not be placed closer than three (3) feet from the fence line or property line.
2. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than three (3) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Treelike shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

PLANT MATERIALS

<table>
<thead>
<tr>
<th>Minimum Size (In height/feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Evergreen Trees</td>
</tr>
<tr>
<td>(a) Juniper</td>
</tr>
<tr>
<td>(b) Red Cedar</td>
</tr>
<tr>
<td>(c) White Cedar</td>
</tr>
<tr>
<td>(d) Pines</td>
</tr>
<tr>
<td>2) Narrow Evergreens</td>
</tr>
<tr>
<td>(a) Pyramidal Arbor Vitae</td>
</tr>
<tr>
<td>(b) Columnar Juniper</td>
</tr>
<tr>
<td>(c) Irish Juniper</td>
</tr>
<tr>
<td>3) Treelike Shrubs</td>
</tr>
<tr>
<td>(a) Flowering Crabapple</td>
</tr>
<tr>
<td>(b) Russian Olive</td>
</tr>
<tr>
<td>(c) Mountain Ash</td>
</tr>
<tr>
<td>(d) Dogwood</td>
</tr>
<tr>
<td>(e) Redbud</td>
</tr>
<tr>
<td>(f) Rose of Sharon</td>
</tr>
<tr>
<td>4) Large Deciduous Shrubs</td>
</tr>
<tr>
<td>(a) Honey Suckle</td>
</tr>
<tr>
<td>(b) Viburnum</td>
</tr>
<tr>
<td>(c) Mock Orange</td>
</tr>
<tr>
<td>(d) Forsythia</td>
</tr>
<tr>
<td>(e) Lilac</td>
</tr>
<tr>
<td>(f) Ninebark</td>
</tr>
<tr>
<td>5) Large Deciduous Trees</td>
</tr>
<tr>
<td>(a) Oak</td>
</tr>
<tr>
<td>(b) Hard Maple</td>
</tr>
<tr>
<td>(c) Hackberry</td>
</tr>
<tr>
<td>(d) Sycamore</td>
</tr>
</tbody>
</table>
Lodi Township Zoning Ordinance

Article: 55.0 SUPPLEMENTAL REGULATIONS AND STANDARDS

TREES NOT PERMITTED

<table>
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<tr>
<th>Common Name</th>
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<td>Horse Chestnut</td>
<td><em>Aesculus</em></td>
<td>Except in transition zones for undeveloped areas of a site</td>
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<td>Black locust</td>
<td><em>Robinia pseudoacacia</em></td>
<td></td>
</tr>
<tr>
<td>Silver Maple</td>
<td><em>Acer saccharinum</em></td>
<td></td>
</tr>
<tr>
<td>Ash</td>
<td><em>Fraxinus</em></td>
<td>Only varieties susceptible to the Emerald Ash borer</td>
</tr>
</tbody>
</table>

A bond or cash of an amount equal to five dollars per lineal foot of required greenbelt shall be deposited with the Township Clerk until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said greenbelt or the Township shall be authorized to use said funds to install said greenbelt.

In all cases, however, the Township shall be authorized to withhold ten (10) percent of bond or cash for a period of two (2) years from date of issuance to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

SECTION 55.10-SANITARY SEWAGE FACILITIES

The following procedures are provided for utilization of sanitary sewage facilities as they relate to the collection, treatment, and/or disposal facilities and services, including inspection services and maintenance services for private or municipal systems, or any other means of sewage treatment and disposal approved by the county:

A. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of the Washtenaw County Environmental Health Department.

B. Each dwelling, lot or structure required by state or county law, ordinance or regulation to have a sanitary sewerage facility to be suitable for occupancy by any use permitted under this Zoning Ordinance shall be subject to the following:

1. If no municipal sewer is available, each principal building on the lot shall be served by an independent on-site septic system meeting the requirements of the Washtenaw County Environmental Health Department.

2. The on-site septic system shall not be separated from the dwelling, lot or structure by a public or private road.

C. Limited sanitary facilities, such as a toilet and/or sink, may be installed within a permitted structure accessory to a single-family dwelling. Such facilities may be connected to the same on-site septic system as the principal dwelling on the same lot, subject to approval from the Washtenaw County Environmental Health Department and Lodi Township. This provision is not intended to permit a second dwelling on a single-family residential lot.

D. If municipal sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the Lodi Township Zoning Ordinance and County Environmental Health Department. Except for PUD development, in no case shall the minimum lot size be less than that required by the zoning district in which located. Individual disposal systems shall be approved by the County Environmental Health Department.
E. Where municipal sanitary sewerage facilities are available, sewers shall be installed to serve each lot and each structure with sanitary facilities.

F. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of Washtenaw County Environmental Health Department.

G. For developments served by municipal sanitary sewers, sanitary sewer lines shall be installed and available to provide service to the individual lots before construction on a lot shall be permitted.

SECTION 55.11 - SITE CONDOMINIUM REVIEW

A. Approval Required - Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.

B. General Requirements

1. No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. However, the Planning Commission may, at its discretion, and with appropriate conditions attached, authorize the Building Inspector to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion and expandable condominiums.

2. If a building, structure, or use to be placed on a condominium lot requires site plan approval under Section 54.02 herein, a site plan for that building, structure or use shall be approved in accordance with Section 54, herein, before a certificate of zoning compliance may be issued.

3. The Planning Commission shall have the authority to review and approve or deny preliminary site plans for site condominiums in accordance with Article 54.03, herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. Preliminary and final site plans shall not be combined for site condominium projects.

4. If the Planning Commission grants preliminary site plan approval it shall transmit one copy of the preliminary plan to the Subdivision Advisory Committee and it shall transmit information to the Superintendent of Schools of the School District in which the subdivision is to be located.

5. The Planning Commission shall have the authority to review and approve or deny final site plans for site condominiums in accordance with Article 54.0, herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. The Planning Commission shall review the plan for compliance with the standards of the Zoning Ordinance, the Condominium Act, and all applicable Federal, State, and local laws. The comments of the Subdivision Advisory Council and the School District shall be considered by the Planning Commission when reviewing the final site plan.

6. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.

7. Each condominium unit shall be located within a zoning district that permits the proposed use.

8. For the purposes of this Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
9. Each condominium unit shall have a well, septic tank, and drainfield approved by the Washtenaw County Environmental Health Department where municipal water and municipal sanitary sewer services are not available. The well, septic tank and drainfield serving a condominium unit shall be located within the unit area, as described in the master deed.

10. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.

11. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.

12. All information required by this Ordinance shall be updated and furnished to the Zoning Inspector until applicable certificates of zoning compliance have been issued, as provided in Section 57.04, herein.

C. Preliminary Site Plan Requirements

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.

2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.

3. The preliminary site plan shall include all information required in Section 54.03, herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.

D. Final Site Plan Requirements

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.

2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

3. A final site plan shall include all information required by the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 54.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the site plan.

4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until each County or State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

E. Revision of Condominium Subdivision Plan

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for
review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

F. Amendment of Master Deed or Bylaws

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

G. Design and Development Standards

1. General-The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply.

2. Streets

   a. Street Layout: Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the standards of the Washtenaw County Road Commission. Private streets shall be developed to the standards and specifications of Section 55.17 of this Ordinance. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper extension of streets into adjoining properties not yet developed.

   Local streets shall be laid out so as to discourage their use by through traffic.

   Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

   All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

   b. Drainage-All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.

   c. Alleys-Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.

   d. Marginal Access Streets-Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

   e. Other Required Streets-Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

   f. Special Treatment Along Major Streets-When a development abuts or contains an existing or
proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.

g. **Street Names and House Numbers** - Street names shall be approved in writing by the Saline Area Fire Department, Washtenaw County Road Commission, and appropriate post office jurisdiction. Generally no street should change direction by more than 90 degrees without a change in street name. Streets shall have names and not numbers or letters.

h. **Location for Utilities** - Utilities shall be located so as to best conform to the layout of existing facilities.

i. **Street Standards and Specifications** - Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.

3. **Blocks** - Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.

4. **Lots**

   a. **Dimensions** - Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

   Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

   Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

   i. Lots may back onto the above features, but shall be separate therefrom by a twenty (20) foot wide landscaped strip along the rear property line. The twenty (20) foot wide strip shall not be considered part of the lot’s minimum length, width, or area, but shall be considered part of the contiguous lot.

   ii. Lots may face onto a marginal access street.

   iii. Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in Section 4(a)(1), preceding.

   iv. Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in Section 4(a)(1), preceding.

   Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.
b. **Lot Frontage**-Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

c. **Lot Lines**-Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

d. **Lots to be Buildable**-The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

i. A suitable site for placing a house without excess grading;

ii. A usable area for outdoor living and other outdoor activities;

iii. Adequate surface drainage away from the house site and outdoor living areas;

iv. Reasonable driveway grades; and

v. General site grading should be minimized with significant trees and other vegetation retained.

e. **Access**-Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township Ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

f. **Reserve Strip**-Privately held reserve strips controlling access to streets shall be prohibited, except as provided in Section 2 i), herein.

g. **Non-Residential Lots**-Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of the Zoning Ordinance.

5. **Pedestrian Ways and Sidewalks**-Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. **Natural Features**-The development shall, wherever possible, preserve natural features which add value
to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.

7. **Uninhabitable Areas**—Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.

8. **Utilities**

a. **Storm Drainage**

i. All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the standards of the Drain Commissioner and Lodi Township.

ii. Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.

iii. Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

iv. Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

v. Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.

vi. All natural water drainage ways and impoundment areas shall be preserved at their
natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.

vii. The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.

viii. A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.

ix. The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.

x. Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

b. Water Supply Facilities - Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

c. Sanitary Sewerage Facilities:

i. Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.

ii. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of Lodi Township.

iii. Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.

iv. If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.

d. Gas, Wire, and Cable Utilities - All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards
and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, herein.

9. **Easements**—All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the site plan submitted for preliminary approval.

10. **Reservation of Public Use Areas**—Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

   The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

11. **Mobile Home Subdivisions**—Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

   All streets and driveways in the development shall conform to the standards set forth in Section G(2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

   Collector street dimensions shall conform to County Road Commission specifications.

   Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

   Sidewalks and pedestrian ways shall be provided in accordance with Section G(5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

   All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township Ordinances and regulations.

   Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision
and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

12. Commercial and Industrial Subdivisions

Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this Ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to Zoning Ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

13. Planned Unit Development

Developments in a PUD zoning district may be granted certain variances from this Ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.
14. Soil Erosion and Sedimentation Control-The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications.

15. Trees-Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this Ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this Ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor’s expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

16. Street Lights-Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

H. Development Agreement

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

I. Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

J. Monuments shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

K. Road rights of way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right of
way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.

L. All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

55.12 COMMERCIAL COMMUNICATION TOWERS

A. Purpose

The intent of this Section is to permit the location of commercial communication towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety and character of nearby residential areas and the Township. It is further the intent of this Section to require collocation of transmission and receiving apparatus on existing towers, unless it can be demonstrated by the applicant that collocation is not technically feasible, and to require that new towers make provision for collocation of additional users wherever technically feasible. It is further the intent of this Section to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

B. Special Use Permit

1. Permit Required-A commercial communications tower shall require the issuance of a Special Use Permit in accordance with the provisions of Article 50, Special Uses herein.

2. Application Inventory-Each applicant for an antenna and/or tower shall provide an inventory of it’s existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lodi Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Lodi Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.

3. Information Required-In addition to any information required for applications for special use permits pursuant to Article 50 of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Paragraph 2 above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.
f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.

h. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

i. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

j. A description of the feasible location(s) of future towers or antennae within Lodi Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

k. An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.

l. Name and location of communication tower manufacturer.

4. **Conditions of Approval**-In granting a special use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower and/or antenna on adjoining or nearby properties, in addition to such conditions as are provided for in Article 50 Special Uses herein.

5. **Factors to Consider in Granting a Special Use Permit**-In addition to any standards for consideration of special use permit applications contained in Article 50 Special Uses herein, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce one (1) or more of these criteria if the Planning Commission determines that the goals of this Section are better served thereby:

a. Height of the proposed tower.

b. Proximity of the tower to residential structures and residential district boundaries.

c. Nature of uses on adjacent and nearby properties.

d. Surrounding topography.

e. Surrounding tree coverage and foliage.

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

g. Proposed ingress and egress.

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 5 below.

6. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology**-No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning
Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant’s proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet applicant’s engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.

d. The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

C. General Regulations

Commercial communication towers shall be subject to the following regulations:

1. Collocation- Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized exerts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.

2. Location of Towers

a. No single tower shall be located within two (2) miles of another commercial communication tower. This requirement may be waived if the tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community. Additional communications apparatus can, however, be located on an existing tower or other structure capable of accommodating such apparatus.

b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential or Rural District, including any PUD District incorporating residential uses.

c. A tower shall have a minimum setback from all property boundaries equal to the height of the tower.

d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.

3. Access—Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.

4. Structural Design and Installation

a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.

b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

c. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, Lodi Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

d. Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.

e. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.

f. Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Special Use Permit shall be subject to revocation by the Township board. The operator of the tower shall bear the costs for testing and verification of compliance.

g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

h. The base of the tower shall occupy no more than five hundred (500) square feet.

i. All communications tower operators shall be required to provide to Lodi Township an annual report of total radiation output from all channels and all antennae on the tower from an independent contractor as recommended by the Township Engineer.
As Amended and Edited: November 22, 2007

5. **Lighting** - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. **Height** - Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

7. **Design**
   
a. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.

b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.

c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.

d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

8. **Fencing and Landscaping** - The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 55.09. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.

9. **Employees** - No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.

10. **Site Plan Required** - The applicant shall submit a preliminary and final site plan in accordance with Article 54.0 Site Plan Review herein, and including details of tower lighting required and approved by the Federal Aviation Administration.

11. **Franchises** - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Lodi Township.

12. **Engineering Certification** - Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.

13. **Not Essential Services** - Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

14. **Cessation of Operation** - The Township shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground, within twelve
(12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Lodi Township requesting such removal shall be grounds for Lodi Township to remove the tower or the antenna at the owner’s expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

55.13 IMPACT ASSESSMENT

A. **Purpose**-The submission of an Impact Assessment is necessary to provide relevant information concerning the effects that a proposed project may have on the community, and to provide the data necessary for the Township of Lodi to make a rational determination on the request.

The Impact Assessment is required in order to explain the purposes of the request and to indicate what the proposal would add to the current Township’s Land Use Development Plan. The Assessment shall evaluate the proposal’s impact upon:

1. The natural environment of the area.
2. Traffic operations and safety.
3. Utilities and public facilities including storm sewers, sanitary sewers or water mains.
4. Recreation, school and public safety needs.
5. Future land use of the surrounding area.

B. **When Required**-An Impact Assessment shall be required and shall be submitted by a petitioner whenever the following matters are petitioned for consideration:

1. Requests for zoning change when such request represents a departure from the land use proposed in the Township’s Land Use Development Plan of land use applicable to the parcel in question.
2. Any PUD, district shall require an Impact Assessment.
3. All plats and site condominiums.
4. When deemed necessary by the Planning Commission.

C. **Traffic Impact Study**-A traffic impact study shall be submitted for a project under any of the following situations:

1. All situations noted in B, above.
2. Projects with frontage along major thoroughfares as designated in the Township Land Use Development Plan that would be expected to generate fifty (50) directional vehicle trips (i.e. 50 inbound or 50 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets.
3. Projects that would be expected to generate one hundred (100) direction vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. (Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineers’ (ITE) Trip Generation manual. The ITE data may be supplemented by actuate trip generation data from similar establishments in Michigan).
D. Minimum Contents of Traffic Impact Study

The following shall be submitted to the Township Planning Commission for review and evaluation. The Planning Commission shall determine the applicability and/or necessity of the following items as they pertain to a specific project or rezoning request.

1. Existing conditions including existing daily and peak hour traffic volumes on adjacent street(s). Intersections in the vicinity which are expected to be impacted as identified by the Township and a description of any site distance limitations along the site’s right-of-way frontage. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data, would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The consultant performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study. Traffic data over one (1) year old will not be accepted unless the applicant can document that volumes have not changed more than two percent (2%).

2. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent Institute for Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.

For requests for zoning change when such request represents a departure from the land use proposed in the Township Land Use Development Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Zoning Administrator.

3. For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on historic annual percentage increases and/or on expected development in the area.

Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed which may affect traffic operations for the subject site, as determined by the Township.

4. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.

5. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at all street intersections where the expected traffic will comprise at least five-percent (5%) of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township or Washtenaw County Road Commission.

6. Traffic accident data covering the most recent three (3) years for intersections analyzed in the impact Study shall be summarized in collision diagrams. The Township may require traffic accident data if the segment of roadway adjacent to or near the subject site has experienced accident problems.

7. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this Ordinance.
8. An analysis of the potential need for bypass lanes or deceleration tapers/lanes including attachment of any correspondence by the Washtenaw County Road Commission.

9. A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.

10. Documentation of approval for size and location of fire lanes and emergency vehicle access by the Fire Department.

11. A general description of pedestrian circulation on and across the roadways including any pedestrian facilities provided.

E. The requirements set forth in this Section shall not relieve the project’s sponsor from complying with other land development standards of the Zoning Ordinance, or any other Ordinance enacted by the Township or by other public agencies having jurisdiction.

F. Fees for the review of Impact Assessments shall be established by resolution of the Township Board of Trustees.

SECTION 55.14- STORMWATER MANAGEMENT

Design and implementation of stormwater management shall be according to Washtenaw County Drain Commission specifications. A copy of the approved stormwater plan shall be included for every project requiring site plan review as specified within this Zoning Ordinance.

SECTION 55.15- HYDROGEOLOGIC ASSESSMENT

All projects requiring hydrogeologic assessment shall be according to Washtenaw County Environmental Health Department requirements and specifications. When required, hydrogeologic assessments shall be part of the site plan review process as specified within this Zoning Ordinance.

SECTION 55.16- DRY HYDRANT

This section provides for a method of providing a frost-free access point for the transfer of water from a source, by pumping, into a transport vehicle or distribution system. Such access point shall be designed to connect to a remote water source that is accessible at a pumping point for filling tank trucks and pumper trucks engaged in fire control and protection. The following standards shall be provided:

A. A minimum storage capacity of 10,000 gallons should be provided by the applicant for residential developments that are not served by a public water supply system. Additional storage of 2,000 gallons per residential lot in a residential development subject to the requirements of a plat or site condominium or per principal building should be provided. The Township Board, upon recommendation of the Fire Chief, may require additional storage capacity. Storage facilities may be ponds with dry hydrants, underground storage reservoirs, or other methods acceptable to the Fire Chief and Township Engineer. Where ponds are proposed for water storage the capacity of the pond should be calculated based on the lowest water level less an equivalent of four (4) feet of ice.

B. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Chief and subject to the approval of the Township Engineer. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be a minimum of four (4) inches.

C. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing road, an easement for access to and maintenance of the easement shall be provided. A suitable access way to the hydrant or other water source shall be constructed.

D. Dry hydrants shall be placed so that they are protected against hazards imposed by traffic, farm operations, freezing temperatures, or soil cracking. Other means of protection shall be provided where the depth required for protection is impracticable due to shallow soils over rock or for other reasons. The location of the dry hydrant shall be such
that it is not a hazard to traffic or persons, yet is easily accessible from the roadway.

E. A long-term maintenance plan of the dry hydrant system shall be provided to the satisfaction of the Township Engineer.

F. The Planning Commission may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision shall not permit their construction or installation and the Fire Chief has indicated in writing that alternate methods of fire protection are available.

SECTION 55.17-PRIVATE ROAD REGULATIONS

A. Purpose

Lodi Township hereby finds that unobstructed, safe and continuous access to parcels is necessary to promote and protect the health, safety, and the welfare for the public through police and fire protection, and ambulance service. Lodi Township further finds that such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Lodi Township further finds that when public dedication is desirable or required, access to the interior of certain sections within Lodi Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Washtenaw County Board of Road Commissioners or other municipal corporations. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Section.

B. General Requirements; Application Requirements.

1. Every parcel in Lodi Township shall either abut a road dedicated to the public, or a private road which meets the requirements of this Section. No parcel shall be improved with a building unless a Certificate of completion in accordance with this Section has been issued or abuts a public road.

2. No person shall construct, alter, or extend a private road without compliance with this Section and obtaining a Permit as hereinafter provided.

3. A pre-application meeting shall be held with appropriate Township consultants and officials prior to official submittal of the private road application to review general aspects of the proposed private road and Township requirements.

4. After the pre-application conference, the applicant of such parcel shall apply to the Township Clerk for a Permit, which shall consist of the following information:

   a. A legal description of the right-of-way.

   b. A legal description of each parcel to be served by the right-of-way.

   c. The names and addresses of all persons or parties having an equitable interest or legal title to the parcels and right-of-way area.

   d. A survey drawing showing the following:

      1) The outline of the proposed right-of-way and the dimensions and bearings of the parcels to be served.

      2) Existing topographic contours, at 1-foot intervals, of the right-of-way area and all adjacent land within 100 feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate.

      3) Soil characteristics and wet areas.
4) Trees.

5) Streams and all bodies of water within 100 feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate.

6) Existing buildings within 100 feet of the proposed right-of-way.

7) The proposed right-of-way in relation to the nearest property lines.

8) The location of all proposed improvements in the right-of-way area.

e. Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions.

f. A complete statement of all the terms and conditions of the proposed right-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway.

g. A fee as established by resolution of the Township Board to defray the costs of plan review, administration, inspection and enforcement of this Section. An additional escrow will be required after permit approval as stated in 3d of this Section.

h. The application shall be signed by the applicant or agent thereof, if signed by agent, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the right-of-way or the abutting parcels and shall be made under penalties of perjury.

i. All drawings shall be prepared by a Registered Land Surveyor or Civil Engineer, registered in the State of Michigan, and shall bear the seal of the same.

j. In addition, the Applicant shall provide evidence that the proposed right-of-way will be built in conformance with:

1) The Township’s Natural Features Protection and Preservation Requirements as found in Section 55.08 C herein.

2) The Washtenaw County Drain Commissioner’s standards and approval for stormwater retention and drainage facilities.

3) The Washtenaw County Road Commission’s standards and approval for vehicular access.

4) The approved and recorded maintenance agreement for the private road.

5. Permit Approval Procedure

a. Upon receipt of ten copies of the completed private road application, the Township Clerk shall refer copies of the completed application and accompanying materials to the Township Engineer and other appropriate Township consultants for review and comment, and submit the application to the Planning Commission for a public hearing.

b. The Township Engineer and other Township consultants shall report in writing to the Planning Commission as to whether or not the proposed right-of-way and roadway conform to the standards
and specifications of this Section. Said reports may include any suggested conditions to be attached to the Permit, which are necessary to achieve the intent of this Section.

c. After receipt of said reports, the Township Planning Commission shall hold a public hearing to consider the application, the Township consultants reports and all other relevant information in determining whether to grant the Permit application. If the information submitted by the applicant does not establish that the proposed right-of-way and roadway will conform to the standards and specifications of this Section, the Township Planning Commission shall not grant the Permit. The Township Planning Commission shall impose such conditions on the approval of the Permit as it deems necessary to achieve the intent and objectives of this Section, which may include, but need not be limited to, conditions suggested by the Township consultants. The breach of any such condition imposed by the Township Planning Commission shall automatically invalidate the Permit.

d. As a condition to the granting of any Permit under this Section, the Township Planning Commission shall require that the applicant deposit with the Township Treasurer a bond or a sum of money, bank letter of credit or certified check, in an amount, confirmed by the Township Engineer, sufficient to guarantee that the applicant shall perform the terms and conditions of the Permit, including the payment of required fees. Upon issuance of certificate of completion under this Section, any unused portion of the deposit shall be refunded to the applicant.

e. Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Planning Commission, the Township Clerk shall record the final site plan, approved and signed by the Planning Commission Chair, and issue the Permit pursuant to the terms established by the Township Planning Commission Resolution approving the application.

f. Only the Township Planning Commission shall have the authority to approve or deny applications for permits. No other permit issued by any township official or other governmental body or official shall be a substitute for the Permit.


Each right-of-way and its roadway shall conform to the following specifications:

a. Private roads shall be divided into two classes, as follows:

1) Class One private roads shall be any private road that meets one or more of the following criteria:

   a) Serves two or more single-family residential parcels not on a shared driveway, and has a reasonably foreseeable potential to be extended in the future to serve more than eight (8) single-family residential parcels.

   b) Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with, another public or private road.

   c) Serves one or more nonresidential uses, not including farm uses and associated buildings and does not require a class one private road.

2) Class Two private roads shall be any private road that meets the following criteria:

   a) Serves not more than eight (8) residential units and does not require a Class One private road.

b. All Class One and Class Two private roads shall meet the following minimum requirements and specifications:
1) The roadway surface and turnaround area shall be centered in the right-of-way.

2) The connection between the right-of-way and the public road shall conform to the standards and specifications of the County Road Commission. The applicant shall obtain a road permit issued by the Road Commission prior to approval of any right-of-way by the Township Planning Commission.

3) Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Washtenaw County Road Commission.

4) The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Open swale/ditch drainage systems will be preferred to enclosed storm sewers where applicable governmental standards and site conditions permit. Open swales/ditches shall be located within the right-of-way. Road drainage shall be constructed so that runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.

5) All parcels receiving access shall have their individual addresses posted on each property and at their driveway entrances.

6) Road signs, stop signs, and no outlet signs for roads without an outlet shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices and installed prior to any building permits being issued on the property.

7) Road names for the private road must be approved in writing by the Saline Area Fire Department, Washtenaw County Road Commission, and appropriate post office jurisdiction.

8) The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.

c. Class One and Class Two private roads shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

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<tr>
<th>TABLE 1</th>
<th>MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE STREETS AND ROADS</th>
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<tbody>
<tr>
<td>Class One Private Streets and Roads</td>
<td>Class Two Private Streets and Roads</td>
</tr>
<tr>
<td>Width of right-of-way</td>
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<td>Road Length</td>
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</table>
## Lodi Township Zoning Ordinance

### 55.0 SUPPLEMENTAL REGULATIONS AND STANDARDS

<table>
<thead>
<tr>
<th>Section</th>
<th>20 foot driving surface</th>
<th>16 foot driving surface</th>
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<tr>
<td></td>
<td>20 foot driving surface With adequate drainage 6 foot shoulders.</td>
<td>16 foot driving surface With adequate drainage.</td>
</tr>
<tr>
<td><strong>Sub-base</strong> (spread to a minimum width)</td>
<td>6 inches of compacted MDOT Class two.</td>
<td>Same as Class One.</td>
</tr>
<tr>
<td></td>
<td>6 inches of compacted MDOT Class two.</td>
<td>Same as Class One.</td>
</tr>
<tr>
<td><strong>Base</strong></td>
<td>For gravel surface 8 inches of MDOT 22A in two equal courses, each compacted 26 feet wide.</td>
<td>For paved surface Same as for gravel surface, except two more inches of base, compacted. No slag or 23A</td>
</tr>
<tr>
<td></td>
<td>For gravel surface 8 inches of MDOT 22A in two equal courses, each compacted 26 feet wide.</td>
<td>For paved surface Same as for gravel surface, except two more inches of base, compacted. No slag or 23A</td>
</tr>
<tr>
<td></td>
<td>For paved surface Same as for gravel surface, except two more inches of base, compacted. No slag or 23A</td>
<td>If paved the same as Class One.</td>
</tr>
<tr>
<td><strong>Pavement</strong></td>
<td>3” inches bituminous Mixture Type 13A, in; Two courses 24 feet wide. Curb and gutter permitted, however in rural areas vegetated swales are preferred. (Pavement required if abutting a paved road.)</td>
<td>If paved the same as Class One.</td>
</tr>
<tr>
<td></td>
<td>3” inches bituminous Mixture Type 13A, in; Two courses 24 feet wide. Curb and gutter permitted, however in rural areas vegetated swales are preferred. (Pavement required if abutting a paved road.)</td>
<td>If paved the same as Class One.</td>
</tr>
<tr>
<td><strong>Turnaround Area</strong></td>
<td>75 foot radius Right of way</td>
<td>60 Foot radius Right of way</td>
</tr>
<tr>
<td></td>
<td>75 foot radius Right of way</td>
<td>60 Foot radius Right of way</td>
</tr>
<tr>
<td><strong>Turning Circle</strong></td>
<td>50 foot radius Roadway surface</td>
<td>50 foot radius Roadway surface</td>
</tr>
<tr>
<td></td>
<td>50 foot radius Roadway surface</td>
<td>50 foot radius Roadway surface</td>
</tr>
<tr>
<td><strong>Ditches</strong></td>
<td>Minimum grade 0.5% sod or otherwise stabilize</td>
<td>Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.</td>
</tr>
<tr>
<td></td>
<td>0.5% to 4.0% grades rip-rap</td>
<td>Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.</td>
</tr>
<tr>
<td></td>
<td>4.1% and steeper grades 1 on 4</td>
<td>Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.</td>
</tr>
<tr>
<td></td>
<td>Front and back slopes 1 on 4</td>
<td>Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.</td>
</tr>
<tr>
<td><strong>Roadway Grades</strong></td>
<td>Minimum 0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td></td>
<td>Maximum 6.0%</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Roadway Curves</strong></td>
<td>Horizontal - minimum 230 foot radius</td>
<td>150 foot radius</td>
</tr>
<tr>
<td></td>
<td>Vertical - minimum 100 foot long for changes in gradient of 2% or more</td>
<td>Same as Class One.</td>
</tr>
<tr>
<td></td>
<td>Vertical - minimum 100 foot long for changes in gradient of 2% or more</td>
<td>Same as Class One.</td>
</tr>
</tbody>
</table>

As Amended and Edited: November 22, 2007
7. **Inspection**

All required improvements shall be inspected by the Township Engineer at various stages of construction as established at the pre-construction meeting. The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Clerk in writing. The applicant's engineer shall certify in writing to the Township Engineer before the final inspection and report thereon that the required improvements were made in accordance with this Section and all approved plans. A notice of completion by the Township Engineer shall be delivered to the Township Clerk and the applicant. The costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Clerk shall determine the costs of administration and inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

8. **Expiration of approval of permits.**

A Permit shall be valid for a period of one year from the date of issuance. If the required improvements have not been completed upon the expiration of the one-year period of time or an extension applied for, then the Permit shall be void and of no force and effect and if construction has been started and deemed appropriate to continue all deposits, except the costs incurred, shall be retained by Lodi Township for completion of the road.

9. **Recording of rights-of-way.**

The right-of-way, including all agreements as identified in Sub-Section 3, herein, shall be recorded in the office of the Register of Deeds for Washtenaw County, after approval of the language of the agreement by the Township attorney, prior to the issuance of the certificate of completion required in Sub-Section 5, herein.

10. **Building permits.**

No zoning compliance permit for a building shall be issued for any parcel subject to the provisions of this Section unless a Certificate of Completion has been issued by the Township Clerk. A building permit may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer.

11. **Road Agreement**

A maintenance agreement approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the private road. All parcels accessing the private road shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before Certificate of completion is issued.

   a. **Maintenance Responsibility:** Maintenance of all private roads shown on the survey map shall be the responsibility of the owners of the parcels thereon. The association when formed, shall direct the maintenance of roadways and expend such funds as may be necessary to meet the maintenance standards as described below. Unless a parcel owners association has been formed or a maintenance agreement has been signed, each parcel shall have an equal responsibility in the maintenance of said roads. Should Lodi Township incur costs for the maintenance or improvements to the road for any reason, each and every owner of a parcel adjoining the private road shall be jointly and severally liable for the entire costs incurred by Lodi Township.

   b. **Maintenance Standards:** Maintenance of the roads shall include but not be limited to the filling of pot holes, regrading of roadways, ditching, and the placement of gravel and/or sealcoat of paved surfaces as necessary to enable the parcel owners to use the roads and ingress and egress to the parcels.
c. **Maintenance Fee**: Each parcel owner shall be liable for an equal prorata portion of the costs necessary to maintain the roadways. Said maintenance fee shall be established by the association, or if said association has not been formed, said fee shall be established as the equal prorata portion of actual costs of maintenance work performed.

d. **Termination**: The parcel owners’ responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Washtenaw County for said purpose.

12. **Variances**

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Section, such as topographical and other physical characteristics of a parcel, the Zoning Board of Appeals shall have the power to vary or modify the application of the provisions of this Section so that the intent and purpose of the Section shall be observed, public safety secured and substantial justice done.

13. **Violations**

Sanctions for Violations. A person or entity who violates any provision of this Section is subject to Section 57.09-Violations and Penalties; Nuisance Per Se; Abatement.

**SECTION – 55.18—AMATEUR RADIO TOWERS**

A. **Purpose**

1. To reasonably accommodate amateur radio service communications by allowing amateur radio towers to be erected at heights and dimensions sufficient to accommodate amateur radio service communications.

2. To require amateur radio towers to meet construction, placement, screening, setback and height standards based on health, safety or aesthetic standards which are the minimum practical regulations necessary to provide for the health, safety and welfare of the public.

B. **Definitions**

**Amateur Radio Antenna**: The arrangement of electrical conductors used in the sending and receiving of electromagnetic (radio) waves within the regulated amateur band operated by a federally licensed amateur operator for amateur radio activities.

**Amateur Radio Tower**: Any private communication support structure utilized for the purpose of supporting an amateur radio antenna or antennas.

C. **Development standards**

1. Amateur radio towers are allowed as a permitted use in all designated zoning districts subject to the maximum building height requirements of such district.

2. Any amateur radio tower that would exceed the height requirements of a particular zoning district shall be classified as a special use. The height of an amateur radio tower shall be measured as the distance between the highest point of the tower, including antennas, and the natural grade directly below this point. In establishing the height of an amateur radio tower as a special use, evidence shall be presented that the proposed height is the minimum necessary to achieve effective, reliable amateur radio communications.

3. Amateur radio tower owners shall show proof of having a current FCC amateur radio operator license.
4. Amateur radio towers, including guy wires, shall meet the setback requirements for accessory structures of the zone in which the tower is located. Towers shall be set back an additional one (1) foot for every one (1) foot in height that the tower exceeds the maximum allowable height for main buildings in the zone in which the tower is located.

5. Amateur radio towers over thirty four (34) feet in height shall be galvanized, or shall be painted a flat color of either sky blue, light gray or olive drab, whichever color will best reduce the visibility of the tower given the character of the surrounding setting. Colors shall not exceed a light-reflective value of sixty (60) percent.

6. Amateur radio antennas shall not protrude in any manner upon adjoining parcels.

7. No portion of an amateur radio tower or antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturers name and identification number. Lettering shall not exceed three (3) inches in height.

8. Amateur radio towers shall be erected or installed in rear and side yards only.

9. Amateur radio towers that are not protected by walls or fences shall have anti-climb plates installed.

10. No more than one amateur radio tower shall be allowed as a permitted use on any one site. Site shall mean any one parcel or group of adjacent parcels under a single or unified ownership. Additional towers on a site may be allowed as a special use.

11. **Removal of amateur radio towers:**

   Amateur radio tower shall be required to be removed at owner’s expense in the event that:

   a. The owner of property on which a tower is located sells or otherwise ceases to occupy the property and the new resident does not possess a current FCC amateur radio operator license.

   b. The tower is in a state of disrepair or an unsafe condition.

   c. Upon expiration and non-continuance of the FCC license.

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**SECTION – 55.19 – WIND ENERGY CONVERSION SYSTEMS**

**A. Purpose**

Lodi Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

**B. Definitions**

1. “**Wind Energy Conversion System**” (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

   a. “**Agricultural WECS**” shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.

   b. “**Private WECS**” shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.

   c. “**Commercial WECS**” shall mean any WECS that is designed and built to provide electricity to
the electric utility’s power grid.

2. “Manual and Automatic Controls” give protection to power grids and limit rotation of a WECS’ blades to below the designed limits of the conversion system.

3. An “Authorized Factory Representative” shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

4. A “Professional Engineer” shall mean any licensed engineer registered in the State of Michigan.

5. A “Utility Scale” wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.

6. “Facility Abandonment” shall mean out of production for a period of time not less than one year. (See Section 55.19 H)

C. Approval Required

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Lodi Township unless a special use permit has been obtained pursuant to this Ordinance.

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.

2. Application for special use permit required by this Ordinance shall be made on forms provided by Lodi Township and shall contain the following information, in addition to Article 50.0:
   a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;
   b. Methods to screen the base of the WECS pole and/or other ground apparatus.
   c. A permit fee for each WECS as set by Lodi Township Board must accompany the application.

D. General Standards

The following standards shall apply to all private and commercial wind energy conversion systems in Lodi Township:

1. Design Safety Certification

   The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

2. Controls and Brakes

   All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer’s statement of certification.

3. Electrical Components

   All electrical compartments, storage facilities, wire conduit and interconnections with utility companies
4. **Compliance with Township Ordinances**

All private and commercial WECS projects shall be in compliance with all Lodi zoning ordinance requirements and other applicable ordinances.

5. **Setbacks**

All private and commercial WECS projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

6. **Height**

Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Special Uses, ARTICLE 50.0 and compliance with FAA regulations.

7. **Installation Certification**

The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer’s construction and installation standards.

8. **Climb Prevention**

All private and commercial WECS project towers or poles must be unclimable by design or protected by anti-climbing devices such as:

   a. Fences with locking portals at least six feet high;
   b. Anti-climbing devices 12 feet from base of pole; or
   c. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

9. **Interference**

It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the special use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception or radio reception.

10. **Fire Risk**

All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

11. **Waste**

All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

12. **Noise Levels**

The noise level measured at the property line of the property on which the private or commercial WECS
project has been installed shall not exceed 55 decibels.

13. Liability Insurance

The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special use permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner’s insurance with specific coverage for the WECS shall satisfy this requirement.

E. Additional Standards for Commercial WECS Projects

The following additional standards shall apply to all commercial wind energy conversion systems in Lodi Township:

1. Color

Towers and blades shall be painted any neutral color that is acceptable to Lodi Township or otherwise required by law.

2. Compliance with FAA

It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

3. Warnings

A visible warning sign of “High Voltage” may be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six-inch letters with ¾-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

4. Annual Inspection

Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Lodi Township and considered a part of the continuing special use permit.

5. Compliance with additional Regulations

It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to the Lodi Township granting a Special Use Permit.

6. Migratory Birds

The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the special use permit must provide assurances that the WECS project does not negatively impact the path of migratory birds.

7. Decommissioning Plan and Escrow

The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or
The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Lodi Township.

b. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.

c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township’s right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.
ARTICLE 56.0
NONCONFORMITIES

SECTION 56.01-PURPOSE

Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcel, lots, buildings and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. The purpose of this Article is to permit these buildings and structures and uses of parcels, lots buildings and structures, herein referred to as nonconformities, to continue until they are discontinued, damaged or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts.

It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district. The terms and conditions for resumption, restoration, reconstruction, expansion, extension, substitution, and elimination of nonconformities in the Township are hereby established consistent with the purposes of this Article and Ordinance.

SECTION 56.02-NONCONFORMING USES OF PARCELS AND LOTS

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot, such use not involving any building or structure or upon which parcel or lot a building or structure is accessory to such principal use, exists that is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such nonconforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance, and no accessory use, building or structure shall be established therewith.

B. No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the date of adoption of this Ordinance.

C. If such nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

SECTION 56.03-NONCONFORMING BUILDINGS AND STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, floor area ratio, height, open spaces or other characteristics of such building or structure or its location upon a lot, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such building or structure shall be enlarged, expanded, extended or altered in a way which increases in nonconformance.

B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official, provided that the condition of the building or structure and extent of such work conform to the provisions of this Section. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 56.04-NONCONFORMING USES OF BUILDINGS AND STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is not longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, expanded, extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.

B. When a nonconforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which, it is located.

SECTION 56.05-REPAIRS AND MAINTENANCE

On any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) percent of the then current replacement value of the building or structure, provided that the volume of such building, or the number of families housed therein, or the size of such structure as it existed on the date of adoption or amendment of this Ordinance shall not be increased.

SECTION 56.06-CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 56.07-EXTENSION

A nonconforming use, building or structure shall not be extended unless it fulfills the requirements of ARTICLE 56 of this Ordinance.

SECTION 56.08-COMPLETION OF PENDING CONSTRUCTION

The adoption of this Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to its adoption and upon which work had been commenced and carried on within thirty (30) days of obtaining of such permit, even though such building or structure does not conform to the provisions of this Ordinance.

SECTION 56.09-SUBSTANDARD, NONCONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings or structures may be erected on any single nonconforming lot of record that was lawfully established prior to the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and, if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.
SECTION 56.10-CESSATION OF NONCONFORMITIES BY TOWNSHIP ACTION

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.
ARTICLE 57.0  
ADMINISTRATION OF THE ORDINANCE

SECTION 57.01-PURPOSE

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 57.02-ADMINISTRATION; AUTHORIZED LOCAL OFFICIALS

The Lodi Township Supervisor shall be responsible for enforcing this Ordinance. Except for the issuance of citations, the Supervisor may delegate the actual enforcement of the provisions of this Ordinance to the Zoning Inspector or other township officials and personnel. For the issuance of citations, the Supervisor, the Zoning Inspector, any Washtenaw County Sheriff’s Deputy, and any Lodi Township Constable, Police Officer, and Ordinance Enforcement Officer are authorized to issue citations as an “authorized local official” pursuant to MCL 600.8707.

Except where otherwise stated herein, the provisions of this Ordinance shall be administered by the Zoning Inspector, and by such other officials, individuals, firms, or other entities as the Township Board may designate. The Township Board may enter into a contractual arrangement with one (1) or more individuals, firms, or other entities to perform all or part of the duties of the Zoning Inspector under the direction of the Township Supervisor.

SECTION 57.03-DUTIES OF ZONING INSPECTOR

The provisions of this Ordinance shall be administered by the Zoning Inspector under the direction of the Township Supervisor, subject to the following:

1. The Zoning Inspector shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.

2. The Zoning Inspector shall have the authority to review and approve applications for zoning compliance permits and zoning approval for certificates of occupancy in compliance with the provisions of this Ordinance.

   a. It shall be unlawful for the Zoning Inspector to approve any plan or issue any zoning compliance permit or zoning approval for a certificate of occupancy unless such plan, permit, or certificate is first determined to conform to all applicable provisions of this Ordinance.

   b. The Zoning Inspector shall not refuse to approve a plan, permit, or certificate upon determination that the applicant has complied with all applicable provisions of this Ordinance.

3. The Zoning Inspector shall forward all application materials and all other information relevant to matters upon which a board or commission is required to act to the Supervisor or Clerk for distribution to the Township Planner and the appropriate board or commission.

4. The Zoning Inspector shall have the authority to interpret the provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and the Township’s General Development Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party in accordance with Article 59.0 (Zoning Board of Appeals).
5. The Zoning Inspector shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following zoning approval procedures.

6. The Zoning Inspector shall periodically report to the Township Board and Planning Commission on the status of Township’s zoning administration and enforcement activities, including but not limited to the type and nature of uses permitted by right; and the nature and extent of Ordinance violations, nonconformities, and investigations thereof.

7. Under the direction of the Township Supervisor, the Zoning Inspector shall have the authority to initiate investigations into alleged violations of these regulations, and investigate complaints of Ordinance violations. If delegated by the Supervisor in accordance with Section 57.09 (Violations), the Zoning Inspector shall have the authority to issue warnings and citations for Ordinance violations.

8. The Zoning Inspector shall have the authority to make inspections of buildings or premises necessary to carry out his or her duties under this Ordinance.

9. The Zoning Inspector shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with this Ordinance.

10. The Zoning Inspector shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Supervisor.

SECTION 57.04-ISSUANCE OF ZONING COMPLIANCE PERMITS

The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan or site plan in triplicate drawn to scale. The Zoning Inspector shall retain the original copy for his files.

SECTION 57.05-VOIDING OF ZONING COMPLIANCE PERMIT

Any zoning compliance permit granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred forty-five (545) days of the date of issuance.

SECTION 57.06- ISSUANCE OF CERTIFICATE OF OCCUPANCY: FINAL INSPECTION

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such new use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

SECTION 57.07-VOIDING OF CERTIFICATE OF OCCUPANCY

Any certificate of occupancy granted under this Ordinance shall become null and void if such use(s), building(s) and/or structures(s) for which said certificate was issued are found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector upon finding such violation shall immediately notify the Township Board of said violation and voiding of the certificate of occupancy.

SECTION 57.08-FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be
posted in the Office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, special use on approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 57.09-VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, development, alteration, or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

2. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

3. Any failure or omission to enforce the provisions of this Ordinance or to prosecute any violations thereof shall not constitute a waiver of any rights and remedies provided by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.

4. Each day that a violation is permitted to exist shall constitute a separate offense.

5. Citations shall be personally served by an authorized local official on the alleged violator unless the municipal civil infraction action involves the use or occupancy of any land or structure. If the infraction involves the use or occupancy of any land or structure, a copy of the citation need not be personally served on the alleged violator but may be served upon an owner or occupant of the land or structure by posting the copy on the land or attaching the copy to the structure and by sending a copy by first-class mail to the owner of the land or structure at the owner’s last known address.

B. Correction Period and Stop Work Orders

All violations shall be corrected within a maximum of 30 calendar days following the receipt of an order to correct from the Zoning Inspector, subject to the following:

1. The Zoning Inspector may:
   a. Set a shorter correction period of at least seven (7) calendar days in length, provided that the designated period would, in the determination of the Zoning Inspector, allow sufficient time to correct the violation;
   b. Grant an extension of up to 180 calendar days upon determining that the additional time is necessary for correction; and
   c. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

2. The Zoning Inspector may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. The Zoning Inspector may inspect the site of the violation during the correction period to verify that progress is being made to correct the violation, and to verify compliance with any stop work order.

4. No new civil infraction citations shall be issued by the Township during the correction period, except under the following circumstances as determined by the Zoning Inspector:
   a. A stop work order issued by the Zoning Inspector has been disregarded;
   b. Failure by the property owner(s) or other person(s) having responsibility for work in violation of this Ordinance to show reasonable progress towards correction of the violation during the correction period; and
   c. The occurrence of any additional Ordinance violation on the same parcel.

5. If the violation is not corrected within the time period specified by the Zoning Inspector, or a stop work order is disregarded, the Township may issue new civil infraction citations against the continuing violation. The Zoning Inspector shall notify the Township Board of the continuing violation, and may request that additional legal action be taken by the Township Attorney to resolve the violation.

C. Non-Compliance Penalties and Remedies

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Ordinance violation notice:** If the Township has established an ordinance violations bureau, an authorized local official may issue and serve an ordinance violation notice, instead of a civil infraction citation, under the same circumstances as provided in this Section for the service of a citation. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
   a. The ordinance violation notice shall direct the alleged violator to appear at the Lodi Township ordinance violations bureau by a date certain, and to pay a fine set by resolution of the Township Board.
   b. If an admission of responsibility is not made and the fine is not paid at the Township’s ordinance violations bureau, a civil infraction citation may be issued against the violation in accordance with this Section.

2. **Civil infraction citation:** The violator shall be responsible for a civil infraction citation for which the court may impose a civil fine of not less than $100.00 or no more than $10,000.00 per day of violation.
   a. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
   b. In addition to any fines imposed in accordance with this Section, each person who violates this Ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up until the entry of judgment. Costs of not more than $500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.

3. **Lien against the land or structure:** If a defendant does not pay a civil fine and costs imposed by a court of competent jurisdiction within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of any land or structure, the Township may obtain a lien against the land or structure involved in the violation by recording a copy of
the court order requiring payment of the civil fine and costs with the Washtenaw County Register of Deeds office.

a. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

b. The lien is effective immediately upon recording of the court order with the Register of Deeds.

c. The court order recorded with the Register of Deeds shall constitute notice of the pendency of the lien. The Township shall also send written notice of the lien by first-class mail to the owner of record of the land or structure at the owner’s last known address.

d. A lien provided for by this Section shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine and costs is recorded, unless within that time an action to enforce the lien is commenced.

4. Injunctive relief: The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.

a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.

b. A petition for injunctive relief shall in no way relieve the violator of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.

D. Public Nuisance

The following are hereby declared to be a nuisance per se, and may be abated by order of the Township Board, subject to appeal to any court of competent jurisdiction:

1. Any uses of land, dwelling(s), building(s), or other structure(s), including tents, recreational vehicles, and portable structures, established, expanded, altered, or maintained in violation of this Ordinance.

2. Any dwelling(s), building(s), or other structure(s), including tents, recreational vehicles, and portable structures, erected, expanded, altered, razed, converted, used, or occupied in violation of this Ordinance.

3. Any other site improvement or development constructed, expanded, altered, or maintained in violation of this Ordinance.

SECTION 57.10-PUBLIC HEARING PROCEDURES

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a complete and accurate application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice

Notice of the public hearing shall be required in accordance with the following:

1. Minimum notice contents. The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with
conducting the hearing.

2. **Address of the property.** The notice, except for notice of amendments to the text of the Zoning Ordinance, shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.

   a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used, such as tax identification numbers.

   b. If eleven (11) or more adjacent lots or parcels are proposed for rezoning, individual addresses shall not be required to be listed on the notice.

3. **Posting and publication.** The notice shall be posted at the Township Hall and at any separate location where the hearing will be held and published once in a newspaper of general circulation in the Township.

4. **Mailing.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

   a. If the name of the occupant is not known, the term “occupant” may be used in making notification.

   b. Mailing or personal delivery of notices shall not be required for amendments to the text of the Zoning Ordinance, or if eleven (11) or more adjacent lots or parcels are proposed for rezoning.

5. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. **Discretionary Notice**

   The Township may, at its discretion, post this notice at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. **Pre-Hearing Examination**

   Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. **Right to Submit Written Statements**

   Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

E. **Timeframe for Hearings**

   The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.
F. Rights of All Persons

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G. Adjournment

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided for the adjourned hearing per Section 57.10A (Public Notice).

H. Governance

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.
ARTICLE 58.0
AMENDMENT PROCEDURE

SECTION 58.01-INITIATING AMENDMENTS AND FEE

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee established by the Township Board, no part of which shall be returnable to the petitioner.

SECTION 58.02-AMENDMENT PROCEDURE

The procedure for making amendments to this Ordinance shall be as follows:

A. Compliance with State Law

The procedure for amending this Ordinance shall be in accordance with all provisions of the Michigan Zoning Enabling Act.

B. Procedure

1. Each petition for amendment by one or more owners of property shall be submitted to the Township Board who shall refer it for recommended action to the Planning Commission.

2. A public hearing shall be held for all proposed amendments in accordance with Section 57.10 (Public Hearing Procedures).

3. Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendation to the Township Board.

4. Upon completion of public hearings as required, the proposed amendment or supplement may be submitted to the Washtenaw County Planning Advisory Board for review and recommendation.

5. The petition shall then be submitted to the Township Board by the Planning Commission for action in accordance with Section 401 of the Michigan Zoning Enabling Act.

C. Signage

1. For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. Each sign shall have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.

2. If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel, which does abut such a street.

3. If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning
Inspector deems will best inform the public of the proposed rezoning. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.

4. Each sign shall be erected at least twenty-one (21) days, but not more than thirty (30) days, before the Planning Commission’s public hearing on the petition for rezoning.

5. Each sign shall be removed from the property no later than three (3) business days following the public hearing, adjourned, or continued date thereof, whichever is later.

6. Each sign shall have lettering easily readable from the abutting street. Each sign shall state “PROPERTY PROPOSED FOR REZONING”, give the street address or tax code number(s), acreage, and a diagram of the property proposed for rezoning; state the current and proposed zoning classifications; and state the date, time and place of the initial public hearing on the petition for rezoning.

7. The petitioner shall post a bond in an amount not to exceed one hundred dollars ($100) per sign to ensure the removal of the sign as heretofore provided.

8. The Zoning Inspector shall inspect the property proposed for rezoning to see that it complies with this section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.

9. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.

10. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the Township shall be exempt from the requirements for posting of signs. The Township shall meet other applicable notice requirements.

11. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the required period within which action by the Planning Commission must otherwise be taken under this Ordinance. The recommendation filed by the Planning Commission with the Township Board shall state whether the petitioner has complied with this section.

D. **Time Limits and Extension Thereof**

The Planning Commission shall report its findings and its recommendations for disposition of the petition to the Township Board following the public hearing, but within one hundred eighty (180) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission.

E. **Board Action**

If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer the request to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

F. **Re-Application**

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township Board determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.

3. The new application is materially different from the prior application.

G Conditional Rezoning Prohibited

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Lodi Township. Any application for a rezoning amendment to the official zoning map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

SECTION 58.03-INFORMATION REQUIRED

A. Zoning Map Amendment

When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

1. A legal description of the property, including a street address, if applicable, and the tax code numbers(s).

2. A scaled map of the property, correlated with the legal description, and clearly showing the property’s location.

3. The name and address of the petitioner.

4. The petitioner’s interest in the property. If the petitioner is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the petition. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the petition shall not be required.

5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the certification by the owner(s) shall not be required.

6. Identification of zoning district requested and the existing zoning classification of subject property.

7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.

8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, slopes over twelve percent (12%), woodlands, and floodplains, to be depicted on scaled drawings. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.

9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Amendment

When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
Lodi Township Zoning Ordinance

Article: 58.0 AMENDMENT PROCEDURE

2. Name and address of the petitioner.

3. Reasons for the proposed amendment.

SECTION 58.04-CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction may be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

SECTION 58.05 FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The Planning Commission shall report its findings, along with its recommendation for disposition of the petition, to the Township Board, within a period of one hundred eighty (180) days of the filing date of complete application unless the time period has been extended in accordance with other provisions herein. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.

B. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.

C. The capacity of Lodi Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

D. Effect of approval of the petition on the condition and/or value of property in Lodi Township or in adjacent municipalities.

E. Relation of the petition to the adopted General Development Plan of Lodi Township, and of other government units where applicable.

A petition shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of Lodi Township and of other governmental agencies, where applicable.

SECTION 58.06 PUBLICATION OF APPROVED AMENDMENT

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days of such approval in a newspaper of general circulation within Lodi Township. The notice of adoption shall include the following information:

A. The Article and Section of the Ordinance amendment, in the case of a text amendment;

B. Either a summary of the regulatory effect of the amendment, including a map of the geographic area affected, or the text of the amendment;

C. The effective date of the amendment; and

D. The place and time where a copy of the Ordinance may be inspected and/or purchased.
SECTION 58.07 REFERENDUM

Within seven (7) days after publication of an approved amendment to the Zoning Ordinance per Section 58.06, a registered elector residing in the unincorporated portion of Lodi Township may file with the Township Clerk a notice of intent to file a petition under this Section.

A. If a notice of intent is filed, then within thirty (30) days following publication of an approved amendment, a petition signed by a number of registered voters residing in the unincorporated portion of Lodi Township equal to not less than fifteen (15) percent of the total vote cast in the Township for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of Lodi Township for their approval.

B. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:

1. The expiration of thirty (30) days after publication of an approved amendment, if a petition is not filed within that time.

2. If a petition is filed within thirty (30) days after publication of an approved amendment, the Township Clerk determines that the petition is inadequate.

3. If a petition is filed within thirty (30) days after publication of an approved amendment, the Township Clerk determines that the petition is adequate and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of Lodi Township voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose on a regular election date. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.
ARTICLE 59.0
BOARD OF APPEALS

SECTION 59.01-BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers, as provided in the Michigan Zoning Enabling Act, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

SECTION 59.02-MEMBERSHIP; TERMS OF OFFICE

The Board of Appeals shall consist of five (5) members, appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member of the Board of Appeals may be a member of the Township Board, but shall not serve as chairperson of the Board of Appeals. Employees and contractors of the Township shall be prohibited from serving as members of the Board of Appeals.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals. An alternate member may be called to serve as a regular member for the Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.

The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 57.10 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

SECTION 59.03-RULES OF PROCEDURE; MAJORITY VOTE

The Board of Appeals may adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or effect any variation in this Ordinance.

SECTION 59.04-MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Board of Appeals shall not conduct business unless a majority of the regular membership is present. The Chairman or, in his or her absence, the acting Chairman may administer oaths and compel the attendance of witnesses.
SECTION 59.05-PUBLIC MEETINGS AND MINUTES

All meetings of the Board of Appeals shall be open to the public and accurate minutes of the proceedings showing the action of the Board shall be kept, which record shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 59.06-POWERS AND DUTIES

The Board of Appeals shall perform its duties and exercise its powers as provided in this Ordinance and the Michigan Zoning Enabling Act, so that the objectives of this ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.

The Board of Appeals shall hear and decide and rule on the following as provided herein:

A. The Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps.

B. The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance adopted under this Act.

C. The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more provisions of this Ordinance.

D. The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Ordinance.

E. The Board of Appeals shall have no authority to consider or act upon appeals of Special Use Permit and Planned Unit Development decisions made in accordance with this Ordinance.

SECTION 59.07-VARIANCE

If there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Board of Appeals may grant a variance in accordance with this Section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The Board of Appeals shall have authority to grant variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements or any other nonuse-related standard in of this Ordinance. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

A. A written application for a variance is submitted, demonstrating:

1. that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

2. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. that the special conditions and circumstances do not result from the actions of the applicant.

4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

5. that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

6. That no additional construction on a lot containing an on-site sewage treatment system will be permitted without assurance that sufficient space will be retained for a new/replacement on-site sewage treatment
system, according to the specifications of the County Environmental Health Division.

B. A request for a variance shall be filed in proper form with the Township Clerk and forwarded through the Township Board to the Board of Appeals, who shall immediately place the request for appeal upon the calendar for a public hearing in accordance with Section 57.10 (Public Hearing Procedures).

C. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.

D. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

E. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, and otherwise detrimental to the public welfare.

F. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under SECTION 57.09 of this Ordinance.

G. Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.

H. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

SECTION 59.08-VOIDING OF AND REAPPLICATION FOR VARIANCE

The following provisions shall apply:

A. Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. the construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or

2. the occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 59.09-APPEALS TO THE BOARD OF APPEALS

The following provisions shall apply.

A. APPEALS, HOW TAKEN-Appeals from the ruling of the Zoning Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The body or officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appeals from was taken.
B. WHO MAY APPEAL - Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State.

C. FEE FOR APPEAL - A fee prescribed by the Township Board shall be paid to the Township Clerk at the time of filing the notice of appeal. The appeal fee shall be determined by resolution of the Township Board.

D. EFFECT OF APPEAL; RESTRAINING ORDER - An appeal stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the body or officer, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the body or officer from whom the appeal is taken and on due cause shown.

E. HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; HEARING - A request for appeal shall be filed in proper form with the Township Clerk and forwarded through the Township Board to the Board of Appeals, who shall immediately place the request for appeal upon the calendar for a public hearing in accordance with Section 57.10 (Public Hearing Procedures).

F. REPRESENTATION AT HEARING - Upon the hearing, any party or parties may appear in person or by agent or by attorney.

G. DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT - The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township Board from whom the appeal is taken. The Board of Appeals decision on such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person aggrieved by such resolution shall have the right to appeal to the Circuit Court on question of law and fact, as provided for in Section 606 of the Michigan Zoning Enabling Act.