

Lodi Township Zoning Ordinance

Zoning Ordinance

Effective Date: June 20, 2019

**Lodi Township
Washtenaw County, Michigan**

Zoning Ordinance

Planning Commission Public Hearing: February 26, 2019

As Recommended by Planning Commission: May 28, 2019

Adopted by the Township Board: June 4, 2019

Effective Date: June 20, 2019

Lodi Township
Washtenaw County, Michigan

ACKNOWLEDGMENTS

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TABLE OF CONTENTS

ARTICLE 1.0 TITLE, PURPOSES, AND LEGAL CLAUSES 1 - 1

Section 1.01 Title..... 1 - 1

Section 1.02 Enabling Authority 1 - 1

Section 1.03 Purposes 1 - 1

Section 1.04 Scope 1 - 2

Section 1.05 Adoption 1 - 3

Section 1.06 Effective Date..... 1 - 3

Section 1.07 Severability 1 - 3

Section 1.08 Repeal of Previous Ordinances..... 1 - 3

Section 1.09 Conflict with Other Laws 1 - 4

ARTICLE 2.0 DEFINITIONS 2 - 1

Section 2.01 Purpose 2 - 1

Section 2.02 Rules of Construction 2 - 1

Section 2.03 Definitions..... 2 - 2

Section 2.04 Undefined Terms 2 - 52

Articles 3.0–9.0 Reserved

ARTICLE 10.0 ZONING DISTRICTS 10 - 1

SECTION 10.100 GENERAL PROVISIONS..... 10 - 1

Section 10.101 Use Regulations..... 10 - 1

Section 10.102 Prohibited Uses..... 10 - 1

Section 10.103 Compliance with Dimensional Standards..... 10 - 1

Section 10.104 District Boundaries..... 10 - 2

Section 10.105 Official Zoning Map 10 - 2

Section 10.106 Compliance Required 10 - 4

SECTION 10.200 ESTABLISHMENT AND PURPOSES OF ZONING DISTRICTS.. 10 - 5

Section 10.201 Establishment of Zoning Districts 10 - 5

Section 10.202 Recreation-Conservation (RC) District..... 10 - 5

Section 10.203 Agricultural (A-1) District..... 10 - 6

Section 10.204 Natural Resource (NR) District 10 - 7

Section 10.205 Single-Family Residential (R-1) District 10 - 7

Section 10.206 Low-Density Multiple-Family Residential (R-3) District..... 10 - 7

Section 10.207 Manufactured Housing Park Residential (MHP) District..... 10 - 8

Section 10.208 Office (O) District..... 10 - 9

Section 10.209 Local Commercial (C-1) District..... 10 - 9

Section 10.210 Lodi Central (LCD) District 10 - 9

Section 10.211 Public/Semi-Public Services (PSP) District 10 - 10

Section 10.212 Industrial-Research (I-1) District..... 10 - 10

Section 10.213 Planned Unit Development (PUD) District 10 - 10

Articles 11.0–19.0 Reserved

TABLE OF CONTENTS

ARTICLE 20.0	LAND USE TABLE	20 - 1
Section 20.01	Key Designations in Table of Uses by District	20 - 1
Section 20.02	Reference Table of Zoning Districts	20 - 2
Section 20.03	Other Requirements and Standards.....	20 - 2
Section 20.04	Table of Uses by District.....	20 - 3
Articles 21.0–29.0 Reserved		
ARTICLE 30.0	DIMENSIONAL STANDARDS	30 - 1
Section 30.101	Table of Dimensional Standards by District	30 - 1
SECTION 30.200	ADDITIONAL STANDARDS	30 - 3
Section 30.201	Height Exceptions	30 - 3
Section 30.202	Lot Standards.....	30 - 3
Section 30.203	Yard Standards.....	30 - 5
Section 30.204	Density Regulations	30 - 8
Section 30.205	Access to Roads.....	30 - 9
Section 30.206	Corner Clearance Areas.....	30 - 10
Articles 31.0–39.0 Reserved		
ARTICLE 40.0	USE STANDARDS – RURAL AND RESIDENTIAL USES... 40 - 1	40 - 1
Section 40.01	Intent and Scope of Regulations	40 - 1
Section 40.02	Agricultural Services.....	40 - 1
Section 40.03	Bed and Breakfast Inn.....	40 - 2
Section 40.04	Boarding Stable and/or Riding Arena.....	40 - 3
Section 40.05	Caretaker Living Quarters	40 - 3
Section 40.06	Conservation Area	40 - 4
Section 40.07	Day Care and Group Home Facilities.....	40 - 4
Sections 40.08 - 40.09	Reserved.	
Section 40.10	Farm-Based Tourism/Entertainment Activities and/or Farm Markets. 40 - 6	40 - 6
Section 40.11	Farming Operations	40 - 6
Section 40.12	Farm Labor Housing.....	40 - 7
Section 40.13	Home Occupations.....	40 - 7
Section 40.14	Keeping of Farm Animals and Livestock, Non-Farm	40 - 9
Section 40.15	Kennel	40 - 10
Section 40.16	Landscape Businesses.....	40 - 11
Sections 40.17 - 40.19	Reserved.	
Section 40.20	Manufactured Housing Parks	40 - 11
Section 40.21	Multiple-Family Housing	40 - 17
Section 40.22	Nursery or Commercial Greenhouse	40 - 19
Sections 40.23 - 40.29	Reserved.	
Section 40.30	Roadside Stands	40 - 20
Section 40.31	Single-Family and Two-Family Dwellings.....	40 - 20
Section 40.32	Sport Shooting Range	40 - 23
Sections 40.33 - 40.39	Reserved.	

TABLE OF CONTENTS

Section 40.40	Veterinary Clinic or Animal Hospital	40 - 24
Section 40.41	Volatile Biofuel Production	40 - 24
ARTICLE 41.0	USE STANDARDS – OTHER USES	41 - 1
Section 41.01	Intent and Scope of Regulations	41 - 1
Section 41.02	Non-Residential Accessory Use Standards	41 - 1
Section 41.03	Aircraft Landing Strips, Private	41 - 2
Section 41.04	Amusement Center	41 - 2
Section 41.05	Car Wash, Vehicle Detailing Shop or Truck Wash	41 - 3
Section 41.06	Cemeteries	41 - 4
Section 41.07	Composting Facility	41 - 4
Sections 41.08 - 41.09	Reserved.	
Section 41.10	Controlled Uses	41 - 5
Section 41.11	Drive-in Establishment or Drive-through Facility	41 - 7
Section 41.12	Extraction Operations	41 - 8
Section 41.13	Funeral Parlor or Mortuary	41 - 10
Section 41.14	Institutional Uses	41 - 10
Section 41.15	Intensive Industrial Operations	41 - 10
Section 41.16	Junkyards	41 - 11
Section 41.17	Motion Picture Cinema	41 - 13
Sections 41.18 - 41.19	Reserved.	
Section 41.20	Motor Vehicle Service Centers and Fueling Stations	41 - 14
Section 41.21	Food Trucks; and Outdoor Eating Areas for a Restaurant or Food Service Establishment	41 - 16
Section 41.22	Outdoor Sales or Display Areas	41 - 17
Section 41.23	Outdoor Storage, General	41 - 17
Section 41.24	Recreational Facilities, Golf Courses, Golf Driving Ranges, and Campgrounds and Recreational Vehicle Parks	41 - 18
Section 41.25	Secondhand Stores	41 - 20
Section 41.26	Self-Storage Facilities	41 - 20
Section 41.27	Tavern, Bar, Pub, Brewpub or Similar Establishment Serving Alcoholic Beverages and/or Providing Entertainment	41 - 21
Sections 41.28 - 41.29	Reserved.	
Section 41.30	Temporary Concrete or Asphalt Batch Plants	41 - 22
Section 41.31	Temporary Structures	41 - 23
Section 41.32	Therapeutic Massage	41 - 23
Section 41.33	Utility Transmission and Distribution Lines	41 - 24
ARTICLE 42.0	SPECIAL DISTRICT REGULATIONS	42 - 1
Section 42.001	Authority to Establish Special Districts	42 - 1
Section 42.002	Scope	42 - 1
Section 42.003	Regulatory Flexibility	42 - 2
SECTION 42.100	SPECIAL DISTRICT REVIEW PROCEDURES	42 - 3
Section 42.101	Pre-Application Meeting	42 - 3
Section 42.102	Application for Special District Approval	42 - 4

TABLE OF CONTENTS

Section 42.103	Site Plan Approval.....	42 - 8
Section 42.104	Subdivision Plat Approval	42 - 8
Section 42.105	Phasing of Development.....	42 - 8
Section 42.106	Amendment	42 - 9
Section 42.107	Expiration and Extension of Area Plan Approval.....	42 - 11
Section 42.108	Rescinding Special District Approval	42 - 11
Section 42.109	Violations	42 - 12
Section 42.110	Required Area Plan Information	42 - 12
SECTION 42.200 SPECIAL DISTRICT GENERAL STANDARDS		42 - 14
Section 42.201	Vehicular Access	42 - 14
Section 42.202	Pedestrian Access	42 - 14
Section 42.203	Road Design.....	42 - 14
Section 42.204	Public Improvements	42 - 14
Section 42.205	Open Space Regulations.....	42 - 15
Section 42.206	Common Areas and Facilities	42 - 15
SECTION 42.300 ADDITIONAL SPECIAL DISTRICT STANDARDS		42 - 16
Section 42.301	Planned Unit Development (PUD) District	42 - 16
Section 42.302	Lodi Central (LCD) Special District.....	42 - 22
ARTICLE 43.0 SPECIAL USES.....		43 - 1
Section 43.01	Intent and Scope	43 - 1
Section 43.02	Authority to Grant Permits.....	43 - 1
Section 43.03	Review Procedures.....	43 - 1
Section 43.04	Standards for Special Use Approval	43 - 4
Section 43.05	Compliance with Special Use Permit Approval	43 - 5
Section 43.06	Alteration and Expansion	43 - 5
Section 43.07	Re-Application	43 - 6
Section 43.08	Rescinding Special Use Permit Approval.....	43 - 6
ARTICLE 44.0 SITE PLAN REVIEW		44 - 1
Section 44.01	Purpose	44 - 1
Section 44.02	Site Plan Approval Required.....	44 - 1
Section 44.03	Pre-Application Meeting.....	44 - 4
Section 44.04	Applications for Site Plan Approval	44 - 5
Section 44.05	Planning Commission Action	44 - 7
Section 44.06	Township Board Action.....	44 - 9
Section 44.07	Combining Preliminary and Final Site Plans	44 - 9
Section 44.08	Required Site Plan Information	44 - 10
Section 44.09	Expiration of Site Plan Approval	44 - 14
Section 44.10	Phasing of Development.....	44 - 15
Section 44.11	Standards for Site Plan Approval	44 - 16
Section 44.12	Compliance with an Approved Site Plan	44 - 17
Section 44.13	Amendment and Revision	44 - 18
Section 44.14	Rescinding Site Plan Approval.....	44 - 18

TABLE OF CONTENTS

Section 44.15	Construction Record Drawings	44 - 19
Section 44.16	Inspection	44 - 19
Section 44.17	Violations	44 - 19
ARTICLE 45.0	CONDOMINIUM REGULATIONS.....	45 - 1
Section 45.01	Purpose	45 - 1
Section 45.02	Scope	45 - 1
Section 45.03	Types of Permitted Condominium Units	45 - 1
Section 45.04	Condominium Site Plan Requirements	45 - 2
Section 45.05	Changes to an Approved Condominium	45 - 2
Section 45.06	Effect of Condominium Site Plan Approval	45 - 2
Section 45.07	Condominium Site Plan Expiration	45 - 3
Section 45.08	Rescinding Approval of a Condominium Site Plan	45 - 3
Section 45.09	Density Regulations	45 - 3
Section 45.10	Design and Development Standards	45 - 3
Section 45.11	Manufactured Housing Park Condominium	45 - 12
Section 45.12	Non-Residential Condominium	45 - 13
Section 45.13	Special District or Planned Unit Development (PUD) Condominium Projects	45 - 14
Section 45.14	Relocation and Subdivision of Lot Boundaries.....	45 - 14
Section 45.15	Monuments	45 - 14
Section 45.16	Construction in a General Common Element	45 - 14
Section 45.17	Recording of Condominium Documents	45 - 15
ARTICLE 51.0	OFF-STREET PARKING AND LOADING REGULATIONS .	51 - 1
Section 51.01	Purpose	51 - 1
Section 51.02	Scope	51 - 1
Section 51.03	General Regulations	51 - 1
Section 51.04	Standards for Parking and Loading Calculations	51 - 2
Section 51.05	Off-Street Parking Requirements.....	51 - 3
Section 51.06	Design Requirements for Parking Areas	51 - 8
Section 51.07	Off-Street Loading Requirements	51 - 11
Section 51.08	Construction and Maintenance	51 - 12
Section 51.09	Modification of Standards	51 - 13
Article 52.0	Reserved	
ARTICLE 53.0	SIGN REGULATIONS.....	53 - 1
Section 53.01	Purpose	53 - 1
Section 53.02	General Standards	53 - 1
Section 53.03	Signs Allowed Without a Permit	53 - 5
Section 53.04	Signs Allowed With a Permit	53 - 7
Section 53.05	Sign Permit Requirements	53 - 11
Section 53.06	Billboards	53 - 12
Section 53.07	Prohibited Signs.....	53 - 14
Section 53.08	Nonconforming Signs	53 - 14

TABLE OF CONTENTS

Section 53.09	Sign Removal by Township Action	53 - 16
Section 53.10	Exceptions.....	53 - 17
ARTICLE 54.0	ADDITIONAL DEVELOPMENT PROCEDURES.....	54 - 1
Sections 54.01–54.06	Reserved.	
Section 54.07	Regulation of Land Within a Floodplain.....	54 - 1
Section 54.08	Natural Features Protection and Preservation.....	54 - 7
Sections 54.09–54.11	Reserved.	
Section 54.12	Wireless Communication Facilities	54 - 33
Sections 54.13–54.16	Reserved.	
Section 54.17	Private Road Regulations.....	54 - 51
Section 54.18	Reserved.	
Section 54.19	Wind Energy Conversion Systems	54 - 57
Section 54.20	Development Agreement.....	54 - 62
ARTICLE 55.0	GENERAL REGULATIONS AND STANDARDS	55 - 1
Section 55.01	Purpose	55 - 1
Section 55.02	Performance Standards	55 - 1
Section 55.03	Property Maintenance	55 - 3
Section 55.04	Property Between the Lot Line and Road	55 - 3
Section 55.05	Voting Place	55 - 3
Section 55.06	Essential Services	55 - 3
Section 55.07	Bulk Regulations.....	55 - 3
Section 55.08	Dumping and Filling of Land	55 - 4
Section 55.09	Landscaping, Screening, and Land Use Buffers	55 - 4
Section 55.10	Sanitary Sewage Facilities.....	55 - 15
Section 55.11	Reserved.	
Section 55.12	Traffic Impact Study	55 - 16
Section 55.13	Impact Assessment.....	55 - 18
Section 55.14	Stormwater Management	55 - 19
Section 55.15	Hydrogeological Assessment.....	55 - 20
Section 55.16	Dry Hydrant	55 - 20
Section 55.17	Accessory Structures.....	55 - 21
Section 55.18	Fences	55 - 22
Section 55.19	Swimming Pools, Spas, and Hot Tubs.....	55 - 24
Section 55.20	Trash Storage and Disposal Standards.....	55 - 25
Section 55.21	Exterior Lighting	55 - 25
ARTICLE 56.0	NONCONFORMITIES.....	56 - 1
Section 56.01	Purpose	56 - 1
Section 56.02	Scope and General Prohibition	56 - 1
Section 56.03	Nonconforming Use Determinations	56 - 2
Section 56.04	Unlawful Uses.....	56 - 4
Section 56.05	Nonconforming Single-Family Dwellings.....	56 - 4
Section 56.06	Nonconforming Lots.....	56 - 6

TABLE OF CONTENTS

Section 56.07	Nonconforming Uses	56 - 6
Section 56.08	Nonconforming Structures	56 - 7
Section 56.09	Nonconforming Sites	56 - 8
Section 56.10	Nonconforming Signs	56 - 9
Section 56.11	Change of Tenancy or Ownership	56 - 9
Section 56.12	Cessation of Nonconformities by Township Action	56 - 9
ARTICLE 57.0	ADMINISTRATION AND ENFORCEMENT	57 - 1
Section 57.01	Purpose	57 - 1
Section 57.02	Administration and Authorized Local Officials	57 - 1
Section 57.03	Zoning Administrator and Township Planner	57 - 1
Section 57.04	Issuance of Zoning Compliance Permits.....	57 - 3
Section 57.05	Expiration and Revocation of Zoning Compliance Permits.....	57 - 4
Section 57.06	Final Inspection	57 - 5
Section 57.07	Building Permits.....	57 - 5
Section 57.08	Fees and Performance Guarantees.....	57 - 5
Section 57.09	Violations and Penalties.....	57 - 7
Section 57.10	Public Hearing Procedures	57 - 11
ARTICLE 58.0	AMENDMENTS.....	58 - 1
Section 58.01	Initiating Amendments	58 - 1
Section 58.02	Amendment Procedure.....	58 - 1
Section 58.03	Information Required	58 - 3
Section 58.04	Conformance to Court Decree.....	58 - 4
Section 58.05	Findings of Fact Required	58 - 5
Section 58.06	Notice of Adoption	58 - 7
Section 58.07	Referendum	58 - 7
ARTICLE 59.0	ZONING BOARD OF APPEALS	59 - 1
Section 59.01	Board Established	59 - 1
Section 59.02	Membership and Terms.....	59 - 1
Section 59.03	General Procedures of the Zoning Board of Appeals	59 - 2
Section 59.04	Powers and Duties of the Zoning Board of Appeals.....	59 - 4
Section 59.05	Applications.....	59 - 4
Section 59.06	Interpretations	59 - 5
Section 59.07	Administrative Appeals	59 - 5
Section 59.08	Variances	59 - 6
Section 59.09	Variance Expiration	59 - 7
Section 59.10	Reapplication for Variance	59 - 8
Section 59.11	Site Plan Requirements	59 - 8
Section 59.12	Conditions of Approval	59 - 8
Section 59.13	Appeals to Circuit Court.....	59 - 8

ARTICLE 1.0

TITLE, PURPOSES, AND LEGAL CLAUSES

Section 1.01 Title.

This Ordinance shall be known and may be cited as the Lodi Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

Section 1.02 Enabling Authority.

This Ordinance has been prepared for and adopted by the Lodi Township Board of Trustees under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by that Act.

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. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. 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;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion on the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Fixing reasonable standards to which buildings and structures shall conform;
9. 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;

10. 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;
11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
12. Preventing the overcrowding of 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;
13. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
14. Providing for the completion, restoration, reconstruction, extension, substitution, or removal of nonconforming uses;
15. Creating a Board of Appeals and defining the powers and duties thereof;
16. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
17. Providing for the payment of fees; and
18. Providing penalties for the violation of this Ordinance.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance. Where such conflicts may exist between Ordinances, the stricter standard shall govern.

3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 Adoption.

This Ordinance was adopted by the Lodi Township Board of Trustees following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the fourth day of June, 2019, and ordered to be given publication in the manner prescribed by law.

Section 1.06 Effective Date.

This Ordinance is hereby declared to be effective as of the twentieth day of June, 2019, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

Section 1.07 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid.

Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment or order.

Section 1.08 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Lodi Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Zoning Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Section 1.09 Conflict With Other Laws.

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

This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any 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, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

ARTICLE 2.0 DEFINITIONS

Section 2.01 Purpose.

For the purpose of this Ordinance certain terms are defined within this Section.

Section 2.02 Rules of Construction.

The following rules of construction apply to the text of this Ordinance:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; except technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning and except words and phrases defined by this Ordinance.
2. The particular shall control the general.
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the requirements of this Ordinance.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.
11. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
14. In computing a period of days in connection with petitioner or applicant submissions, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Access Drive or Driveway. A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access, Reasonable. A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Accessory Structure. See "Structure".

Accessory Dwelling. See "Dwelling, Accessory."

Accessory Use. See "Use, Accessory".

Adult Day Care Center. See "Day Care Center".

Adult Day Care Facility. A facility licensed by the State of Michigan, which provides daytime care for part of a day but less than 24 hours for functionally impaired adults through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

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 are 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 Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care where the adult foster care family home licensee is a member of the household and occupant of the residence.
- b. **Adult Foster Care Small Group Home.** A facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- c. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Adult Entertainment Uses and Sexually Oriented Businesses: The following establishments and businesses are classified together under the general designation of "adult entertainment uses and sexually oriented businesses. These establishments and businesses are customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- a. **Adult Arcade.** Any place wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer patrons or members per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing specified sexual activities or specified anatomical areas.
- b. **Adult Book or Video Store or Adult Supply Store.** An establishment having more than twenty percent (20%) of its stock in trade or sales in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, videos or other video reproductions, slides or other visual representations, recordings, advertisements, devices, objects, toys, paraphernalia, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities or simulated nudity, which are offered for sale or rental or an establishment with a segment or section for the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. Items used for conception control or for protection from sexually transmitted diseases are excluded.
- c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer

beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas; an emphasis on specified sexual activities; an emphasis on nudity, state of nudity, or simulated nudity; or a combination of any of the above.

- d. **Adult Model Studio.** Any place where models who display specified anatomical areas are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- (1) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
 - (2) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons or members therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for patrons or members. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service business may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.
- h. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment for patrons or members by any person.

The following uses shall not be included with the definition of an Adult Physical Culture Establishment:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;

- (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (4) Hospitals, nursing homes, medical clinics, or medical offices;
 - (5) Barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
 - (6) Therapeutic massage establishments as defined and regulated by this Ordinance. See "**Massage Therapist**".
- i. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances for patrons or members which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.
- j. **Escort Service.** An establishment that provides the services of an escort to patrons or members for payment of a fee.
- k. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a state of nudity, simulated nudity or displays specified anatomical areas, and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to patrons or members.
- (1) **Nude Modeling Business.** A nude modeling studio where the employee or entertainment personnel also performs a massage or specified sexual activities.
- l. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity or simulated nudity and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- m. **Sexual Paraphernalia Store.** An establishment having a substantial portion devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to specified anatomical areas or as part of, in connection with or related to specified sexual activities (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- n. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
 - (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (a) Genitals, whether or not in a state of sexual arousal;

- (b) Pubic region or pubic hair;
 - (c) Buttock(s);
 - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.
- (3) **Nudity, Simulated.** A state of dress in which any artificial device or covering is worn on a person and exposed to view so as to simulate an actual state of nudity.
- (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
- o. **Specified Anatomical Areas.** Portions of the human body defined as follows:
- (1) Less than completely and opaquely covered;
 - (a) Human genitalia or pubic region; or
 - (b) Buttock or anus; or
 - (c) Female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- p. **Specified Sexual Activities.** The explicit display of one or more of the following:
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse or sodomy;
 - (4) Human excretory functions as part of or as related to, any of the activities described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
- q. **Substantial Portion.** A use or activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

Agriculture. The use of land for the production of plants and animals useful to human beings, 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 operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members of his or her household or hired employees. See also "**Farming and Active Agricultural Uses.**"

Agricultural Service Establishment. A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services. Includes sales of feed, fertilizer, farm implements and agricultural production materials and services.

Aircraft Landing Strip, Private. The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of aircraft owned or operated by the owner of the property but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall not make a district commercial, nor shall its use be deemed a commercial activity.

Alley. A narrow street or passageway between or behind buildings.

Alterations. The definition of "alterations" includes all of the following:

- a. **Structural Alterations.** A change, addition or modification to; or enlargement, rearrangement, replacement, removal or construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- b. **Building Alterations.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning, and any change, addition, modification or repair that requires a permit under any state or local law or adopted code or regulation.
- c. **Sign Alterations.** A change, addition or modification to its size; or enlargement, rearrangement, replacement or removal of any part of any sign.

Amusement Center, Indoor. Business from which the proprietor's primary income is derived from the operation by patrons or members of pool tables, billiard tables, games, amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

- a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.
- b. **Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.

Amusement Center, Outdoor. Business from which the proprietor's primary income is derived from the operation by patrons or members of miniature golf courses, batting cages and machines, children's amusement parks, and similar facilities.

Animal, Domestic. An animal that has traditionally, through long association with human beings, lived in a state of dependence upon human beings or under the dominion and control of human beings and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human being, nor used for commercial breeding purposes.

Animal, Farm. See "**Farming and Active Agricultural Uses**".

Appeal. An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

Aquifer. A natural underground layer of permeable rock, sediment (usually sand or gravel), or soil that yields water.

Architectural Feature. The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s), cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.

Automobile Service and Repair. See "**Motor Vehicle Service Center**."

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Bar. An establishment licensed by the State of Michigan for the retail sale and service of beer, wine or intoxicating liquor for consumption by patrons on the premises.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-sheltered homes. (See "**Basic Structural Terms**" illustration at end of Section).

Bed and Breakfast Inn. A dwelling in which overnight accommodations and the option for a meal are provided or offered for transient guests for compensation as an accessory use within such dwelling.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. See "**Landscaping**."

Big Box Commercial Use. A Commercial Use that occupies or is intended to occupy 50,000 square feet or more of ground floor area in a principal building.

Billboard. See "**Sign, Billboard**".

Block. A contiguous land area bounded by roads or by a combination of roads or other dedicated rights-of-way, public parks, cemeteries, watercourses or municipal boundary lines(See "**Block**" illustration at end of Section).

Boarding Stable and/or Riding Arena. All stables and facilities for the rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals for compensation, which may include private boarding of one (1) or more equine riding animals or intended for public lessons, riding academies, for hire on a per diem, hourly, or weekly basis, or similar use.

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCL 436.1405 and 436.1407.

Buffer, Transition. A transitional area improved with landscaping and screening elements for the purpose of limiting the impact of one land use on another, which is placed as a separating element between different land uses or between new development and abutting rural areas.

Buffer, Wetland or Watercourse. A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.

Builder. A person or entity that oversees and is responsible for the construction or alteration of a building or structure within the Township.

Building. A structure having a roof supported by columns or walls or any other approved means for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. Building shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

a. **Building Height.** See "**Height.**"

b. **Building, Principal.** A building or, where the context so indicates, a group of buildings, which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

Building Envelope. The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (See "**Building Envelope**" illustration at end of Section).

Building Inspector. The person or persons designated to administer and enforce the State Construction Code.

Building Line. The line formed by the junction of the plane of the outermost surface of the building with the plane of the finish grade or surface of the adjoining ground.

Building Permit. A document authorizing the holder to construct, enlarge, or alter a building of a particular kind on a particular lot.

Bulk. 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.

Cabaret. See "**Bar**" and "**Controlled Uses.**"

Caliper-inch. The measurement of the diameter of a tree trunk measured in inches at four and one-half (4 1/2) feet above the existing ground level on the uphill side of the tree. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks measured four and one-half (4 1/2) feet above the ground. See "**Diameter Breast Height**".

Campground. A designated area typically consisting of open spaces where a camper can pitch a tent, park a camping trailer or vehicles commonly referred to as RV's (Recreational Vehicles). A user fee may or may not be charged.

Caretaker Living Quarters. An accessory dwelling that is a subsidiary use to the principal use of the site as authorized by provisions of Articles 40.0 or 41.0 (Use Standards...), and which is designed to serve as the dwelling for an on-site caretaker, security, or manager responsible for watching over the site of the principal use. See "**Dwelling, Accessory Dwelling**".

Car Wash. A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.

Carport. A partially open accessory structure and shelter for housing of vehicles.

Cease. See "**Nonconformities, Cease.**"

Cemetery. Land used for columbaria and mausoleums or the burial of the dead.

Certificate of Zoning Compliance. See "**Zoning Compliance Permit.**"

Church, Temple, Place of Worship or Religious Institution. A type of institutional use or site used for the regular assembly of persons for the conducting of religious services and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Civic Club. A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Clinic, Medical. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists, or similar

professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Cocktail Lounge. See “**Bar**” and “**Controlled Uses**”

Commercial Shooting Range. See “**Sport Shooting Range.**”

Commercial Uses. These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.

Commercial Vehicle. Any motor vehicle or trailer whose characteristics include one or more of the following characteristics described below:

- a. Used for the transportation of passengers for hire; or
- b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale; or
- c. Designed and used for carrying, towing, or pulling other vehicles; or
- d. Capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer; or
- e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures; or
- f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches; or
- g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; or
- h. Any vehicle that has or requires commercial license plates.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

Composting. A controlled process of degrading compostable organic material by microorganisms.

- a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.
- b. **Composting Methods.** Composting may be achieved by several methods:

- (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
 - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
 - (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic.
- c. **Composting Facility.** Those structures and spaces necessary for the commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products. This term shall not apply to private composting of common household materials generated by Residential Uses or Agricultural Uses on an individual parcel.
- d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

Conditional Use. See "Use, Special Use."

Condominium. A system of separate ownership of individual condominium units according to the State Condominium Act which may contain residential, commercial, office, industrial, or other structures and/or uses permitted within this Ordinance in which each co-owner owns exclusive rights to a defined unit of space, meeting the requirements of this Ordinance, within which a structure or structures may be constructed, as described in the master deed.

- a. **Common Elements.** The portion of the condominium project other than the individual units.
- b. **Condominium Act.** Act 59 of the Michigan Public Acts of 1978, as amended.
- c. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
- d. **Condominium Project.** A development consisting of condominium units.
- e. **Condominium Lot.** A single parcel of land containing one (1) or more condominium units.
- f. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- g. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- h. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is

intended for residential, office, industrial, business, recreational, or any other type of use.

- i. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- j. **Convertible Area.** A condominium unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- k. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- l. **General Common Element.** Those portions of a site condominium property not owned individually by condominium unit owners, but in which an indivisible interest is held by all condominium unit owners of the site condominium and generally intended to be shared by all owners.
- m. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners and to be treated by each individual homeowner as their own land.
- n. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family dwellings pursuant to a master deed.
- o. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- p. **Site Condominium Lot.** The area associated with a given condominium unit as defined by the master deed. After construction of the condominium unit, the balance of the site condominium lot shall become a limited common element. The term site condominium lot shall be equivalent to the term lot for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be as described below:
 - (1) **Site Condominium Lot Front Yard Setback.** The minimum distance between the centerline of the public or private road right-of-way and the nearest point of where a building can be placed on the lot.
 - (2) **Site Condominium Lot Side Yard Setback.** The minimum distance between the side lot line of a condominium unit and the nearest point of where a building can be placed on the lot.

- (3) **Site Condominium Lot Rear Yard Setback.** The minimum distance between the rear lot line of a condominium unit and the nearest point of where a building can be placed on the lot.

For condominium units along the perimeter of the development, the limit of the development is considered the lot line.

Conservation Area. Land that has been awarded protected status in order to ensure that natural features, cultural heritage and/or biota are safeguarded, which may include a nature reserve, a park, a land reclamation project, or other similar area.

Construction. The mass grading and similar site work conducted upon land in preparation for a new use, reconstruction, remodeling or relocation of an existing use, and the establishment of necessary site improvements on land in the Township.

Controlled Uses. Certain uses that are recognized as an impediment to stable growth and development because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones. The following uses are defined as controlled uses for the purposes of this Ordinance:

- a. Adult entertainment uses and sexually oriented businesses.
- b. Bars, brewpubs, taverns, cabarets, cocktail lounges, nightclubs, and pool or billiard halls and other amusement centers where beer, wine, or intoxicating liquor is sold for consumption on the premises. Pool or billiard halls without liquor sales shall be regulated as an amusement center under this Ordinance.
- c. Pawnshops or collateral loan and/or exchange establishments.
- d. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

Convenience Store. A retail store designed to attract a large volume of stop-and-go customer traffic, and stocked primarily to sell food, beverages, and other household supplies to customers who purchase relatively few items per visit.

Corner Clearance Zone or Area. A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

Critical Root Zone. See "Natural Features, Critical Root Zone".

Cul-de-Sac. A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

Curb Cut. The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare, whether or not a curb exists.

Day Care Center. A non-residential facility, licensed by the State of Michigan, receiving one (1) or more adults or children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. A day care center provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. A facility or program

operated by a religious organization where children are cared for while their parents or guardians attend associated religious services are not included in this definition. A day care center can also be described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center. See also listings for other care facilities within this Ordinance.

D.B.H. See "**Diameter Breast Height**".

Dealership. A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, trucks or similar equipment.

Deck. An accessory structure consisting of a platform constructed of wood or other material, which may be freestanding or attached to a dwelling unit, and which is typically used for outdoor leisure activities.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units per acre of land, based on the net lot area.

Detention basin. A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.

Development. The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also "**Construction**."

Development Agreement. An agreement, as required under this Ordinance, 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.

Developer. A person or entity that owns, oversees, and is responsible for construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation of any of the above descriptions.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level on the uphill side of the tree. See "**Caliper-Inch**".

District. A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations apply under this Ordinance. This term is synonymous with the term "**Zoning District**."

Downshielded. See "**Lighting, Downshielded**."

Dripline. See "**Natural Features, Dripline**".

Drive-In Establishment. A business establishment that provides facilities or spaces for the purpose of serving patrons in their motor vehicles.

Drive-Through Facilities. Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.

Driveways. An access connecting structures or parking spaces for motor vehicles with a road or alley, and permitting ingress/egress of a motor vehicle.

- a. **Shared driveway.** One (1) driveway access from the road right-of-way used in common to provide vehicular access to two (2) or more lots or parcels in the Township.

Dwelling or Dwelling Unit. A building or dedicated space within a building providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

- a. **Apartment.** A dwelling unit with a suite of rooms or a room in a multiple-family building or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.

- (1) **Efficiency Apartment.** A dwelling with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

- b. **Accessory Dwelling.** A dwelling for one (1) family as authorized by this Ordinance in a particular zoning district accessory to a principal use in the district, with separate and individual sleeping, kitchen, bath and toilet facilities, and a separate and distinct private entrance. Example: **Caretaker Living Quarters.**

- c. **Attached Dwelling.** A dwelling attached to one (1) or more dwellings by common major structural elements.

- d. **Detached Dwelling.** A dwelling that is not attached to any other dwelling by any means.

- e. **Duplex Dwelling or Two-Family Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.

- f. **Manufactured Home.** A building or portion of a building designed as a dwelling for long-term residential use and characterized by all of the following:

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426), as amended.
 - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
 - (4) The structure has been inspected and certified by HUD.

- h. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- i. **Multiple-Family Housing.** A building divided into apartments or townhouses, and designed for residential occupancy by three (3) or more families.
- j. **Principal Dwelling.** The primary independent, attached or detached dwelling on a parcel.
- k. **Site Built Dwelling.** A dwelling that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site built dwellings shall include dwellings constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- l. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- m. **Temporary Dwelling.** A building authorized by this Ordinance for use as a single-family dwelling on a zoning lot for a limited period of time.
- n. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a common wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.

Earth-Sheltered Home. A complete building partially below grade that is designed to conserve energy and intended to be used as a single-family dwelling.

Easement. A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

Employee. Any person customarily working in a building or on a lot, no matter what capacity or level of remuneration, including on a full-time or part-time capacity, as an owner or manager, on an internship or temporary assignment, as a volunteer providing a service, or as an independent contractor.

Enforcement Official. See Section 57.02 herein.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- b. Wireless communication facilities, wind energy conversion systems (WECS), private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.

Excavation. Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.

Exception. An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

Extraction Operation. Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of 50 cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.

Facade. The exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), affinity (marriage), or adoption, together with domestic workers of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

Family Child Day Care Home. A private residential dwelling, licensed by the State of Michigan, in which three to six (6) minor children are received for care and supervision for

periods of less than 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.

Farm-Based Tourism/Entertainment Activities. Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.

Farm Market. A principal or temporary use that may include the sale of agricultural, horticultural, or aquacultural farm products including but not limited to perennials, annuals, bulbs, herbs, fruits, vegetables, seeds, mulch, dried flowers, honey, and similar products to the general public.

Farm Products Direct Marketing Business. A business operation accessory to an active farming operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area farms, restaurants, residents, and retail stores; Internet-based sales of farm products; and cooperatives with regular deliveries of produce in season to co-op owners.

Farming and Active Agricultural Uses. See also "Agriculture."

- a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products.
- b. **Farm Labor Housing.** Temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation.
- c. **Farm Residence/Dwelling.** A single family residence occupied by individuals whose primary intent is to work agricultural lands, upon which the residence is located, that produce agricultural commodities.
- d. **Farm Products.** Plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
- e. **Farm Structures.** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milk house, greenhouse, and similar structures, but not including any building used as a dwelling.
- f. **Farming Operation.** The raising and production of farm products which can include the following:

- (1) The growing or harvesting of crops from soil, including forest and horticulture operations.
- (2) The raising and management of fowl and/or livestock.
- (3) Management of woodlots for the production of timber in accordance with an approved management plan.
- (4) A wholesale nursery.
- (5) Aquaculture.

A farming operation can be on single or multiple parcels worked by the same individual or management organization.

- g. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.

Fence. Linear structures or partitions of definite height and location intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. As used in this Ordinance, the term "fence" shall also include "wall."

Filling. The depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Fixed costs and expenses. Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.

Flag Lot. A parcel of land shaped like a flag on a pole, with a narrow strip providing access to a public street or waterway which narrow strip does not meet the minimum street frontage requirements.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
- b. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. A floodplain is typically adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.

Floodway. A channel for an overflow of water caused by flooding.

Floor Area. The sum of the gross horizontal floor areas of the several stories of a structure, 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 areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The area of the basement shall be counted towards the structure's total floor area when the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling.

Floor Area Ratio (FAR). The ratio of the floor area of a building to the net area of the lot on which it is located, calculated by dividing the floor area by the net area of the lot and expressing it as a percentage. For example, if a floor area ratio of forty percent (40%) is specified and the net lot area is 10,000 square feet, the maximum permitted floor area on the lot is 4,000 square feet.

Food Truck. See "Restaurant; Food Truck."

Foster Family Home. A private home in which one (1) but not more than four (4) foster children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision unattended by a parent or legal guardian.

Foster Family Group Home. A private home in which five (5) or six (6) foster children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care unattended by a parent or legal guardian.

Frontage. A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line.

Funeral Parlor or Mortuary. An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

Garage. An attached or detached structure that is designed and intended to be used for storage and maintenance of occupant-owned motor vehicles.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Golf Course. The premises upon which the game of golf is played, that may include clubhouses, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course.

- a. **Par-3 Golf Course.** A golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.
- b. **Golf Driving Range.** A golf practice facility commonly consisting of a large, open field with a teeing ground at one end where golfers line up side-by-side hitting golf balls into the field. The landing area for the golf balls may be an empty field or include target greens and yardage markers. A golf driving range may be included as part of golf course or as a stand-alone business away from a golf courses.
- c. **Disk Golf.** A game in which a concave plastic disc is thrown into each of a series of metal baskets situated on an outdoor course, the object being to complete the course using the fewest possible throws.

Grade. A reference plane representing ground level adjoining the building at all exterior walls. For the purpose of regulating the number of stories and the height of buildings, the following shall be considered:

- a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations at all exterior walls at the foundation line of a structure.
- b. **Grade, Finished.** The final ground elevation after the completion of any grading or other site preparation related to an existing or proposed development.
- c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Graveyard. See "**Cemetery**".

Greenhouse. A temporary or permanent structure in which transparent or translucent materials allow light through to the interior in which plants are grown while providing protection from inclement weather.

- a. **Greenhouse, Commercial.** A commercial greenhouse is primarily designed to produce large quantities of nursery stock for mass market, and commercial purposes.
- b. **Greenhouse, Residential.** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.

Ground Floor Coverage (GFC). The total area of the ground floors of the principal building(s) and all accessory structures, as measured to the exterior face of the exterior walls, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Group Child Day Care Home. A private residential dwelling, licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 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.

Groundwater. Water stored in, and slowly filtering through, geologic formations.

Groundwater Recharge Area. A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.

Growth Management Plan. See "**Master Plan**."

Grubbing. The effective removal of understory vegetation, groundcover, shrubs or trees, but not including removal of individual deciduous trees subject to the regulations of this Ordinance.

Hazardous Materials. Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed,

if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):

- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
- b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
- c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Height. The vertical distance measured from the average grade of a structure to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs (See "**Height**" illustration at end of Section).

Hobby. An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.

Holiday Decorations. a non-permanent installation customarily associated with any national, state, local or religious holiday or celebration, and which does not advertise a product or sale.

Home Occupation. A business, occupation or activity undertaken for compensation by members of the household on land occupied by the household's principal dwelling in a manner that is incidental and secondary to the use of the land and dwelling for residential purposes.

- a. **Home Occupation, General.** Any home occupation that cannot meet the definition of "Home Occupation, Limited" or conform to the specific use limitations of this Ordinance that apply to a limited home occupation.
- b. **Home Occupation, Limited.** A home occupation of limited scope and intensity and subject to the use limitations specified in this Ordinance.

Hospital. An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel or Inn. One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

Improvements. Those features and actions associated with a development which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed development or development area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage.

Industrial and Research Uses. Land uses of a research, light manufacturing, warehousing or wholesaling character; or that involve storage, compounding, processing, packaging, assembly or treatment of materials.

Institutional Uses. The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- b. Auditoriums, theaters, concert halls, and similar places of assembly.
- c. Libraries, museums, and similar centers for cultural activities.
- d. Churches, temples, and other places of worship, private clubs, civic clubs, fraternal organizations, and lodge halls.
- e. Post offices.

Junk. Building debris, scrap material, or any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard. An open area used for any of the following purposes:

- a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.
- b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.
- c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.
- d. An area of more than 200 square feet for storage, keeping or abandonment of junk as defined herein.

A "**Junkyard**" does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.

Kennel. The keeping or raising of more than four (4) dogs that are more than six (6) months old for pets, breeding, showing, boarding, training, competition, or hunting purposes; and also including any facility, such as a "doggie day care" or equivalent, in which more than four (4) dogs that are more than six (6) months old are given care and supervision for periods of less than 24 hours a day unattended by the owner of the animals. A kennel facility may also include the keeping or raising of other domestic animals for equivalent purposes.

Laboratory. A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Land Area. See "Lot Area, Gross" and "Lot Area, Net".

Land Clearing: Removal of trees, stumps, and other vegetation from a designated parcel of land.

Land Division Act. Act 288 of the Michigan Public Acts of 1967, as amended (MCL 560-101 et seq.).

Landfill, Sanitary. See "Sanitary Landfill".

Landmark Tree. Any tree that has a Diameter at Breast Height (DBH) of 24 inches or greater, or that is of a type and DBH that meets the eligibility requirements of this Ordinance to be labeled as a landmark tree.

Landscape Business. A business characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, paver walks, patios, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. A landscaping business may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, paths, patios, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
- b. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
- c. **Hedgerow.** A linear arrangement of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or natural barrier.
- d. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.
- e. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- f. **Sod.** An area of grass-covered surface soil held together by matted roots.
- g. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:

- (1) **Deciduous Tree.** A variety of tree that has foliage that is shed at the end of the growing season.
 - (2) **Evergreen Tree.** A variety of tree that has foliage that persists and remains green throughout the year.
 - (3) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.
 - (4) **Shade Tree.** A shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
- h. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Lighting. The following definitions are related to lighting:

- a. **Downshielded.** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
- b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- d. **Footcandle.** Lumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- g. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.

- (3) **Light Emitting Diodes (LED).** A solid-state semiconductor device that converts electrical energy directly into light.
- (4) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
- (5) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
- (6) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- i. **Light Pollution.** The illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).
- j. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- k. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.
- l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

Livestock. See “**Farming and Active Agricultural Uses, Livestock or Farm Animals.**”

Loading Facility, Off-Street. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. (See “**Corner, Interior & Double Frontage Lots**” illustration at end of Section).

- a. **Corner Lot.** A lot located at the intersection of two (2) or more roads or a lot bounded on two (2) or more sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less. Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
- b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two roads.
- c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
- d. **Land Locked.** A lot legally defined without road frontage.
- e. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by

an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:

- (1) Single lot of record.
- (2) Condominium lot.
- (3) Parcel or tract of land described by metes and bounds.

Lot Area, Gross. The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, bodies of water, and watercourses.

Lot Area, Net. Gross lot area minus any area(s) within rights-of-way, and easements.

Lot Coverage. The area of a lot covered by the footprint of all structures, as well as decks, balconies, porches, and similar architectural features, expressed as a percentage of the net lot area.

Lot Depth. The horizontal distance measured from the front road right-of-way line to the rear lot line, or the two front lot lines in the case of a double frontage or through lot. (See "Yard Terms" illustration at end of Section).

Lot Line. Any line dividing one lot from another lot or from a road right-of-way, lake, river or any public place.

- a. **Front Lot Line.** A line separating a lot from a road right-of-way, except as follows:
 - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the road's centerline.
 - (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
 - (3) On a flag lot or land locked lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
 - (4) Any lot that fronts on multiple road rights-of-ways shall have one (1) such lot frontage designated as a front lot line.
- b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line.
- c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot of Record. A parcel of land that meets any of the following conditions:

- a. A lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Washtenaw County Register of Deeds.
- b. A lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Washtenaw County Register of Deeds.
- c. A lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan, recorded with the Washtenaw County Register of Deeds.

Lot Split or Combination. The dividing or uniting of lots by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.

Lot 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. (see “**Yard Terms**” illustration at end of Section).

- a. **Lot Width, Corner Lot.** The horizontal distance that is measured along each street frontage upon which the lot fronts.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCL 125.2301 et seq.) and the Manufactured Housing Commission General Rules.

- a. **Manufactured Home.** See “**Dwelling.**”
- b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a single mobile home.

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

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

- a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The adopted comprehensive future 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.

Mezzanine. A level between the upper surface of any floor beneath it and the lower surface of the floor or ceiling next above it, occupying not more than one-third (1/3) of the area of the story beneath it (see “**Basic Structural Terms**” illustration at end of Section).

Michigan Planning Enabling Act. Act 33 of the Michigan Public Acts of 2008, as amended (MCL 125.3801 et seq.). This statute is the successor to the former Township Planning Act, Act 168 of the Michigan Public Acts of 1959, as amended.

Michigan Zoning Enabling Act. Act 110 of the Michigan Public Acts of 2006, as amended (MCL 125.3101 et seq.). This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.

Mixed Use. A structure or project containing residential and nonresidential uses.

Mobile Home Commission Act. Act 96 of the Michigan Public Acts of 1987, as amended (MCL 125.2301 et seq.).

Motor Home. See “**Recreational Vehicle, Motor Home.**”

Motion Picture Cinema. A building or outdoor space where motion-picture shows and films can be presented to patrons or members. This definition does not include **Adult Entertainment Uses and Sexually-Oriented Businesses** as defined in this Section.

Motor Vehicle. Self-propelled mechanical equipment for conveying people or transporting goods from place to place on land, such as an automobile, pick-up truck or commercial vehicle.

Motor Vehicle Charging Station. A place used for the purpose of supplying appropriate electricity to directly charge motor vehicles.

Motor Vehicle Fueling Station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Motor Vehicle Service Center. An enclosed building where minor and major motor vehicle repair services may be carried out and which may include the sale of motor oil, lubricants, and automotive accessories directly to the public.

Multiple-Family Housing. See “**Dwelling, Multiple-Family Housing.**”

Municipal Sanitary Sewer System. A Sanitary Sewer System owned and operated by the Township, another municipality, or a municipal-owned, multi-jurisdictional public agency.

Municipal Service Area. A defined area within a municipality where sewer and water services are expected to be installed over a period of time.

Municipal Water Supply System. A water supply system owned and operated by the Township, another municipality, or a municipal-owned, multi-jurisdictional public agency.

Natural Area. A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered “natural” even though excavation, filling or other similar activity may have previously occurred.

Natural Features. Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.

- a. **Activity Within Natural Features.** 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.

- b. **Critical Root Zone.** 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 Diameter at Breast Height (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.
- c. **Dripline.** An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.
- d. **Removal of Natural Features.** The act of removing a tree or other natural features by digging up or cutting down, the effective removal through damage or the infliction of damage to a tree or its root system.
- e. **Site Inventory.** A plan showing the extent and character of natural features on the land subject to development or other alteration, and the extent, location, and character of proposed development activity.
- f. **Threatened or Endangered Species Habitat.** The habitat necessary to maintain the existence of those plants and animals listed pursuant to law on the federal and state lists of endangered, threatened or special concern species.

Natural Resources and Environmental Protection Act. Act 451 of the Michigan Public Acts of 1994, as amended (MCL 324.101 et seq.).

Nightclub. See "Bar"

Noise:

- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
- c. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- d. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of human beings or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- e. **Noise sensitive zone.** An area which contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.

- f. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- g. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- h. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
- i. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Nonconformities:

- a. **Cease.** To terminate or discontinue a use of land or structures for a period of time or in a manner that, under the provisions of this Ordinance, would prevent the use from being resumed, or to terminate or discontinue a use of land or structures for any period of time with the intent to permanently abandon any rights to continue the use.
- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not now conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign.** See "**Sign, Nonconforming Sign.**"
- d. **Nonconforming Single-Family Detached Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family lawfully existing at the effective date of this Ordinance or amendments thereto that does not now conform to Ordinance provisions for the district in which it is located.
- e. **Nonconforming Site.** A parcel of land that was lawfully developed or improved with structures and other site improvements prior to the effective date of provisions of this Ordinance or amendments thereto for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements; and the site does not now conform to those provisions.
- f. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not now conform to Ordinance provisions for the district in which it is located.
- g. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not now conform to the use regulations of the district in which it is located, and has not been expanded since it became nonconforming, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, and regulations. A nonconforming use may include a use that requires a special use permit under current use regulations, where under previous use regulations a special use permit was not required. Substitution of a nonconforming use for another

nonconforming use on the same site shall be subject to Section 56.07.D (Expansion or Substitution).

- h. **Unlawful Site.** A parcel of land or portion thereof that was developed or improved with structures and other site improvements, which is not a conforming or nonconforming site.
- i. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or nonconforming structure.
- j. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or nonconforming use.

Nuisance. Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursery. Land or greenhouses used to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation.

- a. The definition of nursery does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "**Landscape Business.**"

Nursing Home. A place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living, which is licensed under applicable state laws.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362(4), as amended] found to be "obscene" [as defined in MCL752.362(5), as amended].

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The maximum capacity of a building or part thereof, expressed in the number of individuals normally permitted to occupy the building or part thereof.

Off-Street Loading. See "**Loading Facility, Off-Street.**"

Off-Street Parking. Designated parking areas that are not on a public or private roadway or road right-of-way, which provide parking spaces along with adequate drives and aisles for maneuvering so as to provide access for ingress and egress for the parking.

Open Air Business. Any business that is conducted primarily out-of-doors.

Open Space. A specifically designated area, that can be public or private, that is to remain in a protected state.

- a. **Conservation Easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
 - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
 - (2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
 - (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
 - (4) Also see definition of conservation easement in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), MCL 324.2140.
- b. **Development Rights.** The rights to develop land to the maximum intensity as authorized by law.
- c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- d. **Preserve.** An area of land that is set aside to be protected and managed in order to preserve a particular type of habitat and its flora and fauna which are often rare or endangered or other areas designated for a defined natural resource purpose.
- e. **Restrictive Covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
- f. **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building. See also “**Open Air Business.**”

Outdoor Storage. An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site.

Outlot. A parcel of land designated on a site plan for future development.

Parcel. See “**Lot.**”

Parking, Off-Street. See “**Off-Street Parking.**”

Parking Area or Parking Lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Parking Space. A space set aside for the sole purpose of parking a vehicle on a temporary basis.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.

Pawnshop. A business that offers monetary loans in exchange for personal property given as security to the pawn broker by the recipient of the loan. Also see "**Controlled Use.**"

Pedestrian Way. A designated and set aside passage way for the specific purpose of allowing pedestrians to walk to a determined destination. A pedestrian way may refer to a sidewalk, footpath, or trail.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

Permitted Use. See "**Use, Permitted Use.**"

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pet. See "**Animal, Domestic.**"

Planned Unit Development (PUD). A zoning district, in accordance with Section 503 of the Michigan Zoning Enabling Act, as amended (MCL 125.3503), to permit flexibility in the regulation of land development by encouraging innovation in land use and variety of design, layout, and type of structures that relate to the characteristics of an individual site.

Planning Commission. The Planning Commission for Lodi Township, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Plat. A map or chart of a subdivision of land.

Pond. A small body of water maintained by surface water runoff, groundwater or a municipal or private water distribution system.

Pool or Billiard Hall. An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Porch. An accessory structure consisting of a stoop or similar unenclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that is typically attached to and serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

Premises. A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses not separated by intervening roads, alleys or road rights-of-way.

Principal Dwelling. See “**Dwelling, Principal Dwelling**”.

Principal Use. See “**Use, Principal Use**.”

Private Community Wastewater System (PCWS). A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drainfield and treatment system.

Property Line. See “**Lot Line**.”

Pub. See “**Bar**.”

Public Utility. See “**Utility, Public**.”

PUD. See “**Planned Unit Development**”

Purchase of Development Rights (PDR). The acquisition of property development rights through voluntary sale by the landowner to a government agency or land trust. The government agency or land trust acquiring development rights typically restricts future uses of the land acquired to farming or open space.

Quarry. See “**Extraction Operation**.”

Radio or Television Transmission Tower. See “**Wireless Communication Facilities**.”

Recognizable and Substantial Benefit. A clear benefit to the ultimate users of the property in question and/or to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of proposed uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural feature, or elimination of a nonconforming use or structure.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing, golfing or other recreational purposes.

Recreational Facility. A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors or outdoors; including membership-only facilities and facilities operated as a business and open for use by the public for a fee. Examples include gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, firearms ranges, tennis clubs, archery ranges, miniature golf courses, water slides, batting cages and machines, and skateboarding parks.

Recreational Vehicle. A vehicle or boat which is self-propelled or permanently towable by a motor vehicle; designed primarily for use as temporary living quarters, or for recreational,

camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include, but are not limited to the following:

- a. **Boats and Boat Trailers.** Motorized or floatation equipment used for travelling on the water and the normal equipment used for transportation of the equipment to and from the water.
- b. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
- c. **Motor Home.** A self-propelled vehicle, built on a single chassis and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
- d. **Pickup Camper.** A temporary living quarters designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for travel, recreational, and vacation uses.
- e. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
- f. **Travel Trailer.** A temporary living quarters constructed to be towed on its own chassis, and designed primarily for recreational, camping, travel or seasonal use.
- g. **Utility Trailer.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

Recreational Vehicle Park. See **Campground**.

Recycling Collection Facility. A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.

Registered Design Professional. An architect or engineer or other professional registered or licensed with the State of Michigan and who provides design services.

Repair and Maintenance, Normal. Any work to prevent or correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Normal repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Residential Uses. These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, sit-down or food truck restaurant, as defined below. Any restaurant which combines elements of the following types of restaurants shall be subject to the regulations of the most restrictive restaurant type employed:

- a. **Carry-Out Restaurant.** A restaurant whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises, typically from a counter or window inside the building.
- b. **Drive-In Restaurant.** A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- c. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- d. **Fast Food Restaurant.** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter for consumption at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- e. **Food Truck.** A licensed and operable motor vehicle or trailer whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or nonalcoholic beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.
- f. **Sit-Down Restaurant.** A restaurant whose method of operation involves either:
 - (1) The delivery of prepared food by servers (waitpersons) to customers seated at tables within a completely enclosed building; or
 - (2) The prepared food is acquired by customers at a cafeteria line or ordering counter and is subsequently consumed by the customers at tables within a completely enclosed building.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer. Also see "**Roadside Stand**".

- a. Such goods, wares or merchandise shall include, but not limited to, appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
- b. Included in this definition are convenience stores, department stores, variety stores, supermarkets, and wholesale club stores.
- c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
- d. This definition does not include **Secondhand Stores, Temporary Uses, areas for Outdoor Sales or Display, Pawnshops or Adult Entertainment Uses and Sexually-Oriented Businesses** as defined in this Section.

Retention Basin. A pond, pool, or basin used for the long-term storage of water runoff.

Rezoning. The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.

Right-Of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.

a. **Right-of-Way Line.** The linear representation of the boundary of a right-of-way.

Right to Farm Act. Act 93 of the Michigan Public Acts of 1981, as amended (MCL 286.471 et seq.) that defines certain farm uses, operations, practices and products.

Road. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.

a. **Arterial Road.** Roadways intended to serve through, or regional traffic within Lodi Township. Example: Ann Arbor-Saline Road.

b. **Collector Road.** Roadways intended to serve traffic that is more local than that which the arterial roads carry. Example: Pleasant Lake Road.

c. **Local Road.** Roadways intended to provide access to abutting properties and primarily serve local traffic, rather than regional or through traffic. Example: Ellsworth Road.

d. **Marginal Access Road.** A service roadway parallel to a primary road, which provides access to abutting properties away from through traffic.

Roadside Stand. A building or structure of up to 250 square-feet in floor area that is accessory to any Rural Uses and operated for the purpose of selling natural, unprocessed produce and other farm products primarily created, raised or produced on land which is part of the same principal Rural Uses. A roadside stand shall not make a district commercial, nor shall its use be deemed a commercial activity.

Roof Area. The sum of the gross horizontal surface areas consisting of the top exterior plane(s) covering the structure as measured to the exterior face of the exterior walls.

Room. For purposes of this Ordinance, the definition of "**Room**" will be according to the specifications and requirements of the State Construction Code.

Rural Uses. These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.

Sanitary Landfill. An environmentally acceptable engineered means of disposing of solid waste which is buried between layers of dirt that is compacted tightly, greatly reducing the volume of the waste. The waste is then covered by soil.

Sanitary Sewer System. Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all treatment and disposal facilities, pumps, lines, lift

stations, and appurtenances. See also "**Private Community Wastewater System (PCWS)**" and "**Municipal Sanitary Sewer System.**"

Screen. See "**Landscaping, Screen or Screening.**"

Secondhand Store. A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops, or junkyards.

Self-Storage Facility. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An establishment other than a hospital or hotel, which provides housing to non-transient persons primarily 55 years of age or older. Senior housing may include:

- a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- c. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
- d. **Senior Independent Living.** Dwellings intended to be occupied by persons 55 years of age or older.

Setback. The minimum horizontal distance required to exist between any building, structure and all adjacent lot boundaries, road rights-of-way or road centerline, established easements, and a separation distance from designated natural resources as required in this Ordinance. (See **Yard Terms** illustration at end of Section.). See also "**Condominium, Site Condominium Lot**".

Setback Line. The required setback distance is referred to as a setback line.

Shopping Center. A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

Sign. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character for the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

- a. **Abandoned Sign.** A sign that directs attention to an object, product, place, activity, person, institution, organization or business which is no longer currently existing and is not maintained in accordance with the standards set forth in Article 53.0 (Signs) of this Ordinance and contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters or which is otherwise dilapidated, unsightly, unkempt and for which the business or property owner is not accepting maintenance responsibility where such acts evidence an intent to abandon.
- b. **Accessory Sign.** A sign located on and pertaining to the principal use(s) of the premises.
- c. **Billboard Sign.** As defined in the Michigan Highway Advertising Act of 1972 (Public Act 106 of 1972, as amended): A sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Also referred to as an off-premises sign.
- d. **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
- e. **Building-Mounted Sign.** A display sign that is painted on or attached to a building wall, door, window, or related architectural feature.
 - (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) **Projecting Sign.** A display sign attached to or hung from a structure projecting perpendicularly from and supported by the building, and extending beyond the building wall or building line.
 - (3) **Wall Sign.** A sign painted on, displayed against or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than one (1) foot from the wall with no copy on the sides or edges.
- f. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- g. **Color Value.** The perception of a color's lightness, expressed as a ratio or percentage.
 - (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- h. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized, destroyed or ceases to operate as originally designed.
- i. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

- j. **Electronic Message Board.** Changeable copy sign in which the copy consists of a light-emitting array, video display or similar electronic display device activated and deactivated in a manner to display multiple messages over a period of time.
- k. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- l. **Nameplate.** A small sign accessory to the address numbers of a building for the purpose of providing further identification of the building, occupants or uses.
- m. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- n. **Nonconforming Sign.** A sign that was erected legally, and remains in compliance with the Ordinance existing at the time it was legally erected, but which is not in compliance with the current Ordinance. The definition of "nonconforming sign" shall not include any unsafe sign, damaged sign or legally erected temporary sign that is not removed within the time period set by this Ordinance.
- o. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline, as set forth in Section 53.02.D.1.
- p. **Sign Area.** The gross surface area within a rectangle or square enclosing the extreme limits of letters, symbols or other materials forming an integral part of the sign copy, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area. (See Sign Illustrations regarding Computations of Sign Area at end of Article 53.0)
- q. **Signable Area.** The area of the street level portion of a principal building's facade wall(s), including doors and windows.
- r. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - a. **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
 - b. **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of once per minute or longer.
- s. **Sign Height.** The vertical distance measured from the average level of the ground or pavement directly below the sign to the highest point of the sign area, excluding incidental decorative elements above the sign area.

- t. **Site Entry Feature with Signage.** A sign located at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- u. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (2) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
 - (3) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (4) **Portable Sign.** A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.
 - (5) **Vehicle Mounted Sign.** Any sign placed or maintained on a stationary automobile, truck, trailer, or any other motor driven vehicle.
- v. **Unlawful Sign.** A sign allowed with a permit under Section 53.04 that does not have a valid permit issued by the Township, or a sign that is not in compliance with the current Ordinance and does not meet the definition of a nonconforming sign.
- w. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
- x. **Window Sign.** A sign affixed to, painted, or installed inside a window so as to be observable from the exterior of the building.

Single-Family Housing. See "**Dwelling, Single-Family Dwelling.**"

Site Condominium. See "**Condominium, Site Condominium.**"

Site Inventory. A written and mapped compilation of required information that is presented as part of a required site plan review application process.

Site Plan. A plan showing all salient features of a proposed development and/or activity as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Master Plan.

Slopes. Any rise in the height of a topographic land surface over a distance of 100 feet, in which one end or side is at a higher level than another. See also "**Steep Slope.**"

Soil - Topsoil, subsoil, sand, gravel, land, earth or any other material.

Special Event. An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a private, public, or non-profit community group, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use. See "Use, Special Use."

Sport Shooting Range. An indoor or outdoor area or facility designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. This term does not include casual recreational shooting by a property owner or resident lessee on the owner or lessee's lot in a manner incidental and secondary to the principal agricultural or residential use of the lot.

Sportsman's Club. A facility owned by an organization or group of individuals, established with the goal of organized or casual target shooting. Recreational shooting by private property owners and their guests on their privately owned property are not included.

Stacking Space. A space set aside for the sole purpose of allowing motorists in vehicles to queue up in a temporary line for access to a drive-through establishment, or to exit from a parking lot on to a public road.

Steep Slope. A rise of twelve percent (12%) or more having a vertical change in elevation of eight (8) or more feet and a length of thirty (30) feet or more, as measured parallel to the contour lines.

Story. That part of a building, except a basement or mezzanine, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "Basic Structural Terms" illustration at end of Section). A basement shall be deemed a story when the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling.

Street. See "Road."

Street Line. The physical side boundary of a street, as defined by the Washtenaw County Road Commission.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

- a. **Accessory Structure.** A freestanding structure or portion of a principal building that is subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include, but are not limited to decks, porches, detached garages, car ports, vehicle shelters, and pole barns sheds, small greenhouses, and swimming pools.

- b. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.

Subdivision Plat. The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act P.A. 288 of 1967, as amended (MCL 560.101 et seq.), and the Lodi Township Subdivision Ordinance, as amended.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or spa purposes. A swimming pool is an accessory structure for purposes of this Ordinance.

Tavern. See "Bar".

Temporary Dwelling. See "Dwelling, Temporary Dwelling."

Temporary Structure. A structure authorized by this Ordinance to be placed on a zoning lot for a limited period of time.

Temporary Structure for Construction Purposes. A structure or trailer authorized by this Ordinance to be placed on a zoning lot for a limited period of time for use during a developer's normal business hours to store construction materials, to serve as a construction project management office, or as a sales office or model for the development.

Therapeutic Massage. See **Massage Therapist; Therapeutic Massage.**

Threatened or Endangered Species Habitat. A geographical area occupied by a species, which may be threatened or in danger of extinction, that contains physical or biological features essential to the conservation of the species which may require special management considerations or protection.

Townhouse. See "Dwelling, Townhouse."

Township. Lodi Township, Washtenaw County, Michigan.

- a. **Township Board.** The elected Board of Trustees for Lodi Township, Washtenaw County, Michigan.

Township Engineer. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Township Planner. The person, persons or firm designated by the Township to provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals; or advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Tree Farm. The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Farming and Active Agriculture Uses**" and "**Nursery.**"

Tree Removal. Any activity that results in removing (including by transplanting) or destroying:

- a. Any tree in a woodland;
- b. Any individual deciduous trees of six (6) inch D.B.H. or larger; or
- c. Any individual evergreen trees six (6) feet in height or higher that are not located in a woodland.

Two-Family (Duplex) Dwellings. See "**Dwelling, Duplex Dwelling or Two-Family Dwelling.**"

Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

Unlicensed or Inoperable Vehicle. See "**Vehicle, Unlicensed or Inoperable.**"

Use. The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.

- a. **Accessory Use.** An activity that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use or special use to which it is exclusively related.
- b. **Permitted Use.** An activity permitted in each zoning district by right, subject to the requirements and standards of this Ordinance, and which may also be subject to site plan review approval.
- c. **Principal Use.** The main or primary use of the land or structures subject to the requirements and standards of this Ordinance.
- d. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
- e. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

Utility, Private. A person, firm, non-municipal corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, cable, telegraph or transportation.

Utility, Public. A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.

- a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Washtenaw County Drain Commissioner, are public utilities under this Ordinance.
- b. Uses such as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities are not public utilities under this Ordinance.

Variable Costs and Expenses. Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

Variance. A modification of the literal provisions of this ordinance granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.

Vehicle. See "Motor Vehicle."

Vehicle, Light Duty. A motor vehicle with a Gross Vehicle Weight (GVW) rating of 10,000 pounds or less, such as an automobile, pick-up truck, sport utility vehicle or similar motor vehicle designed for private, non-commercial mobility purposes.

Vehicle, Unlicensed or Inoperable. A motor vehicle or recreational vehicle devoid of the required state license or registration that allows it to lawfully operate on public roads and state highways; or any vehicle for which the means of propulsion, other mechanical elements or other interior or exterior components are damaged or missing in a manner that renders the vehicle unable to function or lawfully operate on public roads or state highways.

Vehicle Shelter. A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.

Veterinary Clinic or Animal Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Viewshed. The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).

Volatile Biofuel Production. Production of any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

Warehouse. A building used for storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing.

Watercourse. Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

Water Supply System. Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling, principal use, or principal building; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.

- a. **Municipal Water System.** A water supply system owned and operated by one or more governmental entities.
- b. **Community Well.** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the State of Michigan, the Township's Wetland Ordinance or other governmental agency.

Wildlife Habitat. A geographical area containing natural, climatic, physical, or biological features that are unique to a specific area generally occupied by a particular wildlife species.

Wind Energy Conversion System (WECS). Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

- a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve only the needs of the farm or agricultural operation.
- b. **Commercial WECS.** A WECS that is designed and built primarily to provide electricity to the electric utility's power grid.
- c. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built primarily to serve the needs of the principal use.

- d. **WECS Authorized Factory Representative.** 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.

Wireless Communications Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio, video and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio and telephone service facilities.

- a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals.
- b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."
- c. **Backhaul Network.** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
- d. **Cellular Tower.** A wireless communication facility designed to support one or more antennae for cellular telephone and data communication purposes.
- e. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- f. **Eligible right-of-way.** The area on, below, or above a dedicated public road right-of-way or a public utility easement dedicated for uses that are determined to be compatible with small cell wireless facilities as authorized and provided for by the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.). This term does not include any of the following:
 - (1) A private road right-of-way or access easement, or a private utilities easement;
 - (2) A limited access highway right-of-way; and
 - (3) Railroad infrastructure, and land owned or controlled by a railroad.
- g. **Ground Equipment.** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
- h. **Micro wireless facility.** A small cell wireless facility, as authorized and provided for by the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.), that is not more than 24.0 inches in length, 15.0 inches in width, and 12.0 inches in height and that does not have an exterior antenna more than 11.0 inches in length.
- i. **Provider.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

- j. **Radio or Television Transmission Tower.** A wireless communication facility designed to support one or more antennae for broadcasting of digital or analog television or radio signals as a mass medium for advertising, entertainment or news.
- k. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.
- l. **Small cell wireless facility.** A wireless communication facility, as authorized and provided for by the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.), in which each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet cubic feet; and in which all other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- m. **Small cell wireless pole.** A utility pole or similar structure used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage or a similar function; or a pole or similar structure facility, as authorized and provided for by the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.), that is installed or modified to support a small cell wireless facility not exceeding 45.0 feet above ground level including the height of any small cell wireless facility mounted at the top of the pole. This term does not include a sign pole less than 15.0 feet in height above ground.
- n. **Small cell wireless support structure.** A freestanding structure, other than a small cell wireless pole or utility pole, that is designed to support or capable of supporting small cell wireless facilities as authorized and provided for by the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.).
- o. **Tower.** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.

Woodland. Any land containing one (1) or more acres (excluding existing rights-of-way) that has been designated as a woodland on the official Township Woodland Map.

Woodland Map. The map, contained within the Master Plan, which identifies all woodland areas in the Township.

Yard. An open space on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line on the same side of the building, and is unoccupied from the ground upward except as otherwise provided herein (see "**Yard Terms**" illustration at end of Section).

- a. **Front Yard Setback.** An open space extending the full width of the lot, the depth of which is the minimum allowable horizontal distance from the centerline of the nearest road right-of-way and the nearest point of the principal building. Where lots border upon a lake or river, the depth of the setback shall be measured from the edge of the water, as determined by the established ordinary high water mark of the body of water or watercourse.
- b. **Street Side Yard Setback.** An open space on a corner lot extending along the secondary road frontage of any portion of a lot boundary abutting a road right-of-way that is not part of the designated front yard of the lot. The depth of the street side yard is the minimum allowable horizontal distance from the centerline of the nearest road right-of-way and the nearest point of the principal building.
- c. **Rear Yard Setback.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum allowable horizontal distance between the rear lot line and the nearest point of the principal building.
- d. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
- e. **Side Yard Setback.** An open space extending from the front yard to the rear yard on each side of the principal building between the building and the side lot line; the width of which is the minimum allowable horizontal distance between the side lot line and the nearest point of the principal building.

Youth Agricultural Project. A sponsored project that promotes learning experiences with youth on special themes that range from leadership, citizenship, and community service to science, engineering, and technology to animal science, farming, sewing, cooking, etc.

Zero Lot Line. A type of construction in which the building sits directly on a property line.

Zoning Administrator. The person(s) or firm(s) designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis.

Zoning Board of Appeals. The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.

Zoning Compliance Permit. Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term "**Certificate of Zoning Compliance**", but is not a building permit.

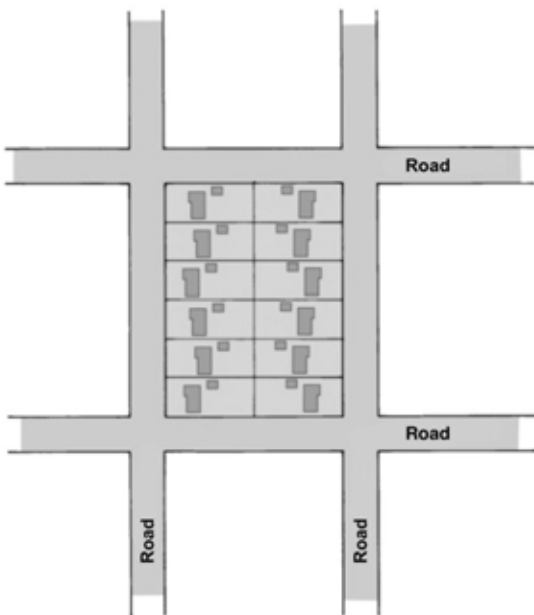
Zoning District. See "District."

Section 2.04 Undefined Terms.

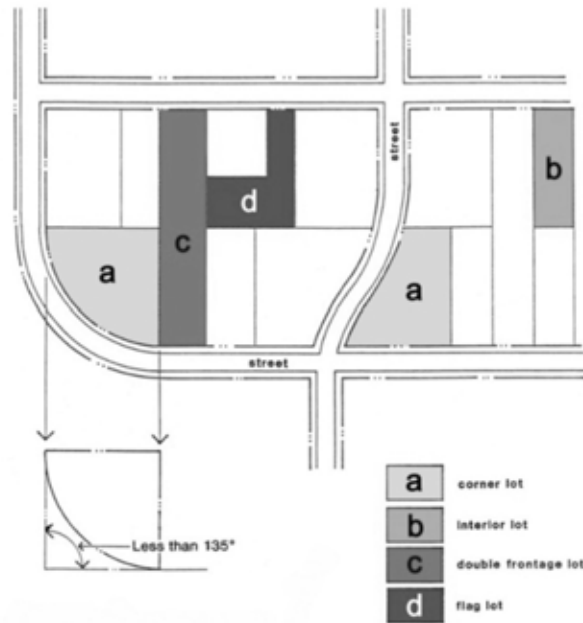
Any term not defined herein shall have the meaning of common or standard use.

ILLUSTRATIONS

Block

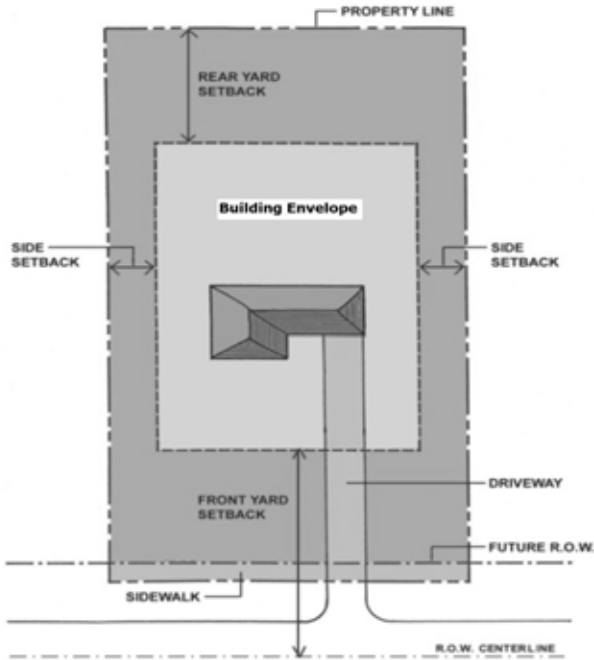


Corner, Interior & Double Frontage Lots

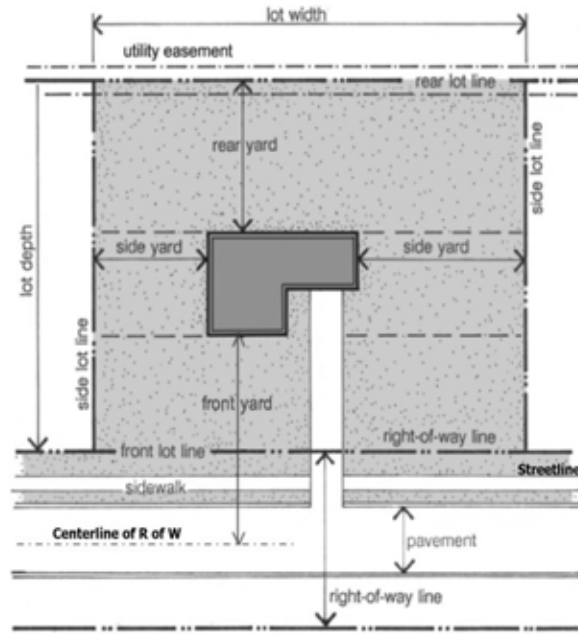


ILLUSTRATIONS

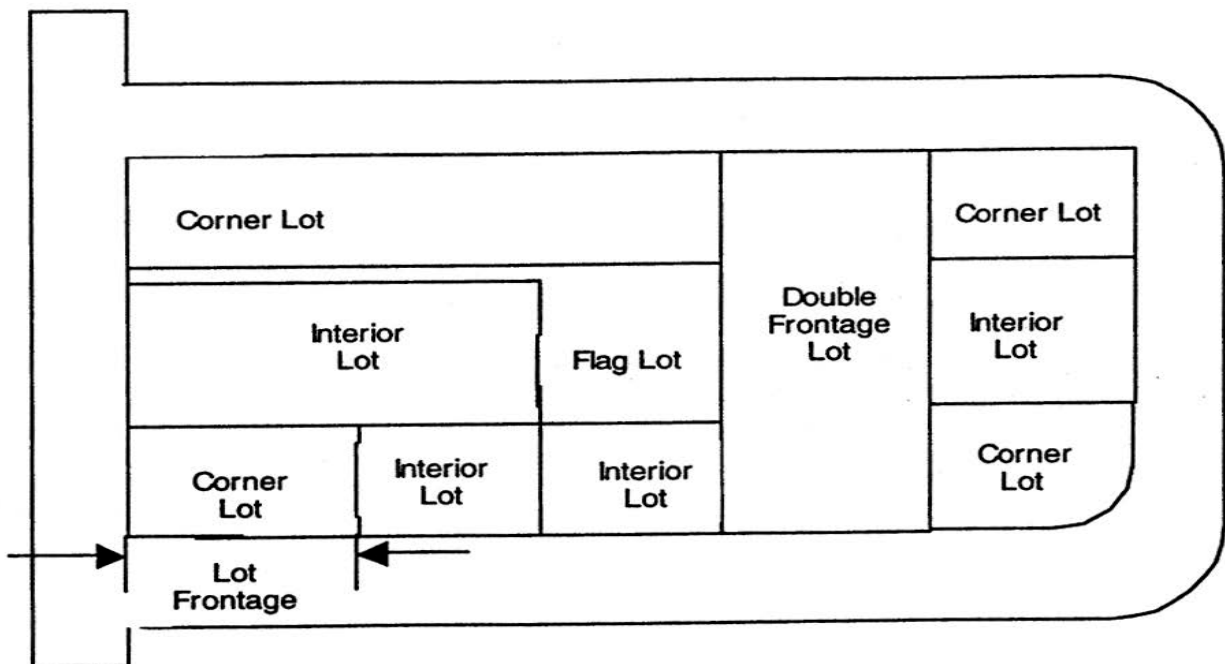
Building Envelope



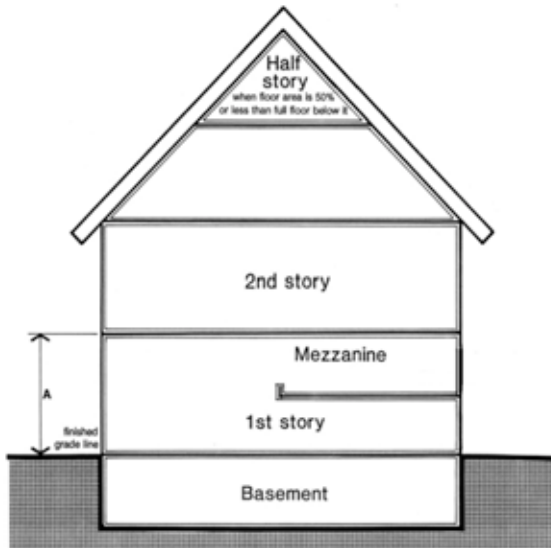
Yard Terms



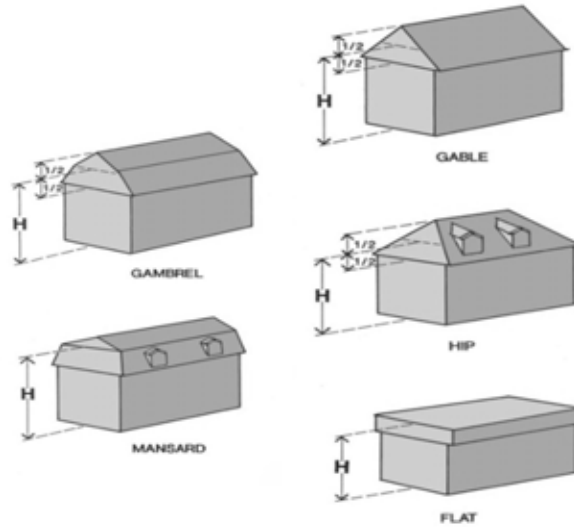
Lot Types



Basic Structural Terms



Height



ARTICLE 10.0 ZONING DISTRICTS

SECTION 10.100 GENERAL PROVISIONS

Section 10.101 Use Regulations.

In all zoning districts, no structure or land shall be used or occupied, except in conformance with Article 20.0 (Land Use Table), and as otherwise provided for in this Ordinance.

A. Accessory Uses.

Where a lot is devoted to a permitted use, either permitted by right or as a special use, accessory uses and structures are permitted if specifically listed as accessory uses in the applicable zoning district, or if substantially similar in nature to uses listed, except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use or structure in this Ordinance. Accessory structures and uses shall be subject to the applicable standards of this Ordinance.

B. Permitted Uses.

Uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts, or if substantially similar in nature to uses that are listed.

C. Special Uses.

Special uses are permitted as listed in the various zoning districts, subject to the requirements and standards of this Ordinance, including Article 43.0 (Special Uses).

Section 10.102 Prohibited Uses.

Uses not listed in Article 20.0 (Land Use Table) as a permitted use, accessory use or special use in a particular zoning district, or as otherwise provided for in this Ordinance, shall be prohibited in the district.

Section 10.103 Compliance with Dimensional Standards.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the dimensional standards of this Ordinance for the zoning district in which the structure is located. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. Where more specific standards are set forth for a specific use, the more specific standards apply.

Section 10.104 District Boundaries.

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be first municipal boundaries, then centerlines of road, railroad or other dedicated rights-of-way and then the lot or parcel lines.

A. Zoning of Rights-of-Way.

All road and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

B. Zoning of Vacated Areas.

Any road and other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

Section 10.105 Official Zoning Map.

For the purpose of this Ordinance, the zoning districts as provided in this Article and Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Lodi Township." This Official Zoning Map and all explanatory matters thereon, a copy of which accompanies this Ordinance, is hereby made a part of this Ordinance.

A. 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 or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Lodi Township Zoning Ordinance," along with the effective date of this Ordinance.

B. Changes to Official Zoning Map.

If, in accordance with the procedures of this ordinance and of the Michigan Zoning Enabling Act, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with an entry on the Official Zoning Map promptly after the ordinance authorizing such change becomes effective.

1. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Unauthorized change(s) by any person(s) shall be considered a violation of this Ordinance and punishable as provided in Section 57.09 (Violations and Penalties).
2. Any changes in corporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Clerk.

C. Authority of Official Zoning Map.

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

D. 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 corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Lodi Township Zoning Ordinance adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

E. Rules for Interpretation.

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

1. A boundary indicated as approximately following the centerline of a highway, road, alley, or easement shall be construed as following such centerline as it exists on the ground.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.

7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
9. The Zoning Board of Appeals shall interpret where a physical or natural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not otherwise covered by this subsection.

Section 10.106 Compliance Required.

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within the Township except in compliance with all applicable approval procedures and requirements of this Ordinance. The following is a partial list of Ordinance regulations that may apply to specific uses and development projects in the Township:

A. Site Plan Approval Required.

Site plan approval by the Planning Commission shall be required in accordance with Article 44.0 (Site Plan Review).

B. Off-Street Parking Required.

Off-street parking and loading-unloading facilities shall be required in accordance with Article 51.0 (Off-Street Parking and Loading Regulations).

C. Performance Standards.

The performance standards of Section 55.02 (Performance Standards) shall apply to all land uses, except where otherwise exempted by this Ordinance or state statute.

D. Natural Features Protection.

Development projects subject to approval under this Ordinance shall conform to Section 54.08 (Natural Features Protection and Preservation).

E. Use Standards.

All uses shall comply with any applicable requirements of Article 40.0 and 41.0 (Use Standards).

F. Additional Development Procedures, Regulations, and Standards.

Development projects shall conform to all applicable standards of Article 54.0 (Additional Development Procedures). All projects and uses shall conform to all applicable standards of Article 55.0 (General Regulations and Standards).

SECTION 10.200 ESTABLISHMENT AND PURPOSES OF ZONING DISTRICTS

Section 10.201 Establishment of Zoning Districts.

Lodi Township, Washtenaw County, Michigan, is hereby divided into the following zoning districts as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance.

Type of District	Zoning District Name	Symbol
Rural	Recreation-Conservation District	RC
	Agricultural District	A-1
	Natural Resource District	NR
Residential	Single-Family Residential District	R-1
	Low Density Multiple-Family Residential District	R-3
	Manufactured Housing Park Residential District	MHP
Business	Office District	O
	Local Commercial District	C-1
Other	Lodi Central District	LCD
	Public/Semi-Public Services District	PSP
	Industrial-Research District	I-1
	Planned Unit Development (PUD) District	PUD

Section 10.202 Recreation-Conservation (RC) District.

The value to the public of certain open areas of the Township is represented in their natural, undeveloped or un-built condition. It is recognized by this Ordinance that the best use of certain areas of the Township is the management, preservation, and low-impact utilization of the natural resource base inherent in these areas.

The Recreation-Conservation (RC) District is hereby established as a Rural District, based upon a well considered plan, to regulate the location of structures and the use of parcels and lots for the purposes of protecting and enhancing natural resources, natural amenities, natural habitats of wildlife and watershed 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 or improper and wasteful use of such resources. The RC District is designed to protect and enhance natural amenities; including woodlands, wetlands, and wildlife habitats, and to ensure that the natural resource value may be preserved, maintained, and sensitively utilized. The RC District is also designed to provide recreational opportunities to Township residents and others in the form of parks, playgrounds, golf courses, and similar facilities.

It is the intent of this district to permit those uses and structures that can operate or be located in areas of natural amenities in a compatible manner, and to prohibit those uses or structures that detract from, injure, or destroy these amenities. In addition, uses and structures shall be permitted only at a low density and intensity to ensure their compatibility with the natural resource base. Residential developments in the form of plats or site condominiums are considered in conflict with the intent and purpose of this district.

Section 10.203 Agricultural (A-1) District.

The public health and welfare of the Township, Washtenaw County, State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (A-1) District is hereby established as a Rural District to preserve lands suitable for long-term agricultural uses and to protect agricultural enterprises from encroachment by incompatible suburban and urban uses and developments that would hinder agricultural practices and irretrievably deplete agricultural lands.

The purpose of this district is to preserve, to the greatest extent possible, those land areas in the Township designated for agricultural preservation in the Township's Master Plan. It should be noted that the primary intended use of this district is agricultural activities and there may be odors, dust and noise associated with these activities that are not compatible with residences.

The A-1 District has been established for the following additional purposes and objectives.

1. Protect prime farmland from speculative increases in land values.
2. Prevent fragmentation of farmlands by division into small parcels.
3. Prevent loss of prime farmland.
4. Prevent conflicts between agricultural activities and residences.
5. Prevent encroachment of urban and suburban services into agricultural areas.
6. Minimize cost of providing services.
7. Encourage the long-term investment needed to maintain and expand agricultural production by creating a stable environment for such production.
8. Reduce the amount of land consumed in rural areas for non-agricultural use.
9. Prevent intrusion of incompatible uses into areas of general farming activities.
10. Permit services that are necessary to support farming activities.

Residential developments in the form of platted subdivisions or site condominiums are considered in conflict with the intent and purpose of this district.

Section 10.204 Natural Resource (NR) District.

The Natural Resource (NR) District is hereby established as a Rural District 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 region, and the welfare of its citizens. It is the intent of this district to provide for the utilization of this resource in a manner compatible with nearby areas, and to ensure complete restoration of the sand and gravel areas ready for another land use at the conclusion of excavation and treatment.

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 this 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. As such, non-zoning regulations have been established to require ongoing monitoring through an annual permit process to ensure compliance with an approved restoration/after-use plan.

Section 10.205 Single-Family Residential (R-1) District.

The Single-Family Residential (R-1) District is hereby established as a Residential District to provide areas for single-family, rural residences on lots of sufficient size to permit the use of private on-site septic systems and private water wells. The district is designed to provide a rural residential character and is intended to be used in those parts of the Township where soils are suitable for septic tanks, drain fields, and wells, and where municipal sanitary sewer and water facilities are not planned to be extended. This district is to be used in those portions of the Township where rural, non-farm residences are planned, and is further intended to protect wooded areas, wetlands, wildlife habitats, and similar areas which might be endangered or destroyed by development with smaller lot sizes.

Section 10.206 Low-Density Multiple-Family Residential (R-3) District.

The Low-Density Multiple-Family Residential (R-3) District is hereby established as a Residential District to permit a moderate density of population and a moderate intensity of land use in those areas that are designated in the Township's Master Plan to be served by municipal water supply and municipal sanitary sewer systems. R-3 District land uses shall also abut or be adjacent to such other uses, buildings, structures, or amenities that support, complement or serve such a density and intensity. The R-3 District is to be used only in accordance with the Township's Master Plan; and is intended to be composed of those areas of the Township whose principal use is or ought to be single-family, two-family, and multiple family dwellings at a moderate density. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and other uses which have been strictly regulated to make them compatible with the principal residential uses of this district. The establishment of any R-3 district shall not create excessive requirements at public cost for municipal facilities or services.

It is the further intent of this district that residential development in areas not yet served by a municipal water supply system and a municipal sanitary sewer system shall be limited to rural

single-family detached dwellings served by private, on-site septic systems and private water wells.

Section 10.207 Manufactured Housing Park Residential (MHP) District.

The Manufactured Housing Park Residential (MHP) District is hereby established as a Residential District to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act ("the Act") and Manufactured Housing Commission General Rules. The purpose of the MHP District is to provide for manufactured housing parks as a permitted use, and to promote the development of manufactured housing parks that have the character of residential neighborhoods.

It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purposes of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses. Development in the MHP District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The regulations and rules established by the Act and Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to insure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

It is the intent of this Ordinance that manufactured housing parks be located in areas that are served adequately by essential municipal facilities and services, including access streets, police and fire protection, municipal water supply and municipal sanitary sewerage systems, and storm drainage facilities. Manufactured homes in manufactured housing parks shall be considered and regulated as dwelling units that deserve and require locations, services, and facilities equivalent to any residential development of similar dwelling unit density (units per acre). The establishment of any manufactured housing park district shall not create excessive requirements at public cost for municipal facilities and services.

It is further the intent of this Ordinance to bring about manufactured housing parks that are an asset to the community; prevent the development of those which would be a community liability; promote manufactured housing parks with the character of residential neighborhoods; protect the health safety and welfare of manufactured housing parks residents and the surrounding community; and integrate 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.

Section 10.208 Office (O) District.

The Office (O) District is hereby established as a Business District for areas that are considered desirable locations for office activities but which are considered unsuitable for other commercial uses permitted in the C-1 district. 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 that involve the storage, 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 that 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 10.209 Local Commercial (C-1) District.

The Local Commercial (C-1) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Master Plan, for retail, service, office, and restricted repair business activities that serve a localized market area primarily focused on adjacent and surrounding residential neighborhoods. It is the intent of the C-1 District that goods and services to be provided by establishments in this district should primarily serve the day-to-day needs of a neighborhood or group of neighborhoods; and that establishments in this district will generally be small in floor and site area.

The C-1 District is intended to encourage clustering of business establishments, with the intent of promoting a healthy local economy and avoiding strip commercial development. 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 roads. To these ends, certain uses that 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 10.210 Lodi Central (LCD) District.

Lodi Central is a small historical area, centering on the intersection of Pleasant Lake and Ann Arbor/Saline Roads. It originated around the needs of early residents and travelers along these roadways and continues to serve as a focal point, within Lodi Township, containing residential, commercial, office, township government, and the Washtenaw County Farm Council grounds. This well-defined area (as depicted within the Township's adopted Master Plan) continues to provide for the day-to-day needs of residents, and does not duplicate the broader shopping needs and services in the adjoining communities of the Cities of Ann Arbor and Saline or commercial areas of Pittsfield and Scio Townships.

The Lodi Central (LCD) District is hereby established as a special district in accordance with Section 503 of the Michigan Zoning Enabling Act (MCL 125.3503) for the purpose of encouraging and permitting a mix of small-scale commercial, office, residential, and public/semi-public land uses within the Lodi Central area. Such uses and development is intended to take place in a pedestrian-oriented environment with a coordinated internal street

and vehicular parking system, consistent with the Lodi Central Area Plan Concept, as depicted within the Township's Master Plan.

It is the intent of this district that uses will be compatible with and supportive of each other, and that new development in this district will be of a unified architectural character and orientation consistent with the Master Plan for this area. It is further the intent of this district that parking will not dominate the appearance of buildings and sites. To ensure consistency with the Lodi Central Area Plan Concept and Master Plan policies for this area, new development within this district shall follow the special district review process as specified in Article 42.0 (Special District Regulations).

Section 10.211 Public/Semi-Public Services (PSP) District.

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of public open space, government buildings and uses, institutional and recreational uses, schools, churches, and similar uses of a public service or institutional character.

Section 10.212 Industrial-Research (I-1) District.

The Industrial-Research (I-1) District is hereby established to permit certain operations and facilities of an office, research, laboratory, warehousing, wholesaling, and light manufacturing character to locate in planned areas of the Township where such uses will not have a detrimental impact on surrounding uses and districts. Permitted uses in this district are intended to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

This district is intended to be 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 roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district shall be excluded.

Section 10.213 Planned Unit Development (PUD) District.

The Planned Unit Development (PUD) District is hereby established as a special district in accordance with Section 503 of the Michigan Zoning Enabling Act (MCL 125.3503) and for the general purposes outlined in Section 503(2) of the Act. Development within this district shall follow the special district review process as specified in Article 42.0 (Special District Regulations).

ARTICLE 20.0 LAND USE TABLE

Section 20.01 Key Designations in Table of Uses by District.

1. Uses of land in the Table of Uses by District are referred to as one of the following in each specific zoning district:

SYMBOL	KEY
A	Accessory Use
P	Permitted Use
S	Special Use
[Blank]	Prohibited Use in the District

- a. **Accessory Use** – An activity that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use or special use to which it is exclusively related.
 - b. **Permitted Use** – An activity permitted in each zoning district by right, subject to the requirements and standards of this Ordinance, and which may also be subject to site plan review approval.
 - c. **Special Use** – An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
2. **Use Standards.** Uses of land in the Table of Uses by District refers to specific standards the listed use would be subject to in Articles 40.0 and 41.0 (Use Standards...) or other required sections of this Ordinance. This requirement would apply to uses listed as an Accessory Use ("A"), Permitted Use ("P") or Special Use ("S").

Section 20.02 Reference Table of Zoning Districts.

Type of District	Zoning District Name	Symbol
Rural	Recreation-Conservation District	RC
	Agricultural District	A-1
	Natural Resource District	NR
Residential	Single-Family Residential District	R-1
	Low Density Multiple-Family Residential District	R-3
	Manufactured Housing Park Residential District	MHP
Business	Office District	O
	Local Commercial District	C-1
Other	Lodi Central District	LCD
	Public/Semi-Public Services District	PSP
	Industrial-Research District	I-1

Section 20.03 Other Requirements and Standards.

Other provisions of the Zoning Ordinance also apply to these uses, including but not limited to:

- Article 30.0 (Dimensional Standards)
- Article 40.0 (Use Standards – Rural and Residential Uses)
- Article 41.0 (Use Standards – Other Uses)
- Article 42.0 (Special District)
- Article 43.0 (Special Uses)
- Article 44.0 (Site Plan Review)
- Article 51.0 (Off-Street Parking and Loading Regulations)
- Article 53.0 (Sign Regulations)
- Article 54.0 (Additional Development Procedures)
- Article 55.0 (General Regulations and Standards)

Section 20.04 Table of Uses by District.

The following Land Use Table is a summary, which lists all uses that are allowed within each zoning district within the Zoning Ordinance and the use standards that are applicable for that use. Land uses that are substantially similar to a use allowed within each zoning district shall also be allowed:

USES	Rural			Residential			Business		Other			USE STANDARDS
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	Section 55.17
Adult Foster Care Family Home (6 or less individuals)	A	A		P	P							
Adult Foster Care Large Group Home (up to 20 individuals)					S							Section 40.07
Adult Foster Care Small Group Home (12 or less individuals)		P		P	P							
Agricultural Service Establishments		S						P				Section 40.02
Aircraft Landing Strip, Private		S										Section 41.03
Amusement Center, Indoor								S	S			Section 41.04
Amusement Center, Outdoor								S				Section 41.04
Antique Sales or Repair								P	P			
Apparel Sales, Shoe Stores, Jewelry Stores, and Similar								P	P			
Assembly or Repair of Electrical and Electronic Components, Instruments, Appliances, and Equipment; and Articles of a Similar Nature											P	
Automotive Research and Development Facilities											P	
Bank, Credit Union or Similar Financial Institution							P	P	P			
Barber Shop, Beauty Salon or Nail Care								P	P			
Bed and Breakfast Inn		S		S	S				S			Section 40.03
Boarding Stable and/or Riding Arena	S	S										Section 40.04
Business and Technical Training Facilities							P	P	P		P	
Campgrounds and Recreational Vehicle Parks	S									S		Section 41.24
Car Wash, Vehicle Detailing Shop, or Truck Wash								S			S	Section 41.05

USES	Rural			Residential			Business		Other			USE STANDARDS
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Caretaker Living Quarters	S	S			S	A		S			S	Section 40.05
Cemetery										P		Section 41.06
Child Day Care Home, Family (6 or less individuals)	A	A		P	P				A			
Child Day Care Home, Group (12 or less individuals)		S		S	S				S			Section 40.07
Commercial Uses similar, but not otherwise listed in this table								S				
Composting Facility		S								S		Section 41.07
Conservation Area	P	S		S	S	S	S	S	S	S	S	Section 40.06
Contractor's Establishments or Equipment Storage											S	Section 41.23
Controlled Uses								P				Section 41.10
Copying, Mailing, Packaging, and Similar Business Services							P	P	P			
Crematorium											S	Section 41.15
Day Care Center, Child or Adult		S		S	S	S	S	S	S	S	S	Section 40.07
Dealership for Motor Vehicles, Recreational Vehicles or Construction Equipment											S	Section 41.22
Drive-In Establishment or Drive-Through Facility for a Restaurant or Food Service Establishment								S				Section 41.11
Drive-Through Facility for a Financial Institution							S	S				Section 41.11
Drive-Through Facility for a Pharmacy, Drugstore or Other Retail Sales								S				Section 41.11
Extraction Operations			P									Section 41.12
Fabrication or Assembly of Motor or Recreational Vehicles or Parts, Manufactured/Modular Housing, and Similar Products											S	Section 41.15
Farm Implement Sales or Repair Services		S									P	Section 40.02
Farm Labor Housing		S										Section 40.12
Farm Market		S						P		S		Section 40.10
Farm Products Direct Marketing Business		P										
Farm-Based Tourism/Entertainment Activities		S										Section 40.10

USES	Rural			Residential			Business		Other			USE STANDARDS
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Farming Operations		P										Section 40.11
Feed or Flour Mills, Smoking, Curing or Packing Plants, and Similar Food and Farm Product Processing Uses											S	Section 41.15
Fire or Police									P	P		
Foster Family Group Home (6 or less individuals)		S		S	S							
Foster Family Home (4 or less individuals)		P		P	P				A			
Funeral Parlor or Mortuary								S				Section 41.13
Garden Center or Garden Supply Store		S						S				Section 41.22
Gift Shop								P	P			
Golf Courses	S	S								S		Section 41.24
Golf Driving Range	S	S										Section 41.24
Government Offices							P		P	P		
Greenhouse, Commercial		S										Section 40.22
Greenhouse, Residential	A	A	A	A	A							Section 55.17
Grocery or Convenience Store, Specialty Market, Bakery, Delicatessen, and Similar Food Stores								P	P		A	Section 41.02
Hardware Store								P	P			Section 41.22
Health Club or Fitness Center							A	P	P	A	A	Section 41.02
Home Occupation, General	S	S		S	S				S			Section 40.13
Home Occupation, Limited	A	A		A	A	A			A			Section 40.13
Hospital or Urgent Care Center									S	S	S	
Industrial and Research Uses not otherwise listed in this table											S	Section 41.15
Institutional Uses (Religious, Institutions, Schools, etc. – See Definition)										P		Section 41.14
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities							S	P	P	P		
Junkyard											S	Section 41.16

USES	Rural			Residential			Business		Other			USE STANDARDS
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Keeping of Farm Animals and Livestock, Non-Farm		A										Section 40.14
Kennel		S										Section 40.15
Laboratories for Environmental and Life Sciences, Materials Research, Instrumentation, and Similar Applications											S	
Landscape Businesses		S									S	Section 40.16
Laundromat, or Dry Cleaners-pick-up/drop-off only							A	P	P		A	Section 41.02
Machine, Welding, and Sheet Metal Shops; Stone Finishing and Carving; and Similar Uses											S	
Manufactured Housing Park						P						Section 40.20
Manufactured Housing Sales Lot						S						Section 41.22
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items											S	
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist							P	P	P	P	A	Section 41.02
Motion Picture Cinema								S	S			Section 41.17
Motor Vehicle Charging Station	S	S					S	S	S	S	S	
Motor Vehicle Fueling Station											S	Section 41.20
Motor Vehicle Service Center											S	Section 41.20
Multiple-Family Housing and Townhouses					P				P			Section 40.21
Nursery		P										Section 40.22
Offices for Professional, Service, Clerical, Corporate or Administrative Uses							P	P	P	P	A	Section 41.02
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A	Article 51.0
Open Air Business or Outdoor Sales Area not otherwise listed in this table											S	Section 41.22
Outdoor Eating Area for a Restaurant or Food Service Establishment								A	A			Section 41.21
Outdoor Dismantling or Recycling of Motor or Recreational Vehicles, Farming or Construction Machinery, Manufactured Houses, or Similar Items											S	Section 41.16

USES	Rural			Residential			Business		Other			USE STANDARDS	
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1		
Outdoor Storage of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items											S	Section 41.23	
Outdoor Storage, General											S	Section 41.23	
Packaging of Previously Prepared Materials											P		
Pharmacies, Drugstores and Medical Supply Stores							S	P	P	A	A	Section 41.02	
Printing, Lithography, Bookbinding, and Similar Uses											P		
Prototype Engineering and Production, and Pilot Manufacturing and Machining											P		
Public Utilities and Essential Services											P		
Public Works or Road Maintenance Yards											P	S	Section 41.23
Recreational Facilities	S										S		Section 41.24
Recycling Collection Facility											P	S	
Repair Shop Including Minor Repair of Home Appliances, Electronic Devices, and Yard Equipment								S					
Research, Development, Testing, and Engineering Facilities												P	
Restaurants and Food Service Establishments, Including Carry-Out, Drive-in, Drive-through, Fast Food, Sit-down, and Food Truck Restaurants							S	P	P	A	A		Sections 41.02, 41.11, and 41.21
Retail Stores similar, but not otherwise listed in this table								S	S				
Roadside Stand		A						A	A				Section 40.30
Secondhand Stores								P	P				Section 41.25
Self-Storage Warehouses												S	Section 41.26
Senior Housing - Assisted Living Facilities					S								Section 40.21
Senior Housing – Dependent, Nursing or Convalescent Care					S								Section 40.21
Senior Housing - Independent					P								Section 40.21
Showroom for Display or Sales of Products Created On-Site							A	A	A		A		Section 41.02
Single-Family Dwellings	S	P		P	P	P				P			Section 40.31

USES	Rural			Residential			Business		Other			USE STANDARDS
	RC	A-1	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Sport Shooting Range	S	S										Section 40.32
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table					S							Section 40.21
Studios for Filmmaking and Video Production							S	S			P	
Tavern, Bar, Pub, Brewpub or similar establishment serving alcoholic beverages and/or providing entertainment							S	S	S			Section 41.27
Temporary Concrete or Asphalt Batch Plants										P	P	Section 41.30
Temporary Structures	A	A	A	A	A	A	A	A	A	A	A	Section 41.31
Therapeutic Massage	S	S		S			S	S	S			Section 41.32
Towers, Radio and Television		S										Section 54.12
Two-Family (Duplex) Dwellings		S		S	P							Section 40.31
Utility Transmission and Distribution Lines within a New Easement	S	S	S	S	S	S	S	S	S	S	S	Section 41.33
Utility Transmission and Distribution Lines within an Existing Easement	P	P	P	P	P	P	P	P	P	P	P	Section 41.33
Veterinary Clinic or Animal Hospital		S					S	S				Section 40.40
Volatile Biofuel Production Facility with an Annual Production Capacity of up to 100,000 Gallons of Biofuel		P										Section 40.41
Volatile Biofuel Production Facility with an Annual Production Capacity Greater than 100,000 Gallons of Biofuel		S										Section 40.41
Warehouse, Ice and Cold Storage Plant, and Non-Farm Bulk Indoor Storage											S	
Wind Energy Conversion Systems	S	S	S	S			S	S	S	S	S	Section 54.19
Wireless Communication Facility, Including Towers	See Section 54.12 (Wireless Communication Facilities)											
Workshop Studios for Crafts, Photography, Art, Woodworking, or Decorative Metalworking (no welding, plating or industrial activities), Small Appliance Repair, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Activities							P	P	P			
Youth Agricultural Project	A	A		A								Section 40.14

ARTICLE 30.0 DIMENSIONAL STANDARDS

Section 30.101 Table of Dimensional Standards by District.

Type of Requirement		Dimensional Standards											Additional Standards				
		Rural			Residential			Business		Other							
		RC	A-1 (Less than 5 Acres)	A-1 (5 Acres or More)	NR	R-1	R-3	MHP	O	C-1	LCD	PSP		I-1			
Maximum Structure Height	Feet	45	45	45	see Section 40.604 (Extraction Operations)	45	45	see Section 40.206 (Manufactured Housing Parks)	45	45	see Section 42.302 [Lodi Central (LCD) Special District]	45	45	Section 30.201			
	Stories	3.0	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0				
Lot Standard	Minimum Width (feet)	250	250	250		150	150		150	150		150	150	150	250	Section 30.202	
	Minimum Area (acres)	5.0	2.0	2.0		1.0	1.0		1.0	1.0		1.0	1.0	1.0	5.0		
Yard/Setback Standard (feet)	Minimum Front Yard		100	100		100	100		100	100		100	100	100	100	100	Section 30.203 Section 30.206
	Minimum Side Yard	Each Side	30	30		100	25		15	10		10	20	20	20	20	
		Total of Two Sides	60	60		200	50		35	20		20	40	40	40	40	
	Minimum Street Side		100	100		100	100		100	100		100	100	100	100	100	
	Minimum Rear Yard		50	50		100	35		35	35		35	35	35	35	35	
Maximum Lot Coverage		10%	10%	10%		20%	30%		25%	25%		25%	25%	25%	25%	Section 30.202	
Maximum Floor Area Ratio (FAR)		10%	10%	10%	20%	30%	40%	60%	40%	60%	40%	60%	Section 30.202				
Maximum Net Dwelling Unit Density (units per acre)		0.2	0.5	0.5	1.0	1.0							Section 30.204				

Type of District	Zoning District Name	Symbol
Rural	Recreation-Conservation District	RC
	Agricultural District	A-1
	Natural Resource District	NR
Residential	Single-Family Residential District	R-1
	Low Density Multiple-Family Residential District	R-3
	Manufactured Housing Park Residential District	MHP
Business	Office District	O
	Local Commercial District	C-1
Other	Lodi Central District	LCD
	Public/Semi-Public Services District	PSP
	Industrial-Research District	I-1

SECTION 30.200 ADDITIONAL STANDARDS

Section 30.201 Height Exceptions.

The height of permitted structures shall be as defined in Section 2.03 (Definitions) and as regulated by this Article. Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Modified farm structure height and exemption for farm equipment.** The maximum permitted height of farm structures shall be 100 feet. Conveyor elevator systems and similar farm equipment necessary to support active farm operations shall be exempt from the maximum height standards of this Ordinance.
2. **Wireless communication facilities.** Wireless communication facilities and antennae shall be subject to the maximum height standards of Section 54.12 (Wireless Communication Facilities).
3. **Wind energy conversion systems.** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 54.19 (Wind Energy Conversion Systems).
4. **Exempt structures.** Public utility structures and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance.
5. **Limited exceptions.** The following structures and appurtenances usually required to be placed above roof level and not intended for human occupancy shall not be included in calculating the height of a principal building, provided that the total area covered shall not exceed twenty percent (20%) of the roof area of the building:
 - a. Spires, belfries, lightning rods, and domes;
 - b. Chimneys, ventilators, skylights, bulkheads, and parapets; and
 - c. Elevator towers, stage scenery lofts, and mechanical appurtenances.

Section 30.202 Lot Standards.

The following standards and exceptions to the lot provisions set forth in this Article shall apply to all lots in the Township:

A. Lot Width Measurements.

Lot width shall be 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. Lot width measurements shall be further subject to the following requirements:

1. **Uses served by municipal water and sanitary sewerage systems.** A reduced minimum lot width shall be permitted for certain land uses established at locations planned for municipal services where a municipal water supply system and a municipal sanitary sewerage system is available and the use is or will be connected to such systems, provided that the Township has no obligation to install such systems:

Land Use or Zoning District	Reduced Minimum Lot Width (feet)
Single-Family Dwelling	75
Two-Family Dwelling	100
Multiple-Family Housing	125
PSP (Public/Semi-Public Services) District	100
Business Districts	100
I-1 (Industrial-Research) District	200

2. **Cul-de-sac lot width standards.** The width of lots fronting on a cul-de-sac shall not be less than 50 feet at the road right-of-way line. No more than five (5) parcels may have access on the circumference of a cul-de-sac right-of-way.

B. Lot Area.

Minimum area requirements shall be based upon the net lot area. Lot area measurements shall be further subject to the following requirements:

1. **Uses served by municipal water and sanitary sewerage systems.** A reduced minimum lot area shall be permitted for certain land uses established at locations planned for municipal services where a municipal water supply system and a municipal sanitary sewerage system is available and the use is or will be connected to such systems, provided that the Township has no obligation to install such systems:

Land Use or Zoning District	Reduced Minimum Lot Area (per unit)	
Single-Family Dwelling	20,000 square-feet	
Two-Family Dwelling	30,000 square-feet	
Multiple-Family Housing and Townhouses	Studio or Efficiency Unit	4,000 square-feet
	One (1) Bedroom Unit	5,000 square-feet
	Two (2) Bedroom Unit	5,600 square-feet
	Three (3) or More Bedroom Unit	5,600 square-feet for the first two (2) bedrooms in a unit, plus 1,100 square-feet per additional bedroom
PSP (Public/Semi-Public Services) District	20,000 square-feet	
Business Districts	20,000 square-feet	
I-1 (Industrial-Research) District	2.0 acres	

C. Lot Exclusions and Depth to Width Ratio.

1. The lot area used to satisfy the lot coverage, and floor area ratio requirements shall be the net lot area.
2. No lot of less than 10 acres in gross lot area shall exceed a maximum depth to width ratio of four to one (4:1).
3. In the A-1 (Agricultural) zoning district, the minimum lot area 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.

Section 30.203 Yard Standards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No structures shall be maintained within the required front yard, except as permitted by this Ordinance.

A. Yard Measurements.

Yard measurements shall be further subject to the following:

1. All front yards and street side yards required by this Article shall be measured from the centerline of the abutting road right-of-way.
2. All required side and rear yards shall be measured from the abutting lot boundaries.
3. Where a structure does not include roof overhangs or projecting cornices, each yard shall be measured to the nearest point on the exterior face of the structure. Where a structure includes roof overhangs or projecting cornices, yards shall be measured to the nearest outer edge of a roof overhang or cornice.
4. Architectural features, chimneys, and other building projections, egress window wells, HVAC equipment, and similar structures and improvements shall be considered part of the structure for purposes of determining yard and setback requirements.

B. Corner Lots.

Structures on corner lots shall comply with both the minimum front yard and the street side yard setback requirements from abutting road rights-of-way, except as may otherwise be required by this Ordinance. The Zoning Administrator shall designate one (1) yard area abutting a road right-of-way as the front yard, based upon the configuration of the lot and structures. Any other yard area abutting a road right-of-way shall then be considered a street side yard.

C. Double Frontage Lots.

Where a block of double frontage lots exists, the Zoning Administrator shall designate one (1) yard area abutting a road right-of-way as the front yard, based upon the configuration of the lot and structures. Any other yard area abutting a road right-of-way shall then be considered a street side yard.

D. Landscaping Strip.

For any use subject to site plan approval per Article 44.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip shall be provided on the lot or parcel along and adjacent to all road frontages, subject to the following:

1. The landscape strip may overlap the required front yard setback area for the zoning district.
2. The required landscape strip shall have a minimum depth of 20 feet. Where a required front yard setback is less than 20 feet, the minimum landscape strip depth shall be equal to the front yard setback.
3. No road, driveway, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction to provide access to the property from an adjacent road right-of-way.
4. The landscape strip and required front yard setback area shall be improved with landscaping per Section 55.09 (Landscaping, Screening, and Land Use Buffers) and other requirements of this Ordinance.
5. Where a residential development (site condominium, subdivision plat, multiple-family residential development, or similar) is proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

E. Transition Buffer.

Transition buffers shall be required in accordance with the following:

1. A transition buffer shall be required for any use or development subject to site plan approval per Article 44.0 (Site Plan Review) or subdivision plat approval per the Land Division Act and any Township subdivision regulations, wherever a lot that is located in one (1) or more of the following zoning districts or occupied or proposed to be occupied by one (1) or more of the following principal uses abuts a lot in the Rural Districts or Residential Districts, or abuts land occupied by a public park or permitted principal Residential Use:

Zoning District or Use	Abutting Zoning District or Use	Minimum Transition Buffer Width
Residential Districts or Residential Uses	Rural Districts	15 feet
Business Districts	Rural Districts, Residential Districts, Residential Uses, or a Public Park	20 feet
Other Districts		30 feet

2. A transition buffer from a public park shall not be required in the Lodi Central District (LCD).

3. The following additional standards shall apply to required transition buffers:
 - a. Existing trees shall be preserved within a required transition buffer, unless the Planning Commission approves removal or replacement as part of site plan approval.
 - b. The transition buffer shall be provided along every lot line, except lot lines abutting road rights-of-way where the standards of Section 30.203.D. (Landscape Strip) apply.
 - c. No road, driveway, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction.
 - d. Landscaping and screening improvements and plantings shall be provided within the transition buffer and adjacent yard setback areas per Section 55.09 (Landscaping, Screening, and Land Use Buffers) and other requirements of this Ordinance. The Planning Commission may also require that a solid fence, wall, or hedge not less than four (4) feet nor more than six (6) feet in height be provided as part of the screening improvements.
 - e. Where a required transition buffer abuts a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the transition buffer. Such transition buffer shall not be included as part of any required side or rear yard setback area.

F. Permitted Yard Encroachments.

Limited encroachments into certain required yards shall be permitted as follows so long as they also comply with Section 30.206 (Corner Clearance Areas):

1. **Structures and other improvements.** The following structures and other improvements to a lot or parcel may be located within a required yard setback area, provided that they shall not be located closer than five (5) feet from any lot boundary: open and unroofed terraces, patios, awnings, flag poles, hydrants, laundry drying equipment, and children's swing sets, sandboxes, trampolines, and similar items. Arbors, trellises, portable outdoor cooking equipment, plants, shrubs, and hedges, may be located anywhere on a lot. Outdoor courts for tennis, basketball, and similar purposes, above and below ground swimming pools, pergolas, and portable toilets shall not be located within required setbacks.
2. **Private driveways.** 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.
3. **Barrier-free improvements.** Barrier-free access improvements shall meet the required yard setbacks for the zoning district wherever possible. A waiver to allow barrier free access improvements within a required yard setback area may

be granted by the Zoning Administrator upon the applicant's showing of the following:

- a. There is a documented need for the improvements to ensure reasonable barrier-free access to the site; and
 - b. The encroachment into the required setback is the minimum necessary to construct or install the barrier-free access.
4. **Entrance structures.** Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of wall, columns, gates, and may be located within required yard setback areas, subject to the following additional requirements:
- a. The location and design of an entrance structure shall not interfere with pedestrian, bicycle or vehicular traffic movement; and shall not create a safety hazard.
 - b. An entrance structure shall not be constructed until the Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure as part of a final site plan approval.
 - c. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.
 - d. The application for approval shall provide the following information:
 - (1) Precise location of the structure.
 - (2) Plan and elevation drawings of the structure, including dimensions.
 - (3) Location of electrical wiring and fixtures, if applicable.
 - (4) Provisions to maintain the structure.
 - e. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall conform to all sign regulations, except setback requirements.

Section 30.204 Density Regulations.

For a residential development project subject to site plan approval, condominium site plan approval, subdivision plat approval, or Planned Unit Development (PUD) Area Plan approval in accordance with this Ordinance or other Township ordinances, net dwelling unit density shall be calculated as the number of dwelling units per acre of land, except that the following shall be excluded from the total acreage used in making this calculation:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads; and
3. Floodplains, wetlands, bodies of water, watercourses, and county drains.

Section 30.205 Access to Roads.

Access to roads shall be subject to the following:

A. Access to Public or Private Roads

Each lot or parcel in the Township shall abut a public road, or an approved private road constructed in accordance with the standards and specifications within Section 54.17 (Private Road Regulations), and shall have a minimum road frontage equal to the minimum required lot width of the zoning district. Each principal use or structure established in any zoning district after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which conforms to this requirement.

B. Access for Emergency Services and Parking and Loading Areas.

Every building and structure shall be so located on lots or parcels as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.

C. Shared Driveways.

Use of a shared driveway to provide vehicular access to two (2) or more lots or parcels in the Township shall be prohibited, except under the following conditions:

1. **Shared driveways in the AG, R-1 and PUD Districts.** In AG, R-1 and PUD districts a shared driveway serving two lots or 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 Township Board.
 - a. All lots or parcels having access via a shared driveway shall maintain the minimum road frontage as required by this Section.
 - b. 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.
 - c. Shared driveways shall have a minimum width of not less than twenty (20) feet and extend no greater distance than 1,500 feet from the centerline of a public or private street.
 - d. All shared driveways shall have a recorded maintenance agreement on file with the Township.
2. **Shared driveways for Commercial Uses.** Two (2) or more contiguous lots or parcels that are developed for Commercial Uses, such as a shopping center, may share a driveway access easement. Such easements shall be a minimum of 66 feet wide, and the drive shall be paved with asphalt or cement concrete.

Section 30.206 Corner Clearance Areas.

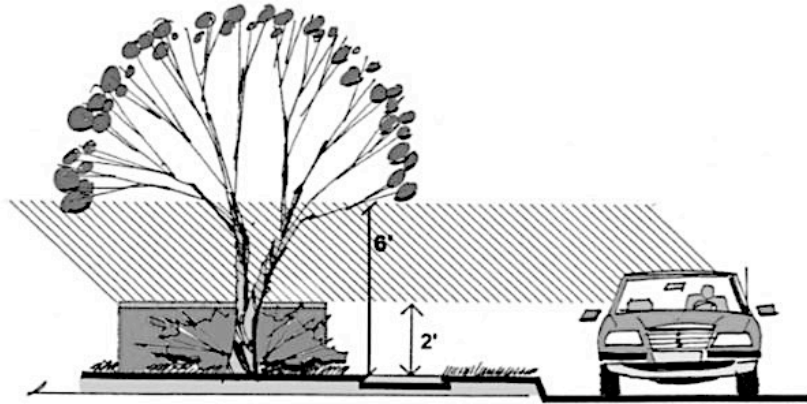
On a corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, or planting shall be placed in such manner as to materially impede the vision between a height of two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection:

Corner Clearance Areas	
Type of Road Intersection	Minimum Corner Clearance Distance along Rights-of-Way
Any intersection of two (2) primary or arterial roadways	30 feet
Any intersection of a primary or arterial roadway and a collector or local roadway	25 feet
Any intersection of a collector roadway and a collector or local roadway	25 feet
Any intersection of local roadways	10 feet

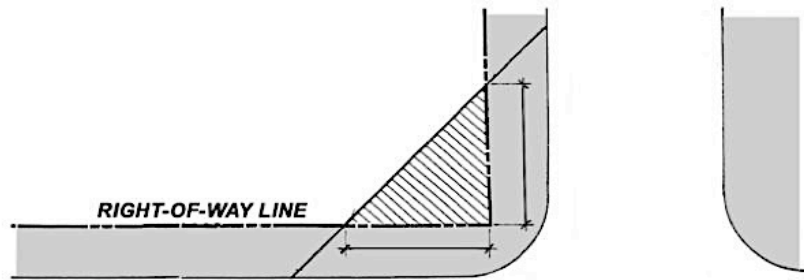
1. Road classifications shall be as defined in the Township’s Master Plan and the master transportation plans for state or county road authorities.
2. Trees shall be permitted within a corner clearance area, provided that limbs and foliage can be and are trimmed so that the trees do not obstruct visibility or otherwise create a traffic hazard.

ILLUSTRATIONS

Corner Clearance Area



ELEVATION



Plan View

ARTICLE 40.0

USE STANDARDS – RURAL AND RESIDENTIAL USES

Section 40.01 Intent and Scope of Regulations.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 55.02 (Performance Standards). Conformance with these standards shall be subject to site plan approval where required per this Article or Article 44.0 (Site Plan Review).

Section 40.02 Agricultural Services.

Agricultural service establishments, farm implement sales or repair services, and similar uses shall be subject to the following:

1. For any new development or use, a site plan shall be submitted for review and approval per Article 44.0 (Site Plan Review).
2. Any retail store component of such uses shall conform with all site development standards that apply to Commercial Uses, including but not limited to: Article 51.0 (Off-Street Parking and Loading Regulations) and Section 55.09 (Landscaping, Screening, and Land Use Buffers).
3. Farm products offered for sale shall primarily be grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
4. Any outdoor sales or display areas shall conform to the standards of Section 41.22 (Outdoor Sales or Display Areas).
5. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 55.09.D. (Methods of Screening).

6. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
 - a. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
 - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
 - c. The storage of loose materials shall be contained to prevent them from blowing onto adjacent properties and from access by small animals.

Section 40.03 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

1. The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Food and services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
2. A guest may stay no longer than 14 days in succession or a total of 60 days in any 12-month period.
3. A bed and breakfast inn shall have direct access to a public road. Bed and breakfast inns shall be prohibited on lots abutting and with primary access to private roads, and on lots located in a platted subdivision or a site condominium project.
4. There shall be no separate kitchen facilities for exclusive use by bed and breakfast guests.
5. No retail or other sales shall be permitted, except incidental sales associated with the bed and breakfast operation.
6. Signs associated with the bed and breakfast shall comply with Article 53.0 (Sign Regulations) standards for the principal use of the lot.
7. A bed and breakfast operation shall provide a minimum of one (1) full bathroom facility for the exclusive use of the principal resident(s) and operator, plus a minimum of one (1) separate full bathroom facility for each two (2) permitted sleeping rooms.
8. The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.
9. Parking for guests and employees shall be provided in compliance with Article 51.0 (Off-Street Parking and Loading Regulations), and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.

10. Bed and breakfast inns shall conform to the requirements of Section 55.10 (Sanitary Sewage Facilities).
11. Bed and breakfast inns shall be subject to site plan approval per Article 44.0 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

Section 40.04 Boarding Stable and/or Riding Arena.

A parcel may be used, and a building or structure located thereon for a boarding stable and/or riding arena, subject to the following:

1. The lot shall have an area of not less than five (5) acres, and a width of not less than 250 feet.
2. Up to five (5) animals shall be allowed on the first five (5) net acres plus an additional one (1) acre for each additional animal for lots or parcels up to 29.99 acres in net lot area. The number of animals on a lot or parcel having thirty (30) or more acres in net lot area shall be consistent with all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the State of Michigan.
3. Such facilities shall conform to all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the State of Michigan.

Section 40.05 Caretaker Living Quarters.

It is the intent of this Section to permit living quarters for certain non-residential uses under limited circumstances and subject to specific standards. A caretaker living quarters shall be subject to the following standards:

1. Construction of any new caretaker living quarters shall be subject to site plan approval per Article 44.0 (Site Plan Review). The application shall include submittal of floor plans for the caretaker dwelling and principal building. Alteration of any existing, approved caretaker living quarters shall be subject to Zoning Compliance Permit approval per Section 57.04 (Issuance of Zoning Compliance Permits).
2. The caretaker's living quarters may be located within the principal building, or may be a separate residential building on the same parcel as the principal use(s).
3. The caretaker living quarters shall have separate sleeping, kitchen, bath, and toilet facilities and a separate and distinct private entrance. If located within the principal building, the caretaker living quarters shall be constructed with adequate sound and firewall separation from the principal use(s).
4. Use of the caretaker living quarters shall be limited to the owner, operator, head of security or manager of the principal use(s) of the parcel.

Section 40.06 Conservation Area.

Individual or combined adjacent properties within Lodi Township can be designated as a Conservation Area. The intent of designation to these areas is to protect the integrity of landscapes containing highest-quality natural resources as defined within Section 54.08 (Natural Features Protection and Preservation). The following shall be required for this designation:

1. Site plan approval shall be required, in accordance with Article 44.0 (Site Plan Review).
2. Land uses within a designated Conservation Area shall be limited to the following:
 - a. Passive recreation, including open areas, trails, viewing stations, hiking, horseback riding, swimming, fishing, photography, painting, sketching and other similar day recreation use.
 - b. Interpretation and scientific study of the natural environment.
 - c. Landscape or wildlife restoration and enhancement programs where the natural landscape has been altered or degraded.
 - d. Wetlands and wetland mitigation areas.
3. Appropriate documentation and regulatory documentation regarding continued protection, preservation, and/or maintenance of the conserved land is required.

Section 40.07 Day Care and Group Home Facilities.

Group child day care homes, day care centers, and adult foster care large group homes shall be subject to the following standards:

A. Group Child Day Care Home Standards.

Group child day care homes, except licensed group day care homes that lawfully operated before March 30, 1989, shall be subject to the following standards:

1. The group day care home 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, or adult foster care small group home or large group home.
 - b. 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.
 - c. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State of Michigan.

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. The

Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.

2. If provided, any outdoor play area shall be located in the side or rear yard area of the lot or parcel, and shall be completely enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height.
3. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.
4. 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 per Article 53.0 (Sign Regulations).
5. 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.
6. Such facilities shall be licensed by the State of Michigan, and shall comply with applicable state standards, and a copy of the license shall be supplied to the Township.
7. A group child day care home shall be issued a special use permit upon determination that the proposed use conforms to the requirements of this Section 40.07.A. (Group Child Day Care Home Standards).

B. Day Care Center and Adult Foster Care Large Group Home Standards.

Day care centers and adult foster care large group homes shall be subject to the following standards:

1. Such facilities shall be licensed by the State of Michigan, and shall comply with applicable state standards, and a copy of the license shall be supplied to the Township.
2. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the road.
3. Child day care centers shall have direct vehicle access to a primary road classified as an arterial or collector by the master transportation plans of the Township, or county or state road authorities.
4. Child day care centers shall provide an on-site, outdoor recreation area in the side or rear yard area, which shall be completely enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height capable of securing the users of the facility.

Sections 40.08 – 40.09 Reserved.

Section 40.10 Farm-Based Tourism/Entertainment Activities and/or Farm Markets.

Farm markets, and farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales, including u-pick, shall be subject to the following unless meeting the requirements of the Michigan "Generally Accepted Agricultural and Management Practices for Farm Markets":

1. A site plan shall be submitted for review per Article 44.0 (Site Plan Review). The plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
2. Screening shall be provided per Section 55.09.D. (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. The Planning Commission may approve the use of existing vegetation or crop growing areas of a width of not less than 100 feet to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism/entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
5. All exterior lighting for permitted farm-based tourism/entertainment activities shall conform to the requirements of Section 55.21 (Exterior Lighting).
6. The design, location, size, and hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.
7. Produce and other agricultural products sold in a farm market shall conform to all applicable Generally Accepted Agricultural Management Practices (GAAMPS) from the State of Michigan.

Section 40.11 Farming Operations.

Farming operations shall be subject to the following:

1. The operation shall be maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and applicable Generally Accepted Agricultural Management Practices (GAAMPS) from the State of Michigan.
2. Any land kept as idle cropland or non-cropland areas shall be so treated as to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.

3. Any land kept for the growing, stripping and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion of soil by water or wind.

Section 40.12 Farm Labor Housing.

Farm labor housing shall comply with the following:

A. Approval Required.

1. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.
2. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 44.0 (Site Plan Review).
3. The maximum number of permitted farm labor housing units on a farming operation shall be subject to Planning Commission approval as part of a special use permit.

B. General Standards.

The following additional required setbacks shall apply to farm labor housing:

1. All structures for farm labor housing shall comply with the standards of Article 30.0 (Dimensional Standards) for the A-1 (Agricultural) zoning district as set forth for lots or parcels of five (5) acres or more, and all provisions of state laws regulating farm labor or migrant labor housing.
2. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances and otherwise conforms to the requirements of this Section.
3. The occupants shall be employed for farm labor by the farming operation owner at least fifty percent (50%) of the time while they occupy the housing.

Section 40.13 Home Occupations.

The following standards apply to home occupations in the Township:

A. General Standards for All Home Occupations.

The following standards apply to all home occupations, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The home occupation shall be incidental and secondary to the use of the land and dwelling for residential purposes. No signs shall be permitted for the home

occupation, other than a nameplate as permitted for the dwelling per Article 53.0 (Sign Regulations).

2. A maximum of two (2) parking spaces on the lot or parcel may be used for the home occupation. All parking for the home occupation shall conform to the applicable requirements of Article 51.0 (Off-Street Parking and Loading Regulations).
3. To maintain the character or appearance of the dwelling, no separate entrance from the outside of the building shall be added to the dwelling for the use of the home occupation; no storage of materials, equipment, or displays associated with the home occupation shall take place outside the dwelling; and no article shall be sold or offered for sale on the premises, except articles produced within the dwelling or accessory building or as provided incidental to the service or profession.
4. The home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling.
5. The home occupation shall not generate traffic in excess of that normally associated with a residential dwelling, and no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time.

B. Compliance Required.

Any general or limited home occupation that does not conform to the requirements and standards of this Section shall be an unlawful use.

C. Additional Standards for a Home Occupation, General.

The following additional standards shall apply to a Home Occupation, General, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The Planning Commission has the authority to determine whether or not a proposed use complies with this Section and Ordinance and is within the spirit of the same; to ensure the compatibility of any use with the character of the zoning classification in which the same is located; and to confirm that the health, safety, and general welfare of the neighborhood will not thereby be impaired.
2. The home occupation shall be carried on by members of the household. The Planning Commission shall have the authority to permit additional assistants who do not reside within the 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 additional assistants exceed two (2) in number.
3. The home occupation shall be carried on within the dwelling unit and/or within a building accessory thereto.
4. The total floor area used by the home occupation shall not exceed twenty percent (20%) of the gross floor area of the dwelling.

D. Additional Standards for a Home Occupation, Limited.

The following additional standards apply to a Home Occupation, Limited, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The home occupation shall be carried on only by members of the household.
2. The home occupation shall be carried on only within the dwelling.
3. The total floor area used by the home occupation shall not exceed ten percent (10%) of the gross floor area of the dwelling.
4. The home occupation shall be limited to the following list of allowable uses:
 - a. Professional or semi-professional office, consisting of receiving or initiating telephone calls, mail, facsimiles or electronic-mail preparing or maintaining business records, word or data processing, accounting, real estate, insurance, law and other professional offices and similar activities.
 - b. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
 - c. An in-home private studio for an artist, sculptor, musician or photographer; or for weaving, lapidary, jewelry making, cabinetry, woodworking, sewing, tailoring or a similar craft.
 - d. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed a total of 15 days per calendar year and signage is limited to temporary signs allowed in the zoning district.
 - e. A lemonade stand or similar incidental sales activity operated under adult supervision by one (1) or more minor residents of the dwelling shall be permitted as a temporary home occupation, provided that signage is limited to temporary signs allowed in the zoning district.

Any home occupation not specifically listed in this subsection as a "Home Occupation, Limited" may be approved by the Planning Commission as a "Home Occupation, General" in accordance with the applicable requirements of this Ordinance.

Section 40.14 Keeping Of Farm Animals and Livestock, Non-Farm.

Non-farm raising and keeping of farm animals and livestock is subject to the following:

1. The standards of this Section shall not apply to keeping of animals as part of an active farming operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended), and all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the State of Michigan.

2. A Youth Agricultural Project on a lot or parcel in the R-C (Recreation-Conservation) District or R-1 (Single-Family Residential) District, as provided for in Article 20.0 (Land Use Table), may include non-farm raising or keeping of farm animals and livestock only for the duration of the project.
3. This activity shall remain an accessory use for the principal dwelling.
4. A maximum of three (3) chickens shall be allowed on a lot or parcel of between one (1) and 4.99 acres in net lot area. A lot or parcel with a minimum net lot area of five (5) acres shall be required for the raising or keeping of any other farm animals, whether for profit or pleasure.
5. Roosters shall be prohibited on lots or parcels of less than ten (10) acres in net lot area.
6. Up to six (6) chickens and five (5) other farm animals shall be allowed on five (5) net acres, plus one (1) additional acre for each additional three (3) chickens and one (1) other farm animal for lots or parcels up to 29.99 acres in net lot area. The number of farm animals on a lot or parcel having thirty (30) or more acres in net lot area shall be consistent with all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the State of Michigan.
7. Feed shall be stored in rodent proof containers, and all pens and shelters shall be maintained in a sanitary condition. Enclosures shall be provided to prevent such animals from roaming-at-large off the premises.
8. All containers, shelters, pens, and enclosures shall conform to the minimum yard setbacks for the zoning district.

Section 40.15 Kennel.

Kennels shall be licensed as required by Washtenaw County or other governmental agency with jurisdiction, and shall be subject to the following:

1. Kennels shall be operated on a parcel of land not less than ten (10) acres in area and 660 feet in width.
2. On a lot on which a dog kennel shall be kept, no kennel structure or fenced-in pen, run or exercise area shall be located closer than 300 feet to the nearest edge of a road right-of-way or within 300 feet of any neighboring side or rear lot line.
3. Kennels shall be established and maintained in accordance with all applicable state, county and township sanitation regulations.
4. A site plan shall be submitted for review and approval per Article 44.0 (Site Plan Review).
5. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 40.16 Landscape Businesses.

The following regulations shall apply to all landscape businesses:

1. Retail sales of nursery or landscape products shall be permitted, subject to site plan approval per Article 44.0 (Site Plan Review) and compliance with all site development standards that apply to Commercial Uses, including but not limited to: Article 51.0 (Off-Street Parking and Loading Regulations) and Section 55.09 (Landscaping, Screening, and Land Use Buffers).
2. The business shall have direct access to a public road. The Township may require that the landscape business site have frontage on and direct access to a paved arterial or collector road, as classified within the Master Plan of the Township, or county or state road authorities, upon determination that anticipated levels of truck traffic, access needs or other operational characteristics warrant such action to minimize impacts on the public road network and other land uses abutting the anticipated travel routes.
3. The nature of the business shall not negatively impact adjacent non-agricultural uses.
4. The business shall not pose an environmental hazard.
5. The business may include decorative man-made materials only if provided in combination with live plant material. Such materials may include wood chips, crushed stone, boulders, mulch, and structural features such as fountains, garden pools, statues, and benches.
6. Landscaping businesses may include use of equipment such as trucks not exceeding twelve (12) yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders and small front-end loaders; and tree moving equipment.

Sections 40.17 – 40.19 Reserved.

Section 40.20 Manufactured Housing Parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended MCL 125.2301 et seq.), the Manufactured Housing Commission General Rules, and the following:

I. PROCEDURES AND PERMITS

The following describes some of the procedures and permits necessary for development of a manufactured housing park.

- A.** In addition to all such procedures as may be required by this Ordinance, the owner or developer of a manufactured housing park in a lot or parcel of land zoned MHP—Manufactured housing park shall obtain Site Plan Review approval from the Township as provided in ARTICLE 44.0.

- B.** To construct a manufactured housing park the owner or developer shall:
 - 1. Obtain a construction permit from the State of Michigan’s director of public health as required in the Mobile Home Commission Act (P.A. 96 of 1987, 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 manufactured housing park, the owner or developer shall:
 - 1. Obtain approval from the State of Michigan’s director of public health of the completed construction as required in the Mobile Home Commission Act (P.A. 96 of 1987, as amended), a copy of which shall be given to the Building Inspector.
 - 2. Obtain an annual license from the State of Michigan’s director of public health as provided in the Mobile Home Commission Act (P.A. 96 of 1987, 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 manufactured housing parks.

II. REGULATIONS

The following regulations shall apply to all MHP—Manufactured Housing Park Districts:

- A. LOT AREA**-The minimum lot area of a manufactured housing park shall not be less than fifteen (15) acres.
- B. SITE AREA**-The minimum manufactured home unit site area shall not be less than five thousand (5,000) square feet.
- C. MANUFACTURED HOME UNIT**-Each manufactured home unit 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 manufactured home unit 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 manufactured home unit 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 manufactured home unit face (side) to its manufactured home unit 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 manufactured home unit to the nearest site line. The rear yard is at the opposite end of the manufactured home unit 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 manufactured home unit 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 manufactured home unit 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 manufactured home unit 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 manufactured home unit shall be supported on uniform jacks or blocks supplied by the manufactured housing 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 manufactured home unit site, conveniently located to the entrance of the manufactured home unit 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 manufactured home unit.
- J.** Each manufactured housing 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 manufactured home unit site or in common structure with individual lockers.
- K.** Uniform skirting of each manufactured home unit 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 manufactured home unit so as to deter and prevent entry to rodents and insects. Storage of goods and articles underneath any manufactured home unit or out of doors at any manufactured home unit site shall be prohibited.
- L.** Canopies and awnings may be attached to any manufactured home unit 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 manufactured home unit 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 manufactured home units within such parks shall be suitably connected to sewer and water services provided at each manufactured home unit 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 manufactured home unit 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 manufactured home unit site shall be piped to each manufactured home unit. Sewer connections shall not exceed ten (10) feet in length above ground. Storm drainage facilities

shall be so constructed as to protect those that will reside in the manufactured housing 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 manufactured housing 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 manufactured home unit 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 manufactured home unit site as it is bound to be safe. All fuel lines leading to park and to manufactured home unit 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 manufactured home unit separately is prohibited.

S. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all 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 manufactured home unit 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 manufactured home unit 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 manufactured home unit site. In such park there shall be provided additional automobile parking spaces in number not less than twice the number of manufactured home unit 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 manufactured home unit when such storage is allowed in the manufactured housing 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:

Motor Vehicle Parking	Traffic Use	Minimum Pavement Width (Curb Face to curb face)
Parking Prohibited	2-way road	24 Feet
Parallel Parking - 1 side only	1-way road	24 Feet
Parallel Parking - 1 side only	2-way road	30 Feet
Parallel Parking - 2 sides	1-way road	30 Feet
Parallel Parking - 2 sides	2-way road	40 Feet

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 manufactured home unit 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 44.0 (Site Plan Review).
- AA. STANDARDS**—As required in Section 55.02 (Performance Standards).

III. UNIQUE CHARACTER DESIGN

- A. PURPOSE AND INTEREST**-In the event an applicant for a site plan approval desires unique flexibility in a manufactured housing 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 Manufactured housing parks," except for the following:
1. An added degree of flexibility may be granted in the placement and inter-relationship of manufactured home unit sites within the manufactured housing park. A gross density of not more than seven (7) manufactured home unit sites per acre, and not more than eleven (11) manufactured home unit 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 manufactured home unit 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 manufactured home units for the full length of the manufactured home unit, and at least ten (10) feet of unobstructed open space between the ends of the manufactured home units.
 - b. No window of any manufactured home unit shall open onto any other manufactured home unit face unless such dimension between manufactured home units is at least twenty (20) feet.
 - c. No doorway of any manufactured home unit shall open onto any other manufactured home unit face unless such dimension between manufactured home units is at least thirty (30) feet.

Section 40.21 Multiple-Family Housing.

All multiple-family housing shall comply with the following:

A. Approval Process.

Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 44.0 (Site Plan Review).

B. General Standards.

The following general standards shall apply to all types of multiple-family housing:

1. **Municipal services required.** Multiple-family housing and any uses, buildings or structures accessory thereto shall be established only at locations where a municipal water supply system and a municipal sanitary sewerage system is available, and shall be connected to such systems. The Township has no obligation to install such systems. Use of on-site private wells or private septic systems shall be prohibited.
2. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more multiple-family buildings on a lot:

Orientation of Two (2) Adjacent Multiple-Family Buildings	Minimum Separation Distance
Front facade wall facing an adjacent front wall Front facade wall facing a rear wall	Three (3) times the height of the taller building, and not less than 50 feet
Side wall facing an adjacent side wall	One and one-half (1.5) times the height of the taller building, and not less than 18 feet
Front facade wall facing an adjacent side wall Rear wall facing an adjacent side wall Rear wall facing an adjacent rear wall	Two (2) times the height of the taller building, and not less than 35 feet

The Planning Commission shall be responsible for making the final identification of the front, side, and rear walls for purposes of this Section. The front facade wall of the building shall typically be the wall occupied by the primary or public entrance(s) to the building, or that face of the building having the greatest length. The rear wall shall typically be that face opposite the front, and the side walls shall typically be the faces having the smallest dimension.

3. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps as required by the State Construction Code and other applicable codes or ordinances.
4. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall be in addition to any required yard setbacks or required building separation areas.
5. **Compatibility.** Multiple-family housing shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of the area per the Master Plan.
 - a. Compatibility shall be determined by the Planning Commission according to the following standards:

- (1) Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to beveled siding, brick or stone.
 - (2) The roof shall be finished with shingles or similar materials. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
- b. The use of innovative designs and energy efficient materials and systems shall be encouraged, provided that the overall development is compatible with the intended character of the area per the Master Plan.

C. Senior Housing.

The following additional standards shall apply to senior and independent living housing, nursing homes, assisted living facilities, dependent housing, and other managed residential facilities:

1. Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
2. Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.
3. The number of permitted dwelling units, rooms, or beds for nursing homes, assisted living facilities, and dependent senior housing shall be subject to Township approval as part of the Special Use Permit.
4. Such housing shall conform to the standards of all requirements of the State of Michigan and other outside agencies with jurisdiction.

Section 40.22 Nursery or Commercial Greenhouse.

Nursery and commercial greenhouse operations shall be subject to the following:

1. This Section shall not apply to a residential greenhouse, which shall conform to all requirements of Section 55.17 (Accessory Structures).
2. Retail sales of unprocessed/prepared nursery products raised on the premises shall be permitted, subject to site plan approval per Article 44.0 (Site Plan Review) and compliance with all site development standards that apply to Commercial Uses, including but not limited to: Article 51.0 (Off-Street Parking and Loading Regulations) and Section 55.09 (Landscaping, Screening, and Land Use Buffers).
3. Bulldozers, and similar types of heavy equipment shall not be permitted accessory to a nursery operation. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.

4. Landscape supply yards, contracting facilities, and storage yards shall not be allowed as part of a nursery operation.
5. The storage of loose materials shall be contained and covered to prevent them from blowing onto adjacent properties and from access by small animals.
6. Plant growing areas, structures, and permitted storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district where the establishment is located, and shall be located outside of all corner clearance areas as defined in Section 30.206 (Corner Clearance Areas).

Sections 40.23 – 40.29 Reserved.

Section 40.30 Roadside Stands.

Roadside stands shall be subject to the following:

1. Any building containing a roadside stand shall not be greater than 250 square feet in size.
2. A roadside stand that exceeds 250 square-feet in size or is operated more than eight (8) months during any calendar year shall be subject to approval as a Farm Market in accordance with the applicable provisions of Article 20.0 (Land Use Table) and Section 40.10 (Farm-Based Tourism/Entertainment Activities and/or Farm Markets).
3. Suitable trash containers shall be placed on the premises for public use.
4. Any temporary structure, cart or similar facility serving as a roadside stand shall be located outside of the road right-of-way and no closer than 25 feet to the nearest edge of any public road.
5. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 51.0 (Off-Street Parking and Loading Regulations), except that hard surfacing shall not be required.
6. Signs associated with the roadside stand shall comply with Article 53.0 (Sign Regulations) standards for the principal use of the lot.

Section 40.31 Single-Family and Two-Family Dwellings.

The intent of this Section is to ensure compliance of single-family and two-family dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing residential dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the MHP (Manufactured Housing Park Residential) District.

A. Number of Principal Single-Family or Two-Family Dwellings per Lot.

Not more than one (1) principal, single-family dwelling or one (1) two-family dwelling shall be located on a zoning lot, except as otherwise authorized by this Ordinance. For

single-family condominium developments, not more than one (1) principal single-family dwelling shall be placed on each condominium lot. Conversion of an existing dwelling for use as an accessory structure to a new dwelling constructed on the same zoning lot shall be prohibited.

B. Additional Standards for Single-Family and Two-Family Dwellings.

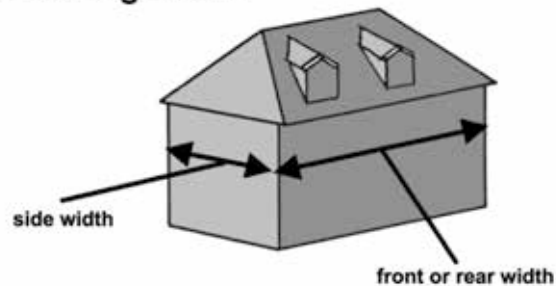
New single-family and two-family dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. The dwelling shall be placed on a permanent foundation meeting all requirements of the State Construction Code, subject to the following:
 - a. The dwelling shall be secured to the permanent foundation by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - b. Wheels, tongue, hitch, or similar appurtenances attached to a modular dwelling shall be removed before anchoring the dwelling unit.
3. Each dwelling shall have a minimum floor area of 1,000 square feet.
4. Each dwelling shall be connected to a potable water supply, and to sanitary sewerage facilities per Section 55.10 (Sanitary Sewage Facilities).
5. Each dwelling shall contain a minimum storage capability area of 100 square feet 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.
6. Each dwelling shall be compatible in design and appearance with other dwellings in the vicinity, including either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of each dwelling unit; has not less than two exterior doors with one being the front door and with the second one being in either the rear or side of each dwelling unit; and with permanently attached steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.
 - a. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling unit, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of the Zoning Administrator's decision.
 - b. 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 dwellings located outside of manufactured housing parks throughout the Township.

- c. 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.
7. 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.
8. The dwelling, prior to any additions or expansions, shall have a minimum width across any front, side or rear building width of 26 feet (see "Dwelling Width" illustration).

Dwelling Width



9. The dwelling shall have a minimum 4:12 roof pitch for a dwelling unit with a width across any front, side or rear building width of 31 feet or less.
10. The dwelling complies in all respects with the State Construction Code, 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 State Construction Code, then and in that event such federal or state standard or regulation shall apply.
11. A building permit shall be required for construction of the foundation, for placement of the dwelling unit on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Zoning Compliance Permit has been issued in accordance with Section 57.04 (Issuance of Zoning Compliance Permits).
12. Two-family dwellings shall be established only at locations where a municipal water supply system and a municipal sanitary sewer system [as defined in Section 2.03 (Definitions)] is available, and shall be connected to such systems. The Township has no obligation to install such systems.

Section 40.32 Sport Shooting Range.

Sport shooting ranges shall be subject to the following:

1. The Planning Commission may require the applicant to submit an impact assessment with any application for approval per Article 44.0 (Site Plan Review). The assessment shall include an analysis of all potential impacts on surrounding properties and uses, identification of potential mitigation measures, and a proposed implementation plan to address the impacts.
2. Design and operation of such facilities shall be consistent with the specifications and best practices recommended by the National Rifle Association; and shall conform to all applicable state and federal laws, and applicable operation practices promulgated by the State of Michigan.
 - a. All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.
 - b. The applicant shall submit a safety plan to confirm compliance with current National Rifle Association specifications and practices, and operation practices adopted by the State of Michigan.
 - c. The applicant shall submit an environmental plan to confirm compliance with applicable state and federal environmental laws and regulations.
 - d. A list of the responsible officers of the organization shall be submitted annually to the Township Clerk.
3. Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from the boundary of any Residential Districts or lots occupied by existing residential uses.
4. Outdoor facilities shall be further subject to the following:
 - a. The minimum net lot area shall be 40 acres. Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries and road rights-of-way.
 - b. Such facilities shall be secured by a perimeter fence of sufficient height and design to serve as a barrier to unauthorized entry. "No trespassing" or "danger" signs designating the hazard shall be posted along the perimeter of the property. Such signs shall be not less than 1.5 square feet or more than four (4) square feet in area, and shall be spaced not more than 150 feet apart.
 - c. The perimeter of individual ranges within the site shall also be identified with fencing or other safety measures.
 - d. Hours of operation for outdoor firearms ranges shall be limited to between 8:00 a.m. and 8:00 p.m.

Sections 40.33 – 40.39 Reserved.

Section 40.40 Veterinary Clinic or Animal Hospital.

Veterinary clinics and animal hospitals shall comply with the following:

1. Site plan approval shall be required, in accordance with Article 44.0 (Site Plan Review).
2. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area may be permitted outside of any required yard setback areas.
3. The facility shall be so constructed and maintained that animal waste, odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. Care and treatment of animals shall be at the discretion of the veterinarian.
5. Normal on-site care shall not extend beyond one (1) week.

Section 40.41 Volatile Biofuel Production.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, as amended (MCL 125.3513), limited, farm-based production of certain biofuels shall conform to the following requirements:

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 30.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, the requirements of the Saline Area Fire Department, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other agencies with jurisdiction over any of the following:
 - a. Air pollution emissions;

- b. Transportation of biofuel or another product or by-product of production;
 - c. Use or reuse of additional products resulting from biofuel production;
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district shall also provide an annual written report to the Zoning Administrator which demonstrates that:
- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
 - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval per Article 43.0 (Special Uses).

B. Additional Standards for Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, as amended (MCL 125.3513), the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Zoning Ordinance:

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.

- b. The number of gallons of biofuel anticipated to be produced annually.
- c. An emergency access and fire protection plan, subject to review and approval by emergency response agencies serving the Township.
- d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, as amended (MCL 125.3513), Township review of any Special Use Permit application for a biofuel production facility shall be modified as follows:

- 1. **60-day time limit for a public hearing.** For any Special Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 57.10 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.
- 2. **Limitation on conditions of approval.** The Township's authority to impose conditions on the approval of a biofuel production facility subject to this Section and Section 3513 of the Michigan Zoning Enabling Act of 2006, as amended (MCL 125.3513), shall be limited to conditions necessary to verify that the facility meets to all of the requirements of this Section and MCL 125.3513.

ARTICLE 41.0

USE STANDARDS – OTHER USES

Section 41.01 Intent and Scope of Regulations.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 55.02 (Performance Standards). Conformance with these standards shall be subject to site plan approval where required per this Article or Article 44.0 (Site Plan Review).

Section 41.02 Non-Residential Accessory Use Standards.

Where Article 20.0 (Land Use Table) authorizes an office, service, commercial or other non-residential land use as an accessory use in a zoning district, such accessory uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed for use by the occupants of the building, and not for the use of the general public.
2. Signs for such businesses shall comply with Article 53.0 (Sign Regulations).
3. With the exception of outdoor private recreation facilities and accessory uses otherwise approved as part of a Planned Unit Development (PUD), the accessory use shall be located in the same principal building(s) containing the permitted principal use(s) that will be served.
4. A pharmacy, drugstore, or medical supply store as an accessory use shall be located in the same principal building(s) containing a hospital, urgent care center, or medical, osteopathic or dental offices or clinic.
5. Not more than eight (8) percent of the building's floor area shall be occupied by accessory commercial uses.

Section 41.03 Aircraft Landing Strips, Private.

Aircraft landing strips, hangers, masts, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the Federal Aviation Administration (FAA) and State of Michigan concerning obstruction to air navigation.
2. All required “clear zones” (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Sufficient parking shall be provided for aircraft storage areas, offices and other uses associated with the landing strip.
5. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
6. The plans for such facilities shall be subject to approval by the FAA and the State of Michigan, where required by the applicable agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 by federal standards.

Section 41.04 Amusement Center.

Amusement centers shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers shall be subject to the following additional standards:
 - a. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
 - b. The hours of operation may be limited to ensure compliance with Section 43.04 (Standards for Special Use Approval).
 - c. Outdoor amusement center facilities shall be screened from Residential Districts and existing Residential Uses in accordance with Section 55.09.D. (Methods of Screening).
3. Pool and billiard parlors, pinball/video game parlors, and arcades without liquor sales shall be permitted as an indoor amusement center.

4. Adult arcades and any activities defined under "Adult Entertainment Uses and Sexually Oriented Businesses" in Section 2.03 (Definitions) shall be prohibited.

Section 41.05 Car Wash, Vehicle Detailing Shop or Truck Wash.

Car wash, vehicle detailing shop, and truck wash facilities shall be subject to the following:

A. Use Standards.

1. All washing facilities shall be completely within an enclosed building, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in or resulting from the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any Residential Uses. The hours of operation of any vacuuming facilities shall be subject to Planning Commission approval.
4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The hours of operation of a vehicle wash shall be subject to Planning Commission approval.

B. Ingress/Egress.

1. Sites shall have frontage on a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads, as measured from the nearest point of intersection of the road right-of-way lines.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent Rural Districts and Residential Districts and existing Residential Uses per Section 55.09.D (Methods of Screening).

Section 41.06 Cemeteries.

Cemeteries shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.
2. All access shall be provided from a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities.
3. The cemetery shall be screened from abutting residential districts or existing residential uses per Section 55.09.D. (Methods of Screening).
4. All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be set back a minimum of 100 feet from all lot boundaries.
5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

Section 41.07 Composting Facility.

Composting facilities shall be subject to the following:

1. **Design and operation standards.** The use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. State of Agriculture, the Michigan, and other regulatory agencies.
2. **Separation requirements.** The area of land occupied by or intended for use as a composting center shall be set back a minimum of 500 feet from the boundary of any parcel in the Residential Districts or occupied by any existing Residential Uses.
3. **Screening requirements.** The area of land occupied by or intended for use as a composting center shall be screened from all road rights-of-way, Residential Districts, and existing residential uses by a berm of sufficient height to completely screen all composting areas, storage areas, and equipment.
 - a. The minimum berm height shall be eight (8) feet.
 - b. The berm shall be improved with landscape buffer plantings and groundcovers in accordance with Section 55.09.D. (Methods of Screening).
4. **Impact assessment.** An impact assessment, in accordance with the requirements of Section 55.13 (Impact Assessment), shall be required as part of a site plan review application per by Article 44.0 (Site Plan Review).

Sections 41.08 – 41.09 Reserved.

Section 41.10 Controlled Uses.

It is hereby recognized by the Township Board that controlled uses, as defined in this Ordinance, have serious and inherent objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances. The Board acknowledges the specific consequences that adult uses and sexually oriented businesses have caused for the other communities in Washtenaw County and Southeastern Michigan, including lost business opportunities, increased costs for police services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses are hereby recognized as an impediment to stable growth and development and full implementation of the Township's Master Plan. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties; especially when constructed in proximity to other controlled uses, residential zoning districts, and public and other institutional uses. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of the Township to adopt reasonable regulations for controlled uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

A. Definition.

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Adult entertainment uses and sexually oriented businesses.
2. Pawnshops or collateral loan and/or exchange establishments.
3. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

B. Application.

Submission of preliminary and final site plans shall be required for establishment, expansion or alteration of a controlled use in accordance with the requirements of Article 44.0 (Site Plan Review), and shall also include documentation of compliance with the requirements of this Section.

C. Planning Commission and Township Board Actions.

Review of an application for approval of a controlled use shall follow the procedures outlined in Article 44.0 (Site Plan Review), except as follows:

1. If the applicant has submitted a written request with the application to waive one (1) or more requirements of Section 41.10.E. (Restrictions on Location), then the Township Board shall first hold a public hearing on the waiver request in accordance with Section 57.10 (Public Hearing Procedures), prior to Planning Commission review and action on the preliminary site plan.

- a. Within 93 calendar days of the hearing, the Township Board shall take action to approve or deny the waiver request in accordance with the standards of Section 41.10.F. (Waiver of Restrictions on Location).
 - b. As part of an approval of a waiver request, the Township Board may impose conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest.
 - c. The Township Board may require the applicant to submit a performance guarantee to the Township to ensure that such conditions will be fulfilled.
2. The Planning Commission shall, within 93 calendar days after receipt of a complete and accurate final site plan application, recommend to the Township Board approval, approval with conditions, or rejection of the application.

D. Restrictions on Use.

The following use restrictions shall apply to controlled uses:

1. All adult entertainment uses or sexually oriented businesses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.
2. No adult entertainment use or sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any road right-of-way or from any property not regulated as a controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

E. Restrictions on Location.

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the controlled use:

1. No controlled use shall be located within 1,000 feet of any other controlled uses.
2. No controlled use shall be located within 1,000 feet of any institutional uses as defined in Section 2.03 (Definitions), child day care center, public park or playground.
3. No controlled use shall be located within 500 feet of the boundary of any Residential Districts or Planned Unit Development (PUD) project incorporating Residential Uses.

F. Waiver of Restrictions on Location.

Upon written request from the applicant submitted with the application for approval of a controlled use, the Township Board may waive or reduce one (1) or more of the restrictions in Section 41.10.E. (Restrictions on Location), subject to the following:

1. No waivers shall be given to permit a controlled use to locate within 1,000 feet of any institutional uses as defined in Section 2.03 (Definitions), child day care center, public park or playground.
2. To waive or reduce one (1) or more of the restrictions in Section 41.10.E. (Restrictions on Location), the Township Board shall find that the following conditions exist:
 - a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing requirement will still be observed;
 - b. The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land;
 - c. The establishment of an additional controlled use at the proposed location will not be contrary to or interfere with implementation of the Master Plan or any related improvement program or plan; and
 - d. All other applicable Township regulations and state or federal laws will be observed.

Section 41.11 Drive-in Establishment or Drive-through Facility.

Drive-in establishments and drive-through facilities shall be subject to the following:

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, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
 - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
 - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting Residential Uses. Screening shall be required from adjacent Rural Districts and Residential Districts and existing residential uses per Section 55.09.D. (Methods of Screening).
3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads, as measured from the nearest point of intersection of the road right-of-way lines. No more than one (1) driveway shall be permitted per road frontage.
4. Sites shall have frontage on a primary road classified as an arterial or collector by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

5. An internal bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
6. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
7. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
8. Menu boards may be installed and maintained for a food service drive-through facility, subject to the following:
 - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48.0 square feet.
 - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

Section 41.12 Extraction Operations.

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the residents of the Township. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other agencies with jurisdiction.

These regulations shall consider the conduct of the extraction or earth removal operation and the reuse of the site upon termination of the activity. It is the intent of this Section that parcels subject to the extraction operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one or more of the principal non-extractive uses permitted by this Ordinance. Extraction operations, as defined in Section 2.03 (Definitions), shall be subject to the following:

A. 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 Natural Resource (NR) District.

1. All extraction materials shall be washed, graded, and further processed and/or stored within the limits of the site.
2. 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 the natural resource.

3. Resource related industries including, but not limited to: concrete batching plants and asphalt mix plants shall not be permitted as a part of this Natural Resource District.

B. Review Requirements.

1. **Site Plan Review.** All uses in the NR district shall be subject to the site plan review requirements of Article 44.0 (Site Plan Review). However, changes to a site plan that are directly related to the removal of product under an approved township extraction permit per the Lodi Township Extraction and Filling Regulations (Ord. No. 2015-002) shall not require a new site plan review, if the Zoning Administrator, considering input from Township consultants where applicable, determines that the changes are consistent with both of the following:
 - a. The operational requirements stated in township general regulations, and
 - b. The approved restoration/after-use plan.
2. **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 44.0 (Site Plan Review).
3. **Review of Soil Removal Uses.**
 - a. **Planning Commission Review.** The Planning Commission shall complete their review prior to a new use in the NR District receiving an extraction permit review from the Township Board under the Lodi Township Extraction and Filling Regulations (Ord. No. 2015-002). Any Planning Commission approval of a site plan for a new natural resources use shall be contingent upon the approval of a required extraction permit by the Township Board.
 - b. **After Use Plan.** In addition to the requirements of Article 44.0 (Site Plan Review), the initial site plan review of a use in the NR District shall require the submission of an after-use plan that indicates the feasible re-use of the site in a manner compatible with the adopted Township Master Plan 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:
 - (1) Proposed after-use of the site following restoration.
 - (2) Proposed final topography of site at a minimum of two (2) foot contour intervals.
 - (3) Proposed water bodies or wetlands.
 - (4) Proposed closing elevations with adjoining properties.
 - (5) Delineation of areas to be subdivided or otherwise partitioned for development.

Section 41.13 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall provide an adequate off-street assembly area for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.

Section 41.14 Institutional Uses.

The following shall apply to all institutional uses as defined in Section 2.03 (Definitions):

1. The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
 - a. The building height shall be permitted to exceed the district's maximum height requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks for each side of the building shall be increased by one (1) foot per foot of additional building height above the maximum.
 - b. The highest point of chimneys, stage towers of scenery lofts, hose towers for fire stations, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
2. Institutional uses shall have direct vehicle access to a primary road classified as an arterial or collector by the master transportation plans of the Township, or county or state road authorities.
3. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

Section 41.15 Intensive Industrial Operations.

Intensive industrial operations and other industrial land uses made subject to the standards of this Section by provisions of Article 20.0 (Land Use Table) shall be subject to the following:

A. General Standards.

The uses shall comply with all standards of this Ordinance, other applicable Township ordinances, state and federal laws, and all standards established by the State of Michigan, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

B. Impact Assessment.

An impact assessment, which shall describe the expected impacts associated with the use and any mitigation measures to be employed, shall be required as part of a site plan review application per Article 44.0 (Site Plan Review). In addition to the minimum

requirements of Section 55.13 (Impact Assessment), the assessment shall include the following additional required information and documentation:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
5. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use determined by the Planning Commission to be necessary to minimize any adverse impact on nearby properties, in addition to the conditions of approval specified in Article 43.0 (Special Uses).

C. Development Standards.

The uses shall not be located within 500 feet of any Residential Districts or existing Residential Uses, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation. The uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 55.09.D. (Methods of Screening).

Section 41.16 Junkyards.

Junkyards and similar outdoor vehicle and equipment dismantling or recycling facilities shall conform to all applicable federal, state, county, and local laws and regulations and to the following requirements:

1. The use shall be screened from all road rights-of-way and abutting uses in accordance with Section 55.09.D. (Methods of Screening) and enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height. Such fence shall not be located within required yard setbacks. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited. No materials shall be stored above the height of the required wall or fence.
2. All activities associated with the use shall be located outside of the minimum setback requirements for the district in which the facility is located.

3. Outside areas for activities associated with the use shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
4. Sites shall have direct vehicle access to an arterial or collector road as classified within the Master Plan of the Township, or county or state road authorities.
5. Salvage or stored vehicles and junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
6. Where the use is established and located within 1,000 feet of existing residential zoning districts or Residential Uses, as measured on a straight-line distance, hours of operation shall be limited to between the hours of 7:00 a.m. and 6:00 p.m.
7. Burning shall be prohibited.
8. There shall be not more than one (1) entryway from each public road that adjoins the use. All drives, parking areas, and loading/unloading areas shall be paved or hard surfaced with gravel or similar approved materials.
9. A site plan shall be provided at the time of the Special Use Permit application with the following information:
 - a. All information required by Article 44.0 (Site Plan Review);
 - b. A description of any materials processing, dismantling, and wrecking operations to be conducted; and of the location and nature of equipment for such operations, including any power driven processing equipment; and
 - c. Travel routes within the Township for trucks entering and leaving the site.
10. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage, excluding truck trailers, shall be visible above the height of the fence or wall.
11. All liquids shall be drained immediately from automobiles and other vehicles brought to the facility; stored in approved containers; and promptly disposed of in accordance with applicable federal, state, county, and local regulations.
12. The site shall be properly maintained to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.

13. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties.
 - a. These operations shall be maintained entirely within a wholly enclosed building or an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
 - b. These operations shall be set back a minimum of 150 feet from any Residential Districts or existing Residential Uses.
 - c. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
 - d. These operations shall not operate on Saturdays, Sundays, or Federal designated holidays.
14. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 70 dBA as measured in the same manner. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.
15. Signs shall conform to the requirements of Article 53.0 (Sign Regulations).
16. A caretaker living quarters may be provided as a special use accessory to the use, per Section 40.05 (Caretaker Living Quarters).

Section 41.17 Motion Picture Cinema.

Motion picture cinemas shall be subject to the following:

1. Screening shall be required from adjacent Rural Districts and Residential Districts and existing Residential Uses per Section 55.09.D. (Methods of Screening).
2. Sites shall have frontage on a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. The Planning Commission may require submittal of a traffic impact study and proposed mitigation measures for facilities that have a seating capacity of over 500 persons.

Sections 41.18 – 41.19 Reserved.

Section 41.20 Motor Vehicle Service Centers and Fueling Stations.

Motor vehicle service centers and fueling stations shall be subject to the following:

A. Use Standards.

1. Motor vehicle service centers and fueling stations shall be located on a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
2. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s). Hydraulic hoists shall be limited to surface-mounted units.
3. Open service bays and overhead doors shall not face towards any Residential Districts or existing Residential Uses.
4. Display of temporary signs attached to the pump island canopy, light poles or similar structures shall be prohibited.
5. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan.
6. A motor vehicle service station or fueling station may also include other uses as allowed and as regulated by this Ordinance.

B. Pollution Prevention.

In addition to the requirements contained in Article 44.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle access, parking, and service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 44.0 (Site Plan Review), the preliminary and final site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures.

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.

2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. A maximum intensity of 20.0 footcandles shall be allowed for lighting directly under the canopy, provided that the facility's exterior lighting is otherwise in compliance with Section 55.21 (Exterior Lighting).
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.
4. Such structures, including canopies, shall meet the yard and setback requirements of the zoning district in which located.

D. Vehicle Access.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum width of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway with the street line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 25 feet, measured at the right-of-way edge.
4. The distance between driveways shall be no less than 40 feet, measured at the right-of-way edge. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

E. Incidental Outdoor Storage.

Incidental outdoor storage shall comply with the following requirements:

1. Storage of any vehicles rendered inoperative, either through damage or disrepair or any other cause, and any vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.
2. Such inoperative vehicles shall not be advertised for sale on the premises.
3. Outdoor storage of trash, vehicle components or other materials to be discarded or recycled, shall be screened and enclosed within a gated masonry enclosure per Section 55.09.D. (Methods of Screening).
4. Incidental outdoor storage shall not occur in front of the front building line.
5. Outdoor storage shall be limited to areas identified on an approved final site plan.

Section 41.21 Food Trucks; and Outdoor Eating Areas for a Restaurant or Food Service Establishment.

Food trucks, and outdoor eating areas for a restaurant or food service establishment, shall be , subject to the following:

A. Food Truck Standards.

Food truck operations, whether temporary or permanent, shall conform to the following requirements:

1. Temporary establishment of a food truck operation on a site for a period not to exceed seven (7) consecutive days and a maximum of 28 total days per calendar year shall be subject to administrative approval in accordance with this Section and Section 57.04 (Issuance of Zoning Compliance Permits), and shall not require special use permit approval in the O (Office) District. All other food trucks shall be subject to site plan approval per Article 44.0 (Site Plan Review).
2. The food truck operation and any associated outdoor eating area shall conform to the minimum required yard setbacks for the zoning district, and the requirements of Section 30.206 (Corner Clearance Areas).
3. Documentation of permission to locate the food truck operation on a zoning lot shall be provided to the Township with any application for approval.
4. Food truck operations shall be prohibited within any road right-of-way.
5. Food truck operations shall be arranged in a manner that ensures safe vehicular and pedestrian circulation, and preserves access to the minimum required parking facilities for all land uses on the site.
6. The hours of operation for any food truck shall be limited to between 8:00 a.m. and sunset, unless alternative hours are authorized as part of a site plan or Special Use approval under this Ordinance.
7. Food truck operations subject to site plan approval may be required to be screened from Residential Districts and existing Residential Uses in accordance with Section 55.09.D. (Methods of Screening).

B. Outdoor Eating Area Standards.

Outdoor eating areas for a restaurant or food service establishment, including any temporary or permanent outdoor eating area associated with a food truck, shall conform to the following requirements:

1. The outdoor eating area shall be accessory to and incidental to a restaurant or food service establishment that is either a principal use within a building on the same zoning lot or a food truck authorized under this Ordinance to operate on the same zoning lot.
2. Creation, expansion or alteration of outdoor eating areas on a zoning lot shall be subject to site plan approval per Article 44.0 (Site Plan Review).

3. The outdoor eating area shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Broadcasting of music or any other amplified sound shall be prohibited.

Section 41.22 Outdoor Sales or Display Areas.

Outdoor sales or display areas shall be subject to the following:

1. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
2. The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved site plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
3. The hours of operation may be limited to ensure compliance with Section 43.04 (Standards for Special Use Approval).
4. Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within 50 feet of any residential district or use.
5. The Planning Commission may permit a maximum light intensity of 20.0 footcandles for lighting within the outdoor sales or display area of a dealership business, provided that site lighting is otherwise in compliance the requirements of this Ordinance.
6. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
7. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.
8. Sales or display area shall be screened from Residential Districts and existing Residential Uses in accordance with Section 55.09.D. (Methods of Screening).

Section 41.23 Outdoor Storage, General.

Where permitted under the terms of this Ordinance, outdoor storage of equipment, products, machinery, equipment or similar items shall be subject to the following:

1. The storage area shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, and all ingress/egress points shall be gated. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Such walls and/or fences shall be subject to the following:

- a. The wall or fence shall not be located within the required yard setbacks
 - b. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
 - c. Gates shall also be made of solid, opaque material.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 55.09.D. (Methods of Screening).
 3. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
 - a. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
 - b. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
 - c. No materials shall be stored above the height of the required wall or fence.
 - d. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

Section 41.24 Recreational Facilities, Golf Courses, Golf Driving Ranges, and Campgrounds and Recreational Vehicle Parks.

Recreational facilities, golf courses, golf driving ranges, campgrounds, and recreational vehicle parks shall be subject to the following:

A. General Standards.

1. No building shall be located within 100 feet of any property line.
2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
3. Golf fairways, swimming pools, tennis courts, and similar uses shall comply with the greater of the required yard and setback requirements of the zoning district in which located or a minimum setback of 50 feet from any property line. Screening shall be provided per the requirements of Section 55.09.D (Methods of Screening).
4. Construction, expansion, and alteration of recreational facilities shall be subject to site plan approval per Article 44.0 (Site Plan Review).

B. Golf Courses and Driving Ranges.

The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

1. A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:
 - a. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.
 - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.
2. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Residential Districts or existing Residential Uses.
3. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
 - a. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
 - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns for fairways and driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

C. Campgrounds and Recreational Vehicle Parks.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. Minimum gross lot area shall be ten (10) acres. Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 55.09.D. (Methods of Screening).
2. The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses per Section 55.09.D. (Methods of Screening).
3. Campgrounds and recreational vehicle parks shall not be occupied as a principal residence, except where a caretaker living quarters is allowed accessory to the use, subject to the requirements of the zoning district and Section 40.05 (Caretaker Living Quarters).
4. The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate

excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.

5. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.
6. Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.

Section 41.25 Secondhand Stores.

Secondhand stores, as defined in Section 2.03 (Definitions), shall be subject to the following:

1. Secondhand store operators who, in the conduct of business, purchase or receive any article directly from an individual for resale purposes shall keep a record of such purchases for a minimum of two (2) years.
 - a. The record shall include the transaction date, the name and address of the individual and a description of the article (i.e., manufacturer and model, serial number, style, size, color, etc.).
 - b. All articles purchased or received by the secondhand store operator shall be held for seven (7) calendar days prior to resale or other disposal.
2. No secondhand store operator shall receive or purchase any articles from a person less than 18 years of age.
3. Outdoor sales or display areas shall conform to the requirements of Section 41.22 (Outdoor Sales or Display Areas).
4. Drop-off facilities for donated items shall be located entirely within an enclosed structure.

Section 41.26 Self-Storage Facilities.

The following regulations shall apply to self-storage facilities:

1. The minimum gross lot area shall be two (2) acres.
2. Outdoor storage may be provided accessory to a self-storage facility as a special use, subject to the requirements of Section 41.23 (Outdoor Storage, General).
3. Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 55.09.D. (Methods of Screening).
4. A caretaker living quarters may be provided accessory to a self-storage facility, subject to the requirements of Section 40.05 (Caretaker Living Quarters).

Section 41.27 Tavern, Bar, Pub, Brewpub or Similar Establishment Serving Alcoholic Beverages and/or Providing Entertainment.

A tavern, bar, pub, brewpub or similar establishment serving alcoholic beverages and/or providing entertainment shall be subject to the following regulations:

1. Music or entertainment is limited to recorded music or one entertainer unless the building or suite in which the bar or tavern is located is at least three hundred feet from a residential zoning district.
2. Patron dancing shall be permitted as of right if the building or suite in which the bar or tavern is located is at least three hundred feet from a residential zoning district. Patron dancing shall not continue beyond the hours of State-regulated liquor sales.
3. Outdoor areas for alcoholic beverage consumption shall be subject to the following additional standards:
 - a. Outdoor alcoholic beverage consumption on the site shall be limited to the area specified on an approved site plan.
 - b. Outdoor areas for alcoholic beverage consumption shall be set back at least 300 feet from Residential Districts and existing residential uses, and shall be screened in accordance with Section 55.09.D. (Methods of Screening).
 - c. Outdoor areas for alcoholic beverage consumption shall be accessory to and incidental to a tavern, bar, pub, brewpub or similar establishment serving alcoholic beverages and/or providing entertainment that is a principal use within a building on the same zoning lot. The closing time of the outdoor use shall not extend past the closing time of the tavern, bar, pub, brewpub or similar establishment.
 - d. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
 - e. The hours of operation may be limited to ensure compliance with Section 43.04 (Standards for Special Use Approval).
 - f. Outdoor areas for alcoholic beverage consumption shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.

Sections 41.28 – 41.29 Reserved.

Section 41.30 Temporary Concrete or Asphalt Batch Plants.

Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. Review of an application for approval shall follow the preliminary and final site plan review procedures outlined in Article 44.0 (Site Plan Review).
2. The batch plant operation shall be set back a minimum of 200 feet from all lot boundaries and road right-of-way boundaries.
3. The hours of operation may be limited where the batch plant is located within 1,000 feet of any existing residential uses or residential zoning district.
4. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Township Board may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 180 calendar days.
5. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
6. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
7. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
8. Within 30 calendar days of completion of the project, the plant owner or operator site shall:
 - a. Clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and
 - b. Repair or replace any public improvements damaged during operation of the temporary plant.
9. The Township Board may require the plant owner or operator to deposit a performance guarantee sufficient to ensure full restoration of the site and repair or replacement of damaged public improvements.

Section 41.31 Temporary Structures.

Temporary structures shall be subject to the following:

A. General Standards for Temporary Structures.

The following standards shall apply to all temporary structures:

1. Placement of any temporary structure shall be in conformance to Article 30.0 (Dimensional Standards) for the zoning district in which located.
2. No portion of the temporary structure or its operation shall be located within a public or private road right-of-way.
3. Approval of any temporary structures for construction purposes, and any other temporary structure with a timeline for installation and removal of less than 365 calendar days, shall be subject to Zoning Compliance Permit approval per Section 57.04 (Issuance of Zoning Compliance Permits). A refundable performance guarantee shall be required by the Zoning Administrator to ensure removal of the structure at the end of the approved timeline.
4. Approval of any other temporary structure with a timeline for installation and removal of 365 calendar days or longer shall be subject to the site plan review requirements of Article 44.0 (Site Plan Review).

B. Additional Standards for Temporary Structures for Construction Purposes.

Temporary structures for construction purposes shall be allowed on the same site as the building or facility that is being constructed, subject to the following:

1. The temporary structure shall only be used for the purposes of construction of the principal building on the site which the temporary structure is accessory as a temporary use. The temporary structure shall not be used for living quarters.
2. The temporary structure shall not be placed on the site more than one (1) week prior to beginning of construction of the principal building on the site. Removal of the temporary structure shall take place within one (1) week after completion of the principal structure.

Section 41.32 Therapeutic Massage.

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available, and shall be certified members of the American Massage and Therapy Association, International Myomassethics Federation or equivalent certifying organization accepted by the Township. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business are prohibited.

Section 41.33 Utility Transmission and Distribution Lines.

Electricity transmission and distribution lines, communication lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.
4. All overhead distribution lines shall be maintained to assure a minimum clearing of sixteen (16) feet above ground at all points.

ARTICLE 42.0

SPECIAL DISTRICT REGULATIONS

Section 42.001 Authority to Establish Special Districts.

The LCD (Lodi Central) and PUD (Planned Unit Development) Special Districts, as established in accordance with Sections 503 and 504 of the Michigan Zoning Enabling Act (MCL125.3503 and 125.3504), are designed to accomplish the objectives of this Ordinance through development approval procedures that properly relate the type, design, use, and layout of development to the site and surrounding area, and are intended to achieve integration of the proposed development project with the characteristics of the project area.

These Special Districts are intended to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the development and use of land, natural resources, energy, and the provision of public services and facilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, as specified on the approved Area Plan for the development, while allowing for the option of Township approval for limited deviations from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

Section 42.002 Scope.

Special District projects shall not materially add public or municipal service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans. All uses, structures, and properties shall comply with all applicable regulations and requirements of this Ordinance, except as provided within this Article.

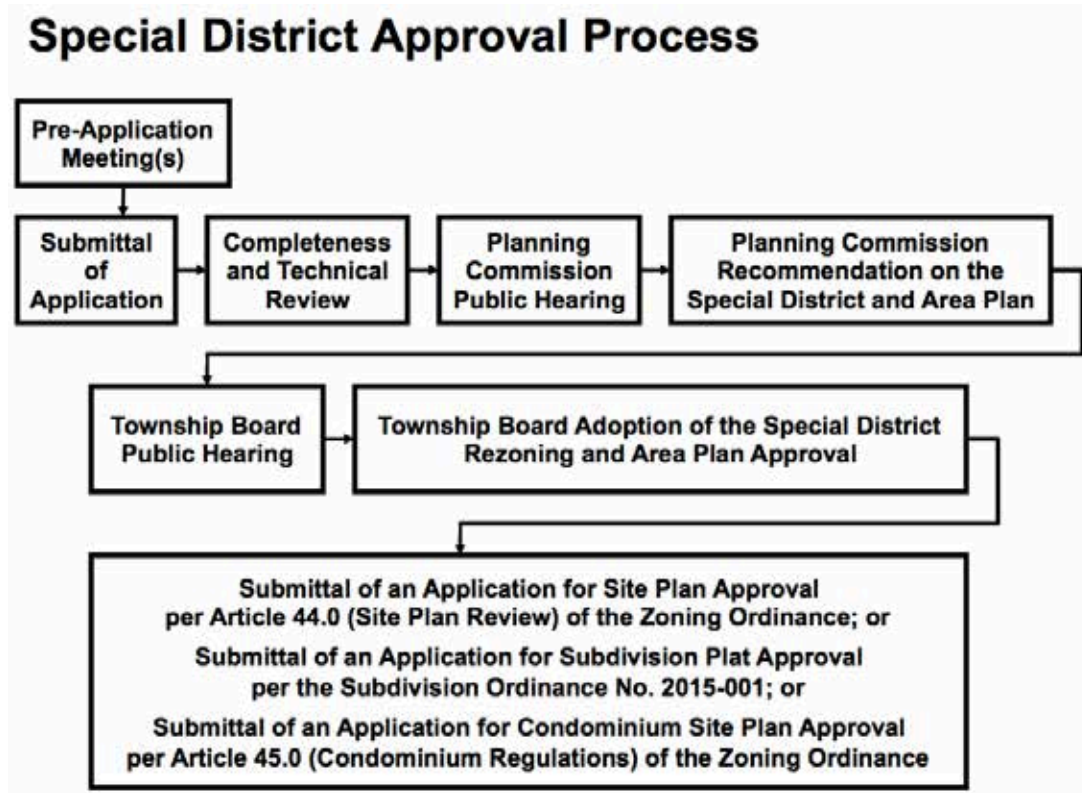
1. The location of all uses and buildings, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the approved Area Plan, and on approved final site plans, and any attached documents shall have the full force and permanence of this Ordinance as though such regulations were specifically set forth in this Ordinance.
2. A parcel of land that has been classified as a Special District by the Township Board shall not thereafter be developed or used except in accordance with the approved Area Plan and approved final site plan(s).
3. No construction, grading, cutting of trees or vegetation, soil stripping, excavating or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot within or under application for a Special District classification, until all requirements of this Article and Ordinance have been met.

Section 42.003 Regulatory Flexibility.

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to all land uses and development in a Special District. To encourage flexibility and creativity in development consistent with the intent of this Article, limited deviations from specific Ordinance standards may be approved by the Township Board, after recommendation by the Planning Commission, as part of the approval of an Area Plan, subject to the following:

1. Such deviations may include modifications to site design standards, dimensional standards, and any other development-related Ordinance requirements.
2. Deviations from the list of permitted uses as specified in Article 20.0 (Land Use Table) shall only be permitted as part of a Planned Unit Development (PUD) approval in accordance with the applicable PUD standards.
3. Permitted deviations shall be consistent with the intent and scope of this Article, shall be compatible with the Master Plan, and shall result in a higher quality of development than would be possible without the deviation.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.
5. Deviations from Ordinance requirements shall also be permitted as part of a Lodi Central (LCD) District approval to achieve the form-based objectives and policies of the Master Plan for the Lodi Central area; ensure consistency with the Lodi Central Area Plan Concept as depicted within the Master Plan; and provide for a human-scale and pedestrian-friendly environment in the relationship between form, mass, and scale of building facades and streetscapes.
6. Deviations from applicable standards of design and construction for public and private roads within a Special District shall be appropriate to adequately provide the anticipated service required.

SECTION 42.100 SPECIAL DISTRICT REVIEW PROCEDURES



Section 42.101 Pre-Application Meeting.

A potential applicant for a Special District classification and Area Plan approval shall request an informal pre-application meeting with Township officials prior to filing the application. The request shall be made to the Township Planner, who shall set a date for the meeting and inform Township officials. The Township may also invite officials from outside agencies with jurisdiction who might have an interest in the proposed development.

The purpose of the meeting is to inform the Township and outside agencies of the proposed development concept, and to provide the potential applicant with information regarding applicable land development policies, procedures, standards, and requirements. To this end, the applicant is encouraged to present conceptual plans, drawings, site data, aerial photos, and other information that explain the development concept. Statements made in the meeting shall not be legally binding commitments.

The Township may establish a required fee or escrow deposit to cover the costs of a pre-application meeting in accordance with Section 57.08 (Fees and Performance Guarantees).

Section 42.102 Application for Special District Approval.

Applications for Special District approval shall be subject to the following:

A. Special District Approval Procedures.

Application for a Special District classification and Area Plan approval shall be as an amendment to the Official Zoning Map, subject to the following review procedures:

1. **Initiating application.** An application for a Special District classification for a parcel of land shall be filed with the Township Clerk by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The filing shall be in the name of and signed by all owners of record. The applicant shall provide evidence of ownership of all land in a proposed Special District, such as legal title or execution of a binding sales agreement, prior to approval of the application by the Township Board.
 - a. The Township Board or Planning Commission may initiate the process for a Lodi Central (LCD) Special District classification.
 - b. Except as provided for in Section 42.302B (Additional Standards for Lodi Central Area Plan Approvals), an Area Plan shall be required as part of an application for Special District approval, with the minimum required information for such plans as specified in Section 42.110 (Required Area Plan Information).
 - c. All required review fees and escrow deposits shall be paid to the Township at the time the application is filed with the Clerk. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
2. **Completeness and Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, Engineer, and other designated Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application. Public notice shall be provided in accordance with Section 57.10 (Public Hearing Procedures), except that Section 57.10A.2.b. shall not apply and public hearing signage shall be posted by the applicant consistent with the placement, timing, and removal requirements of Section 57.10.C. At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:
 - a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.

- b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
- c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.
- d. A development impact assessment.

Evidence and expert opinion describing the nature and extent of the proposal shall be submitted by the applicant, including maps, charts, reports, other materials, and expert testimony. Materials shall be submitted in sufficient quantity for public display and review by the Planning Commission, Township officials, and consultants.

- 4. **Optional development impact assessment.** The Planning Commission may require that the applicant prepare and present a detailed assessment of the economic feasibility of the proposed uses; potential environmental impacts from the development; demand for public and private utility services; and anticipated impacts to public roads and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township.
- 5. **Optional developer financial statement.** The applicant may be required to submit documentation to demonstrate ability to complete and operate the project, including ability to finance public improvements and facilities required to serve the new zoning district. Evidence of past experience with similar types of projects may also be submitted, if applicable.
- 6. **Planning Commission report and recommendation.** Following the public hearing and review of all application materials, the Planning Commission shall take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for Special District approval; including compliance with Section 42.102.B. (Standards of Application Review), an analysis of proposed deviations from applicable Zoning Ordinance standards, recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
- 7. **Township Board public hearing and action.** The Township Board shall review the Planning Commission's report and recommendation(s), public hearing record, and application materials and shall hold a public hearing on the application. Public notice shall be provided in accordance with Section 57.10 (Public Hearing Procedures), except that Section 57.10.A.2.b. shall not apply and public hearing signage shall be posted by the applicant consistent with the placement, timing, and removal requirements of Section 57.10C. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the application and Area Plan, and to change the classification of the property on the Official Zoning Map to the appropriate Special District

designation; or to deny the application, or postpone action to a date certain for future consideration.

- a. As part of its action, the Township Board shall state 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 application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time period specified by the Township Board.
 - c. Reasonable conditions may be required with the approval of a Special District application and Area Plan. The conditions may include those necessary to ensure 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 ensure 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 Township as a whole.
 - (2) Be necessary to meet the intent and purposes of this Article and Ordinance, and related to the objective of ensuring compliance with the standards of this Ordinance.
8. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the Area Plan, a notice of adoption shall be published in accordance with Section 58.06 (Notice of Adoption). Once the amendatory ordinance is effective, the Special District designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 10.105.B. (Changes to Official Zoning Map).
9. **Area Plan agreement or statement.** On or immediately following the effective date of the amendatory ordinance establishing the Special District classification, the applicant and all owner(s) of record of all property included within the Special District or their legal representatives shall then sign a statement that the approved Area Plan and conditions of approval shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns.
- a. This statement may be executed as a separate document, or as part of an overall Development Agreement for the project. The statement shall be incorporated into all future Development Agreements for any phase or part of the development.

- b. The approved Area Plan and any conditions imposed by the Township Board with respect to the Area Plan approval shall be recorded by the applicant in the county Register of Deeds office, with two certified copies of the recorded documents provided to the Township Clerk. No site plan for any phase or part of the development shall be officially received for review under this Ordinance until the Clerk has received such certified copies.

B. Standards of Application Review.

The Planning Commission shall determine and provide evidence in its report to the Township Board that the application meets the following standards:

1. The proposed development shall conform to the Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and compatible extension of Master Plan policies.
2. The proposed development shall conform to the intent, regulations, and standards of the proposed Special District and this Ordinance.
3. The proposed development shall be adequately served by public facilities and services such as, but not limited to, roads, police and fire protection, and drainage courses; 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 the development 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 applicant shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the financing and maintenance of improvements shown on the plan for open space areas, and common use areas which are to be included within the development.
6. The location of the proposed uses, layout of the site, and roads access 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 convenient routes for pedestrian or other non-motorized traffic, relationship of the proposed project to main thoroughfares and road intersections, and the general character and intensity of existing and potential development in the surrounding area.
7. The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards. Where applicable, the Planning Commission shall determine that noise, odor,

light, or other external effects that are connected with the proposed uses will not adversely affect adjacent and neighboring lands and uses.

8. The proposed development shall create a minimum disturbance to natural features and landforms.

C. Effect of Special District and Area Plan Approval.

Approval of the Special District classification and Area Plan by the Township Board shall indicate its acceptance of the overall development concept and any Township Board approved deviations from Zoning Ordinance requirements. Area Plan approval shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan per Section 42.103 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 42.104 (Subdivision Plat Approval).

Section 42.103 Site Plan Approval.

Except as provided for in Section 42.104 (Subdivision Plat Approval), review and approval of preliminary and final site plans shall be required for all Special District developments in accordance with the requirements of Article 44.0 (Site Plan Review). Preliminary and final site plans shall conform to the approved Area Plan and any conditions of Area Plan approval imposed by the Township Board and to all Ordinance regulations for the Special District in which the project is located. Nonconformance to the approved Area Plan shall be considered grounds for denial of site plan approval. The preliminary site plan shall include the entire Special District, and shall include details of any phasing per Section 42.105 (Phasing of Development).

Section 42.104 Subdivision Plat Approval.

Following approval of the Area Plan by the Township Board, a preliminary plat for all or part of a Special District may be submitted for review and approval in accordance with the standards of the state Land Division Act and the Township' Subdivision Ordinance No. 2015-001. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 42.105 Phasing of Development.

A Special District may be developed in phases over a set period of time, subject to the following requirements:

1. Such phasing shall be shown in concept on the approved Area Plan, and in detail as part of a preliminary site plan for the entire Special District.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and

recreation facilities; and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.

3. The development shall be phased so that:
 - a. Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development.
 - b. No overloading of utility services or community facilities will result.
 - c. The protection of natural resources and the health, safety, and welfare of the users of the Special District is ensured upon completion of any single phase.
4. The Planning Commission may require the applicant to provide updated housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze proposed development phasing.
5. The Township Board may require the applicant to post a performance guarantee per Section 57.08.C. (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.
6. Development of a phase shall be completed within three (3) years of the date of the final site plan approval for that phase, otherwise the Planning Commission may reject final site plans for any subsequent phases unless good cause is shown for not completing the earlier phase(s).
7. The timing of construction or installation of all improvements necessary to support and service development phase(s) or to promote or protect the public health, safety and welfare consistent with the purposes of this Article and Ordinance may be addressed in a final schedule as part of an approved Development Agreement for the overall project between the applicant/developer and the Township Board.

Section 42.106 Amendment.

Changes to an approved Special District Area Plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes of the meeting at which the action is taken.

A. Request for Major/Minor Change.

Requests for approval of a major or minor change to an approved Area Plan shall be made by the applicant in writing. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.
2. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
3. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

B. Major Changes.

The Planning Commission shall determine whether the requested amendment is a major or minor change. Major changes shall require an amendment to the approved Area Plan following the procedures and standards for a new application per Section 42.102.A. (Special District Approval Procedures). Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development, or any change that would alter the approved list of Zoning Ordinance deviations or conditions of Area Plan approval.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved Area Plan.
4. Change in the number of dwelling units.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in lot coverage or floor area ratio (FAR) of the entire Special District development area of more than one percent (1%).
7. Rearrangement of lots, blocks or building tracts.
8. Change in the character or function of any road or street.
9. Reduction in land area set aside for common area open space or the relocation of such area(s).
10. Increase in building height.
11. A change in residential floor area of plus or minus ten percent (10%).
12. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

D. Changes Following Completion of the Development.

After the completion of any development within an approved Special District, alterations to existing uses or structures shall be handled on a case-by-case basis. Applicable

sections of this Ordinance shall apply. Changes shall be consistent with the intent and character of the approved Special District Area Plan and final site plan(s).

Section 42.107 Expiration and Extension of Area Plan Approval.

Expiration and extension of Area Plan approval shall be subject to the following provisions:

1. The Township Board may, by resolution, declare that an approved Special District Area Plan has expired upon determination that:
 - a. A final site plan has not been submitted to the Planning Commission for review and approval of the first phase of the project, or of the entire property in the Special District if the development is not to occur in separate phases within two (2) years of the date of Area Plan approval; or
 - b. If the development is to occur in separate phases, a final site plan for each subsequent phase has not been submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.
2. If no action is taken by the Township Board, the Area Plan shall remain in effect.
3. If an approved Area Plan expires as set forth in this Section, no further development may occur nor may any further permits for development or use be issued until applicable requirements of this Article and Ordinance have been met.
4. Upon written request and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

Section 42.108 Rescinding Special District Approval.

Approval of a Special District classification and Area Plan may be rescinded by the Township Board upon determination that the Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the Area Plan has expired per Section 42.107 (Expiration of Area Plan Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 57.10 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which Special District approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** After the hearing, the decision of the Township Board with regard to the rescission shall be made, and written notification provided to the developer, owner or designated agent.

3. **Recording.** Written notification that a Special District classification and Area Plan have been rescinded by the Township Board shall be recorded by the Township Clerk in the county Register of Deeds office.

Section 42.109 Violations.

Violation of any plan approved under this Article, or failure to comply with any provision of this Article, any Development Agreement or conditions attached to any approved plan shall be deemed a violation of this Ordinance, subject to the provisions of Section 57.09 (Violations and Penalties).

Section 42.110 Required Area Plan Information.

The following minimum information shall be included with any application for Area Plan approval under this Article, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Area Plan Information	<input type="checkbox"/>
Applicant and developer’s name(s), signatures, address(es), telephone and facsimile numbers, e-mail, and interest in the property, and property owner's name, address, telephone number, and signed consent if applicant is not the owner.	<input type="checkbox"/>
The name, address, telephone, facsimile numbers, and e-mail of the firm or individual preparing the site plan. If the site plans were prepared by an architect, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan, the plans shall bear the individual’s professional seal.	<input type="checkbox"/>
Location, address(es), and tax identification number(s) of subject parcel(s).	<input type="checkbox"/>
Dimensions of the site, and the gross and net land area.	<input type="checkbox"/>
Legal description(s) of the subject parcel(s).	<input type="checkbox"/>
Legal description of the land use or development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.	<input type="checkbox"/>
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.	<input type="checkbox"/>
Gross and net dwelling unit density for residential projects.	<input type="checkbox"/>
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.	<input type="checkbox"/>
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	<input type="checkbox"/>

Minimum Area Plan Information	<input type="checkbox"/>
Preliminary and final site plans shall be drawn to an engineer’s scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.	<input type="checkbox"/>
Vicinity map showing the general location of the site.	<input type="checkbox"/>
Scale, north arrow, initial plan date, and any revision date(s).	<input type="checkbox"/>
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).	<input type="checkbox"/>
Owners’ names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).	<input type="checkbox"/>
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.	<input type="checkbox"/>
Dimensions of all property boundaries and interior lot lines.	<input type="checkbox"/>
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	<input type="checkbox"/>
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.	<input type="checkbox"/>
Identification of general location(s) and area(s) of each development phase.	<input type="checkbox"/>
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	<input type="checkbox"/>
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.	<input type="checkbox"/>
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.	<input type="checkbox"/>
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	<input type="checkbox"/>
A Natural Features Determination, with a general description and preliminary delineation of existing natural features on and abutting the site, per Section 54.08 (Natural Features Protection and Preservation).	<input type="checkbox"/>
Outdoor open space and recreation areas; location, area, and dimensions.	<input type="checkbox"/>
Location and size of required landscape strips, if applicable.	<input type="checkbox"/>
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.	<input type="checkbox"/>
General areas of intended filling or cutting.	<input type="checkbox"/>
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	<input type="checkbox"/>

SECTION 42.200

SPECIAL DISTRICT GENERAL STANDARDS

Section 42.201 Vehicular Access.

Each lot or principal building in a Special District shall have vehicular access from a public or private road. Public roads shall meet the standards for public roads as established by the Washtenaw County Road Commission. Private roads shall meet the standards and specifications of Section 54.17 (Private Road Regulations). Individual dwelling units shall not have direct vehicular access to an arterial or collector road as classified by the master transportation plans of the Township or county or state road authorities.

Section 42.202 Pedestrian Access.

The Special District shall be interconnected by non-motorized transportation facilities for safe and convenient movement of pedestrians; and each lot or principal building shall have pedestrian access from a public or private sidewalk, except where deviations from such standards are approved in accordance with Section 42.003 (Regulatory Flexibility). Logical extensions and connections to existing or planned off-site non-motorized pathways, sidewalks, and other pedestrian ways shall be provided as part of the development.

Section 42.203 Road Design.

Public roads shall conform to the applicable standards for the type of road, except where deviations from such standards are approved in accordance with Section 42.003 (Regulatory Flexibility). Any proposed deviation from Washtenaw County Road Commission (WCRC) standards for public roads shall also be subject to WCRC approval prior to any final site plan approval for the development. Private roads shall conform to Section 54.17.

Section 42.204 Public Improvements.

All developments and uses in Special Districts shall be subject to the applicable utility standards of this Ordinance and the following requirements for public improvements:

1. Each site in a Special District shall be provided with stormwater management facilities and systems meeting or exceeding applicable Township and Washtenaw County Water Resources Commissioner standards. Such facilities and systems shall be approved by and dedicated to the Washtenaw County Water Resources Commissioner's office, unless otherwise provided for as part of the development agreement. Private roads shall conform to Section 54.17.
2. Electrical, telephone, and cable television distribution lines shall be placed underground, unless the location(s) of overhead lines are approved as a deviation in accordance with Section 42.003 (Regulatory Flexibility). Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan, and shall be landscaped and screened from view.
3. The Township Board may, after recommendation from the Planning Commission, require the installation of street lighting on all or any portion of a road, sidewalk

or non-motorized pathway where such installation is deemed to be in the interest of public health, safety and welfare.

4. The Township Board may, after recommendation from the Planning Commission, require the installation of an audio warning system at such locations as to adequately warn persons within the Special District of severe weather and other emergencies.

Section 42.205 Open Space Regulations.

Open space areas shall be conveniently and equitably located throughout a Special District in relation to the location of dwelling units, principal buildings, and natural features. Such areas shall have minimum dimensions that are usable for the functions intended, and that will permit proper maintenance. Structures, 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. Additional, non-contiguous open space area(s) may be included as part of a Special District, subject to Township Board approval after recommendation by the Planning Commission.

Section 42.206 Common Areas and Facilities.

The location, extent, and purpose of all common areas and facilities shall be identified on the Area Plan, preliminary site plan, and on each final site plan. All such areas and facilities to be conveyed to any agency shall be clearly identified on the final site plans.

The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a conservancy or public agency. Such rights shall not include those needed to improve the common open space areas in accordance with the approved Area Plan and final site plan. All public areas and facilities which are to be dedicated to a conservancy or public agency shall be shown on the final site plan. Approval of the final site plan may be conditional upon dedication of any public areas or facilities.

Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township for review and approval as part of the final site plan submittal. Where a Homeowners' Association (HOA) or equivalent entity is to be used to maintain and preserve common areas and facilities, the developer shall file with the Special District application for Township approval, copies of all proposed bylaws, articles of incorporation, covenants, and restrictions that will govern the HOA. Recorded copies of said documents are to be provided to the Township Clerk immediately after recording by the applicant.

SECTION 42.300

ADDITIONAL SPECIAL DISTRICT STANDARDS

Section 42.301 Planned Unit Development (PUD) District.

The Planned Unit Development (PUD) option encourages greater collaboration between the developer and the Township in the development process, and allows additional freedom for the developer to take an even more creative approach to land use and development than otherwise permitted under this Ordinance. The PUD option offers greater flexibility in the design of land development, maximizing the developer's ability to take advantage of natural topography, vegetation, watercourses, and other site features in designing the development.

Clustering and density bonus options available for residential PUD projects may result in a more efficient use of land and a reduction in development costs for street and utility systems. For potential homebuyers, the PUD option may result in an improved mix of housing types and compatible neighborhood arrangements, offering greater choice in living environments. The following standards shall apply to Planned Unit Development (PUD) Districts:

A. Eligibility Criteria.

A Planned Unit Development may be approved in any location in the Township, subject to review and approval as provided for in this Article. To be eligible for approval as a Planned Unit Development, the applicant shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the application and Area Plan are compatible with the following:

1. **Compatibility with the Special District intent.** The proposed PUD is consistent with the intent and scope of this Article.
2. **Compatibility with the Master Plan.** The proposed PUD is compatible with the adopted Master Plan and consistent with the planned character of the proposed development area, as expressed in the Master Plan.
3. **Availability and capacity of services.** The proposed type and intensity of use will not exceed the existing or planned capacity of necessary services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage, and stormwater management facilities. In addition, the proposed type and intensity of use will not exceed the anticipated availability of water via a private well or a municipal water system available to the site, or the suitability of soils for a private septic system or capacity of an existing or planned municipal sewer system available to the site. The Township Board shall have the authority to deny or postpone a proposed development if, in its opinion and after recommendation from the Planning Commission, the proposed development will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.
4. **Sufficient land area for proposed uses.** The proposed PUD site includes sufficient contiguous land area to comply with all applicable regulations of this

Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area.

5. **Single ownership or control.** The development will be under the ownership or control of a single person or entity having responsibility for completing and maintaining the project in conformity with this Article and Ordinance.
6. **Economic impact.** The proposed development will not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the adopted Master Plan.
7. **Location.** The proposed development is located in an area of the Township suitable and desirable for such development, and consistent with Township Master Plan policies regarding land uses and density.
8. **Additional eligibility criteria.** The application and Area Plan are compatible with one (1) or more of the following additional criteria:
 - a. **Conservation of open space.** Long-term conservation of open space, agricultural lands, or lands with significant natural features in the Township will be achieved in accordance with the adopted Master Plan.
 - b. **Preservation of natural resources.** Long-term conservation of natural resources will be achieved, where such resources of the Township would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
 - c. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.
 - d. **Remediation and redevelopment.** The development includes remediation and redevelopment of a site classified as a brownfield under state or federal law, containing one (1) or more functionally obsolete buildings, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of this Ordinance.

B. Limitations on Uses.

A PUD District may include any of the land uses listed in Article 20.0 (Land Use Table), subject to the standards of Articles 40.0 and 41.0 (Use Standards...) and the following use limitations:

1. Uses in a PUD District shall be limited to those that are compatible with the Township's adopted Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.

2. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
3. A residential area as designated on the approved Area Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
4. Home occupations shall be permitted only in single-family detached dwellings, subject to the standards of Section 40.205 (Home Occupations), unless otherwise provided for as part of the PUD Area Plan approval.

C. Dwelling Unit Density Regulations.

Dwelling unit density calculations shall meet the following requirements:

1. The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district(s) that the Planning Commission determines most nearly reflect(s) the policies of the Master Plan. If the Master Plan does not show a residential density for land included in a PUD rezoning application, the residential density and character of the surrounding area and maximum net residential density permitted in the standard zoning district most nearly reflecting the policies in the Master Plan that apply to the area in question shall be used as the density limit.
2. The applicant shall prepare and present to the Planning Commission as part of the Special District application a parallel design for the project consistent with state and Township requirements.
 - a. This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies and standards of the Master Plan.
 - b. The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall be considered by the Planning Commission, in addition to the other requirements of this subsection, in calculating the maximum net residential density of the PUD District.
3. The standards of Section 30.204 (Density Regulations) shall apply to the parallel plan design and dwelling unit calculation.
4. Land area used in calculating net dwelling unit density, lot coverage, and floor area ratio shall be delineated on the Area Plan, preliminary site plan, and final site plan so that the acreage and density computations can be confirmed.
5. The maximum overall lot coverage (LC) in a PUD District shall not exceed twenty-five percent (25%), and the overall floor area ratio (FAR) shall not

exceed 0.35. Deviation from these standards shall be subject to the requirements of Section 42.003 (Regulatory Flexibility).

- a. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential use. 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 land within public or private road rights-of-way.
 - b. 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.
6. 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 and FAR 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.
 7. The Planning Commission may exclude land with slopes of twelve percent (12%) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.
 8. Additional density above that authorized in accordance with this subsection shall only be permitted in accordance with Section 42.301.D. (Density Bonus).

D. Density Bonus.

At its discretion and after recommendation from the Planning Commission, the Township Board may authorize a residential PUD project to include additional dwelling unit density above that otherwise permitted by Section 42.301.C. (Density Regulations), in accordance with one (1) or more of the following options:

1. **On-site open space preservation.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon a demonstration by the applicant that not less than sixty percent (60%) of the gross area of the PUD District shall be permanently preserved for open space, including outdoor recreational use. These preserved open space areas shall include land areas abutting an arterial or collector road as defined in the master transportation plans of the Township or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
2. **Exemplary project design.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon determination by the Township Board after recommendation by the Planning Commission that the PUD project design significantly exceeds the minimum requirements of this Ordinance and includes a minimum of three (3) of the following elements:

- a. On-site or off-site pedestrian walkways and access improvements substantially above the minimum required by this Ordinance.
- b. Improvements to public facilities, access or utilities above the minimum required by Township ordinances or other agencies with jurisdiction.
- c. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
- d. An integrated mixture of housing types or lot sizes.
- e. Rehabilitation and re-use of a blighted site, contamination removal, or demolition of obsolete structures.
- f. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project not otherwise achievable under the minimum standards of this Ordinance.

E. Perimeter Open Space and Yard Requirements.

The following perimeter open space, transition buffer, and landscape strip requirements shall apply to PUD District projects:

1. **Transition buffer.** Transition buffers between land uses within and along the perimeter of the PUD District shall be provided in accordance with Section 30.203.E. (Transition Buffer).
2. **Landscape strip.** Landscape strips shall be provided along and adjacent to all road rights-of-way within and along the perimeter of the PUD District in accordance with Section 30.203.D. (Landscape Strip).
3. **Planned rights-of-way.** Where planned future road rights-of-way for existing roads within and along the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.
4. **Lot area and setbacks for individual lots.** Minimum lot area and required yard setbacks for individual lots shall be specified on the approved PUD Area Plan. Such standards shall conform to the requirements of the zoning district most nearly reflecting the Master Plan policies that apply to the area in question, subject to any approved deviations per Section 42.003 (Regulatory Flexibility).
5. **Perimeter open space.** A minimum perimeter open space setback area shall be provided along all boundaries of the PUD District, subject to any approved deviations per Section 42.003 (Regulatory Flexibility) and the following:
 - a. An open space setback area at least 50 feet wide shall be provided along the perimeter of the PUD District adjacent to all road rights-of-way.

- b. An open space setback area at least 20 feet wide shall be provided along the perimeter of the PUD District not adjacent to a road right-of-way.

Such open space setback areas shall be landscaped per Section 55.09 (Landscaping, Screening, and Land Use Buffers) and maintained by the property owner, tenant or organization responsible for maintaining common areas.

F. Building Height and Location.

The proposed height of each building shall be indicated on the Area Plan. Building location(s) and separation distances shall be sufficient to meet fire protection requirements; and to provide for natural light, air circulation, and solar access. Unless approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of three (3) stories or 45 feet.

Approval of a taller building shall be in accordance with Section 42.003 (Regulatory Flexibility) and based on findings of fact regarding natural light; air circulation; airport and heliport flight patterns; solar access rights for neighboring buildings and properties; compatibility with surrounding uses, including viewsheds; and recommendations from the Township Fire Chief or designated fire official regarding fire protection and safety. Larger lot areas or deeper setbacks may be required as a condition of height deviation approval to preserve the integrity of open areas, or to make the building more compatible with surrounding land uses.

G. Open Space Preservation.

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 Board after recommendation by the Planning Commission, could otherwise be developed under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

1. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a municipal sewer system, three (3) or fewer dwelling units per acre.
2. When completed, a development shall have at least fifty percent (50%) 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 a dwelling, an accessory use, yard areas adjacent to buildings, vehicle access or parking, road right-of-way, utility easement or similar uses or improvements.
 - a. Determination of permitted dwelling unit density shall conform to the requirements of Section 42.301.C. (Dwelling Unit Density Regulations).
 - b. The 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.

- c. Developable acreage shall not include bodies of water, designated wetlands or floodplain, rights-of-way, or easements, except where the Planning Commission determines that a parallel design plan submitted per Section 42.301.C. (Dwelling Unit Density Regulations) demonstrates that such areas are developable under this Article and Ordinance.
3. The open space shall be preserved perpetually by a recorded legal document approved by the Township Board.
4. The development does not depend upon extension of municipal sewer or water supply systems, unless development of the land without the exercise of the open space preservation option would also require such an extension.
5. The option provided pursuant to this open space preservation subsection has not been previously exercised with respect to the subject land.
6. The development of the land under this open space preservation option 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.

Section 42.302 Lodi Central (LCD) Special District.

The following standards shall apply to the Lodi Central (LCD) Special District:

A. Eligibility Criteria.

To be eligible for approval as a Lodi Central (LCD) Special District, the proposed development shall be located within the Lodi Central Defined Area as depicted within the Township's Master Plan. The applicant shall demonstrate to the Planning Commission's satisfaction that the proposed development and land uses are consistent with Master Plan objectives and policies for this area, and the Lodi Central Area Plan Concept as depicted within the Township Master Plan.

B. Additional Standards for Lodi Central Area Plan Approval.

The following additional standards shall apply to Area Plan approvals in the LCD District:

1. Parcels proposed to be rezoned to the LCD Special District and any new development in the LCD Special District shall be subject to Area Plan and site plan approval in accordance with this Article and Ordinance.
2. Where the Township initiates and the Township Board adopts the rezoning of a parcel to the LCD Special District on the Official Zoning Map without a separate Area Plan, the Lodi Central Area Plan Concept as depicted within the Township Master Plan shall be the approved Area Plan for the parcel.
 - a. Review of new development applications for such parcels under this Article shall begin with review of a major/minor change to this Area Plan per Section 42.106 (Amendment).

- b. A proposed Area Plan determined by the Planning Commission to be consistent with the Master Plan objectives and policies for this area and the Lodi Central Area Plan Concept shall be considered a "minor change" subject to Planning Commission approval.
- c. Site plan approval for such developments shall be required in accordance with Section 44.02 (Activities Requiring Site Plan Approval).

C. Limitations on Uses.

Uses shall be limited to those permitted in a LCD Special District per Article 20.0 (Land Use Table), subject to the following:

- 1. A lot located within an approved Area Plan shall be limited to the permitted land uses specified on the Area Plan.
- 2. Permitted uses in the LCD Special District shall be consistent with Master Plan objectives and policies for size, scale, pedestrian orientation, and compatibility with abutting Residential Uses.
- 3. Mixed-use commercial-residential buildings are encouraged within the LCD Special District, provided that adequate facilities are available to serve all permitted uses on the site. Apartments and similar dwelling units may be located above the street level of mixed-use buildings primarily occupied or intended to be occupied by Commercial Uses or Office, Service, and Community Uses on the street level.
 - a. Dwelling units shall be prohibited on the ground floor or street level of the building.
 - b. Dwelling units shall be constructed with adequate sound and firewall separation from the principal use(s).
 - c. Each dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.
 - d. Parking shall be provided for each dwelling unit per the minimum requirements for multiple-family housing in Article 51.0 (Off-Street Parking and Loading Regulations).
 - e. Floor plans for the dwelling unit(s) and related ingress/egress shall be provided as part of final site plan review.
 - f. Structural and building alterations of approved dwelling units shall be subject to zoning compliance permit approval per Article 57.0 (Administration and Enforcement).

E. Dimensional Standards.

The following height, lot, yard setback, floor area ratio, and dwelling unit density standards shall apply in the LCD Special District:

Dimensional Standards		Permitted per Article 20.0 (Land Use Table)				Additional Standards	
		RESIDENTIAL USES	OFFICE, SERVICE, AND COMMUNITY USES	COMMERCIAL USES	OTHER USES		
Maximum Structure Height	Feet	45	45	45	45	Section 30.201	
	Stories	3.0	3.0	3.0	3.0		
Lot Standard	Minimum Width (feet)	100	150	150	150	Section 30.202 Section 30.205	
	Minimum Area (acres)	1.0	1.0	1.0	1.0		
Yard/Setback Standard (feet)	Minimum Front Yard	60	10	10	60	Section 30.203 Section 30.206	
	Minimum Side Yard	Each Side	10	10	10		20
		Total of Two Sides	20	20	20		40
		Street Side	60	10	10		60
	Minimum Rear Yard	35	35	35	35		
Maximum Lot Coverage		25%	25%	25%	25%	Section 30.202	
Maximum Floor Area Ratio		0.20	0.40	0.60	0.40	Section 30.202	
Maximum Net Dwelling Unit Density (units per acre)		1.0				Section 30.204	

1. The minimum lot area for new lots in the LCD Special District shall be identified on the Area Plan for the development, and shall be consistent with the maximum net dwelling unit density for the district and requirements for use of a private on-site septic system and private well, as determined by the Planning Commission.
2. Accessory dwelling units above the ground floor or street level of a building occupied by or planned for principal Office, Service and Community Uses or Commercial Uses shall not require additional front yard or street side yard setback.
3. Deviations from yard/setback, lot coverage, and floor area ratio standards shall be subject to the requirements of Section 42.003 (Regulatory Flexibility).
4. Transition buffers shall not be required between land uses within the LCD Special District, but shall be required for land uses along the perimeter of the LCD Special District in accordance with Section 30.203.E. (Transition Buffer).
5. Landscape strips shall be provided within any front yard area along road rights-of-way within and around the perimeter of the LCD Special District, in accordance with Section 30.203.D. (Landscape Strip).

6. Where future road rights-of-way for existing roads, planned by the Washtenaw County Road Commission, within or along the perimeter of the LCD Special District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.

F. Design Standards.

The following standards shall apply to new development and alterations to existing sites in the LCD Special District:

1. **General standards.** The following general standards shall apply in the District:
 - a. Transportation, land use, pedestrian circulation, and vehicular parking shall be interlinked to create a pedestrian-friendly and human-scale development pattern.
 - b. The scale, character, visual perspective, and arrangement of buildings, parking areas, open space, landscape treatments and other elements shall be designed to create a unique and cohesive physical identity for the LCD Special District consistent with Master Plan objectives and policies.
 - c. Street trees, pedestrian walkways, street lighting, street furniture, and signage may be provided along or adjacent to all perimeter public road rights-of-way, and along all internal roads and drives.
2. **Signage.** A conceptual signage plan for the overall development shall be submitted as part of the Area Plan review. In reviewing the conceptual signage plan or considering any proposed deviations from the standards of Article 53.0 (Sign Regulations), the Planning Commission shall consider whether the applicant has minimized the need for separate ground signs for individual businesses by locating commercial buildings closer to the perimeter road rights-of-way and providing consolidated signage for multiple users at primary entryways into the development.
3. **Parking, access, and circulation.** Off-street parking shall be coordinated to encourage shared parking between individual land uses, and shall not dominate the visual appearance of sites within the LCD Special District.
 - a. Internal roads and cross-access drives shall be provided for access to future uses, and to reduce congestion and access conflicts on Pleasant Lake Road and Ann Arbor-Saline Road.
 - b. Development within the LCD Special District shall be oriented around common areas, non-motorized paths, and walkways that tie together individual businesses, residential areas, and open spaces; with linkages to adjacent residential areas and existing or planned regional pathways and on-street bike lanes.
 - c. All off-street parking and loading/unloading areas shall be located within the interior of the development and to the side or rear of individual

buildings. Off-street parking and loading/unloading areas shall be prohibited closer to the Pleasant Lake Road or Ann Arbor-Saline Road rights-of-way than the front building line of any building adjacent to these road rights-of-way.

- d. Barrier-free pedestrian linkages shall be provided between parking areas and building entrances, and between individual buildings within the LCD Special District. Such linkages shall be separated from parking areas and driveways by curbing, landscaping, and other design elements.
 - e. On-street parking shall be provided along perimeter public roads where permitted by the Washtenaw County Road Commission, and at convenient locations along all internal roads and drives.
4. **Building exterior standards.** The following minimum building composition and placement standards shall apply in the District:
- a. **General standards.** New buildings in the LCD Special District shall be of a character, scale, and visual profile consistent with Master Plan objectives and policies for the Lodi Central Defined Area.
 - (1) Unifying architectural elements shall be included in the design of individual buildings to create a general theme for the LCD Special District, consistent with Master Plan objectives and policies.
 - (2) Building facade walls shall be subdivided visually into bays through the location and arrangement of architectural features and design variations. Such features and design elements may include, but are not limited to projections, bays, recesses, cornice lines, horizontal or vertical articulation, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns.
 - (3) All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.
 - b. **Non-residential and mixed-use building standards.** The following standards shall apply to non-residential and mixed-use buildings:
 - (1) **Materials.** If vinyl, aluminum, or steel siding is to be installed on any building, the area of all such siding shall not exceed fifty percent (50%) of the total area on the front and side building elevations. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.

- (2) **Public entrances.** Buildings shall have at least one (1) public entrance that faces each abutting public road right-of-way and internal road within the development. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
- (3) **Rooftop equipment screening.** Rooftop mechanical equipment, HVAC systems, elevator housings, and other equipment shall be screened by a parapet wall or similar device that exceeds the height of the equipment and extends around the entire building.
- (4) **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted on the interior of the building, and shall be predominantly transparent to allow maximum visibility of the interior. Such security equipment shall be recessed and completely concealed during regular business hours.

ARTICLE 43.0 SPECIAL USES

Section 43.01 Intent and Scope.

The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of the Township into districts, within which are permitted specified uses that 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.

This Article is intended to provide a consistent and uniform method for review of special use permit applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

This Ordinance, therefore, requires approval of a special use permit for every use identified in Article 20.0 (Land Use Table) as a special use in a particular zoning district. This Article specifies the procedures and standards to be followed in granting such permits. No special use shall commence until a special use permit is issued in accordance with this Article.

Section 43.02 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. The Planning Commission shall have authority to review special use applications, hold a public hearing, and make recommendations to the Township Board.

Section 43.03 Review Procedures.

Special use permit applications shall be submitted in accordance with the following:

Special Use Permit Approval Process



A. Information Required.

Application for special use permit approval shall be made by filing a complete and accurate application form with the Township Clerk, including all required information and the required review fee. An application for a special use permit shall include the following minimum information:

1. Names and signatures, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
2. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the special use application.
3. Address, location, legal description, and tax identification number of the parcel.
4. A detailed description of the proposed use.
5. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 43.04 (Standards for Special Use Approval).
6. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements; along with a site plan meeting the requirements of Article 44.0 (Site Plan Review).
7. Appropriate review fees, as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full.
8. Any other information deemed necessary by the Township Planner or Planning Commission to determine compliance with this Ordinance.

B. Completeness and Technical Review.

Prior to Planning Commission consideration, the Clerk shall forward copies of the application materials to the Township Planner and other designated Township officials and consultants for review and comment. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.

C. Planning Commission Review and Public Hearing.

Upon receipt of a complete and accurate application for a special use permit from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application. Notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).

D. Planning Commission Recommendation.

After the public hearing, the Planning Commission shall, at a public meeting, review the application for a special use permit and the information provided at the public hearing through public comment, together with any reports and recommendations from

Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction. The Planning Commission shall then take action by motion to recommend to the Township Board approval, approval with conditions, or denial of the special use permit application, or to postpone further consideration of the application to a date certain, as follows:

1. **Postpone.** Upon determination by the Planning Commission that the special use permit application is not sufficiently complete, failure of the applicant to attend the meeting, or upon request by the applicant, or additional information or clarification as requested by the Planning Commission, the Planning Commission may postpone further consideration of the application to a date certain.
2. **Recommendations to the Township Board.** The Planning Commission shall take action to recommend to the Township Board approval, approval with conditions, or denial of the special use permit application, based upon level of compliance with all applicable standards of this Ordinance, including Section 43.04 (Standards for Special Use Approval), as well as other applicable ordinances and state and federal statutes. Failure of the applicant to attend two (2) or more Township Planning Commission meetings, when the application is being considered, shall be grounds for the Township Planning Commission to recommend to the Township Board that the special use application be denied.

The Planning Commission's recommendations, all findings of fact and conclusions forming the basis for the recommendations, and all recommended conditions of approval shall be incorporated into the Commission's motion, and shall be forwarded to the Clerk and promptly placed on a future Township Board meeting agenda for final consideration and action.

E. Township Board Action.

Upon receipt of the Planning Commission's recommendations, the Township Board shall review the application for a special use permit, reports of the Planning Commission and the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or postpone for future consideration the application.

1. **Postpone.** If the Township Board shall deem advisable any changes, additions, or departures as to the proposed special use permit, 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.
2. **Approval.** A request for approval of a land use or activity shall be approved if the request is determined to be in compliance with the standards of and conditions imposed under this Ordinance, including Section 43.04 (Standards for Special Use Approval), as well as other applicable ordinances and state and federal statutes.
3. **Denial.** 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. If a special use is denied, a written record shall be provided to the applicant listing the findings of

fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more Township Board meetings, when the application is being considered, shall be grounds for the Township Board to deny the special use application.

4. **Written record.** The Township Board shall include in its minutes its findings and conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Conditions imposed with respect to the approval shall be recorded in the record of the approval action and shall remain unchanged, except upon the mutual consent of the Township Board and the landowner as approved in accordance with this Article. The Township shall maintain a record of conditions that are changed.

F. Conditions of Approval.

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 be:

1. Designed to protect natural resources, public health, safety, and welfare, and 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. Related to the valid exercise of the police power and purposes affected by the proposed use or activity; and
3. Necessary to meet the intent and purposes of this Ordinance and ensure compliance with all applicable regulations and standards for the land use or activity under consideration.

Section 43.04 Standards for Special Use Approval.

No special use permit shall be granted unless the Township Board makes affirmative findings of fact and records adequate data, information, and evidence showing that:

1. **Allowable special use.** The proposed land use is identified in Article 20.0 (Land Use Table) as a special use in the zoning district.
2. **Compatibility with adjacent uses and the neighborhood.** The special use is compatible with adjacent uses and 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 zoning district and neighborhood. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.

3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable regulations and standards of this Ordinance, other applicable ordinances, and state and federal statutes.
5. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.
6. **Impact upon public or municipal services or infrastructure.** The impact of the special use will not exceed the existing or planned capacity of public or municipal services or infrastructure; including utilities, roads, police and fire protection services, refuse disposal, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for services or infrastructure that will be detrimental to the economic welfare of the community.
7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.

Section 43.05 Compliance with Special Use Permit Approval.

It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use permit approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Article 57.0 (Administration and Enforcement); and shall constitute grounds for rescinding special use permit approval in accordance with Section 43.08 (Rescinding Special Use Permit Approval).

Those persons authorized by Article 57.0 (Administration and Enforcement) to administer and enforce this Ordinance may make periodic investigations of special uses to determine compliance with their special use permits. Each special use permit shall be reviewed, at least every two (2) years, by the Township Board.

Section 43.06 Alteration and Expansion.

An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Township Board and the landowner after review and recommendation by the Planning Commission. Any alteration or expansion of an existing special use shall require approval of an amended special use permit. Approval of an amended special use permit shall be obtained by the same procedures set forth in this Article for obtaining approval of a new special use permit.

Section 43.07 Re-Application.

An application for a special use permit which has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence not available to the applicant at the time of the original application or proof of changed conditions found by the Township Board to be valid.

Section 43.08 Rescinding Special Use Permit Approval.

Approval of a special use permit may be rescinded by the Township Board upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use permit approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 57.10 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission. The Planning Commission shall make a report to the Township Board.
2. **Determination.** Subsequent to the hearing and receipt of the Planning Commission report, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

ARTICLE 44.0

SITE PLAN REVIEW

Section 44.01 Purpose.

It is the intent of this Article to establish procedures and standards that provide a consistent method for review of site plans. The purpose of this Article is to ensure that land use activity or development in the Township conforms to all applicable requirements and standards of this Ordinance, other applicable ordinances, and state and federal statutes; and is consistent with the adopted policies of the Township's Master Plan and other statutorily authorized and properly adopted planning documents.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to encourage cooperation and consultation between the Township and the applicant; to protect natural resources; and to minimize adverse impacts from land use or development activity on properties in close proximity and the Township as a whole.

Section 44.02 Site Plan Approval Required.

In accordance with the requirements of this Article and Ordinance, site plan review and approval shall be required prior to establishment, construction, expansion or structural alteration of any structure or use. Three (3) separate review processes (preliminary/final site plan, minor site plan, and administrative approval) have been established in keeping with the purpose of this Article. Until all required site plans have been approved in accordance with this Article, the Zoning Administrator shall not issue a Zoning Compliance Permit for construction of or addition to any structure, or a Certificate of Occupancy for the establishment or expansion of any land use or development activity for which site plan approval is required. Except where authorized per Section 44.05.E. (Effect of Preliminary Site Plan Approval), no grading, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any land use or development activity for which site plan approval is required until all required site plans have been approved.

A. Exempt from Site Plan Approval.

The following land use or development activities are exempt from the requirement for site plan approval under this Article, but remain subject to all other applicable requirements of this Ordinance:

1. Rural Uses for which site plan approval is not expressly required by the applicable provisions of Article 40.0 (Use Standards).
2. The following Residential Uses shall be exempt from site plan approval:
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing zoning lot of record zoned for residential use.

- b. One (1) two-family or duplex dwelling and customary accessory structures on an existing zoning lot of record zoned for residential use.
- c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
3. Temporary construction buildings and uses not otherwise subject to site plan approval under this Article and Ordinance.
4. Essential service and public utility facilities not otherwise subject to site plan approval under this Article and Ordinance.
5. Accessory structures and uses not otherwise subject to site plan approval under this Article and Ordinance.
6. Any other land use exempted from the requirement for site plan approval under this Article by a provision of state law or this Ordinance.

B. Administrative Site Plan Approval.

The following land use or development activities are eligible for administrative review and approval by the Township Planner and Zoning Administrator. The applicant shall have the option to apply for minor site plan approval of a project otherwise eligible for administrative approval. Upon determination that the proposed scope of work would exceed the allowable range of activities for administrative approval, the Zoning Administrator shall return the application and direct the applicant to apply for minor site plan approval or preliminary/final site plan approval, as appropriate to the project.

1. Incidental changes during construction due to reasonably unanticipated site constraints or outside agency requirements, or minor landscaping changes or species substitutions, provided that the change or substitution is consistent with the approved final site plan and any conditions of site plan or special use permit approval.
2. Incidental building modifications that do not otherwise require minor site plan approval or preliminary/final site plan approval under this Article, and that would not result in alteration of the facade materials, height, architectural character or floor area of a multiple-family or non-residential building.
3. Changes to a site required to comply with State Construction Code requirements, provided that the change is consistent with the approved final site plan and any conditions of site plan or special use permit approval.
4. Incidental alterations to sidewalks or pedestrian pathways, or barrier-free improvements.
5. Incidental alterations to a previously approved private road such as paving of the roadway surface from a gravel surface to a paved surface. Such paving shall not include or require any physical access changes, either to parcels accessing the subject roadway or to adjacent roadways.

6. Construction of accessory structures or fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use, provided that minor site plan approval or preliminary/final site plan approval is not otherwise required under this Article.
7. Addition or replacement of antennae and associated equipment on a previously approved communication tower.

C. Minor Site Plan Approval.

The following land use or development activities requiring site plan review and approval are eligible for review and approval of a minor site plan in accordance with the requirements of this Article and Ordinance:

1. Farm-based tourism/entertainment activities.
2. Boarding stable or riding arena.
3. Adult foster care large group home.
4. Bed and breakfast inn.
5. Child day care home, group.
6. Home occupations, General.
7. Landscaping businesses in the A-1 (Agricultural) District.
8. Food trucks subject to site plan approval on a zoning lot that has previously received site plan approval and has been developed with customary parking and access improvements for Commercial Uses.
9. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. Any variances to the requirements of this Ordinance have been previously approved.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.

The Planning Commission shall have the authority to require preliminary and final site plan approval for projects and uses otherwise eligible for minor site plan approval upon determination that the complexity or size of the proposed project or use warrants a more intensive review and the additional required information. The Planning

Commission's determination shall be recorded in the meeting minutes. Upon making this determination, the Planning Commission shall review and act on the application under the standards for preliminary site plan approval.

D. Preliminary/Final Site Plan Approval.

The following land use or development activities shall require review and approval of detailed preliminary and final site plans in accordance with the requirements of this Article and Ordinance:

1. Special uses not otherwise eligible for minor site plan approval per Section 44.02.C. (Minor Site Plan Approval).
2. Rural Uses for which site plan approval is required per Article 40.0 (Use Standards) that are not otherwise eligible for minor site plan approval per Section 44.02.C. (Minor Site Plan Approval).
3. Residential Uses for which site plan approval is required per Article 40.0 (Use Standards) that are not otherwise eligible for minor site plan approval per Section 44.02.C. (Minor Site Plan Approval).
4. Construction, expansion or alteration of a manufactured housing park, as defined in Section 2.03 (Definitions), shall be subject to site plan approval in accordance with the procedures and standards of Section 40.206 (Manufactured Housing Parks).
5. Construction, expansion or alteration of a condominium development, as defined in Section 2.03 (Definitions), subject to the condominium site plan procedures and standards of Article 45.0 (Condominium Regulations).
6. Construction, expansion or alteration of a Special District development requiring site plan approval, consistent with the approved Area Plan and standards of Article 42.0 (Special District Regulations).
7. All other land use or development activities allowed under this Ordinance that are not otherwise addressed in this Section.
8. Any other projects for which site plan approval is required, unless otherwise stated, under this Ordinance or other Township ordinances.

Section 44.03 Pre-Application Meeting.

Applicants are encouraged to request a pre-application meeting with the Township Planner, Township representative, and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a site plan application for formal review.

1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.

2. The Township may establish a required fee or escrow deposit to cover the costs of a pre-application meeting in accordance with Section 57.08 (Fees and Performance Guarantees).
3. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

Section 44.04 Applications for Site Plan Approval.

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

A. Application Submittal.

Application shall be made by filing the completed application form, site plans, and other application materials with the Township Clerk, along with payment of required review fees and escrow deposits to the Township Treasurer.

1. For preliminary and final site plans, and for minor site plans with a sheet size exceeding 12-inches by 18-inches, at least five (5) full-size (24-inch by 36-inch) sets of site plan drawing(s) and seven (7) reduced-size (12-inch by 18-inch) sets of site plan drawing(s) shall be required at the time of application.
2. For minor site plans with a sheet size that does not exceed 12-inches by 18-inches, at least 12 sets of sets of site plan drawing(s) shall be required at the time of application.
3. The Township Clerk, upon receipt of all required application materials and required fees, shall forward the site plan and application materials to the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.
4. Preliminary and final site plans shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer.

B. Information Required.

Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 44.08 (Required Site Plan Information).

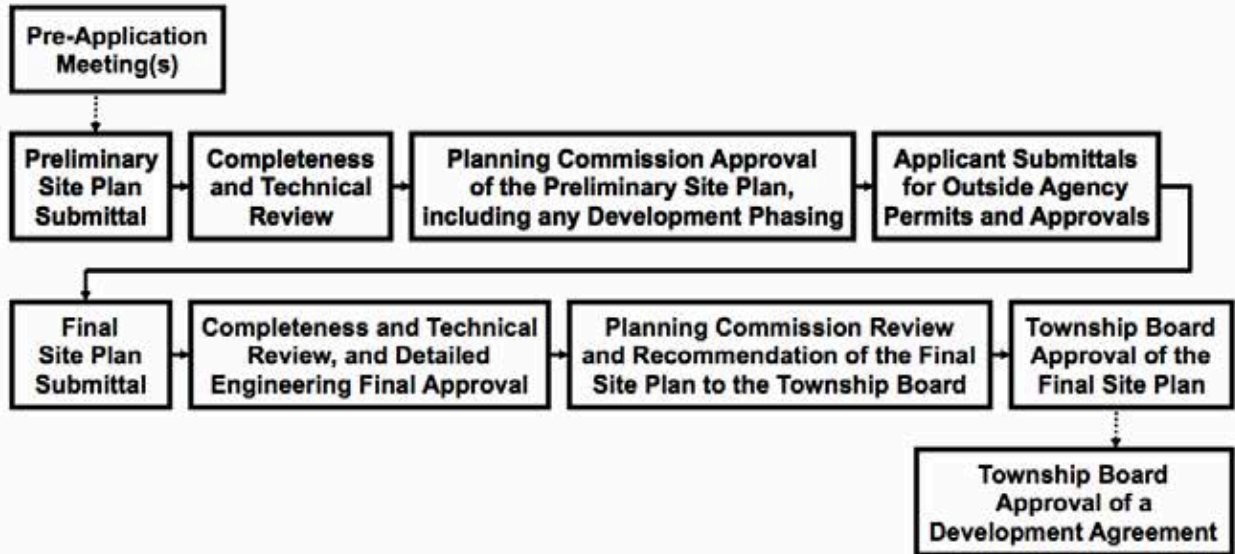
C. Completeness and Technical Review.

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

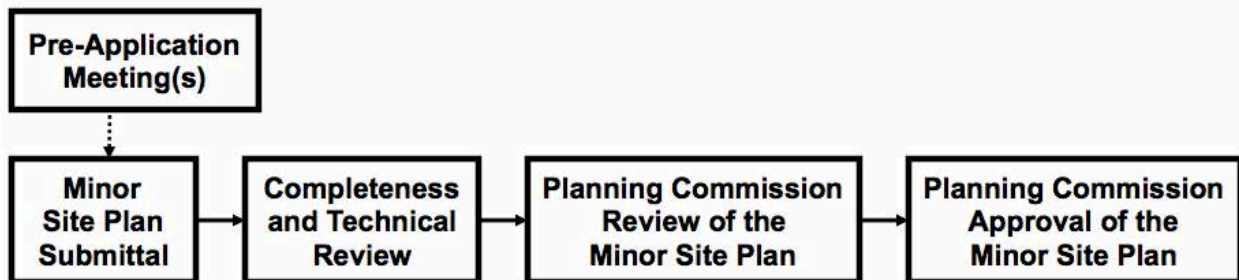
D. Review Processes.

The following are summaries of the site plan approval processes under this Article:

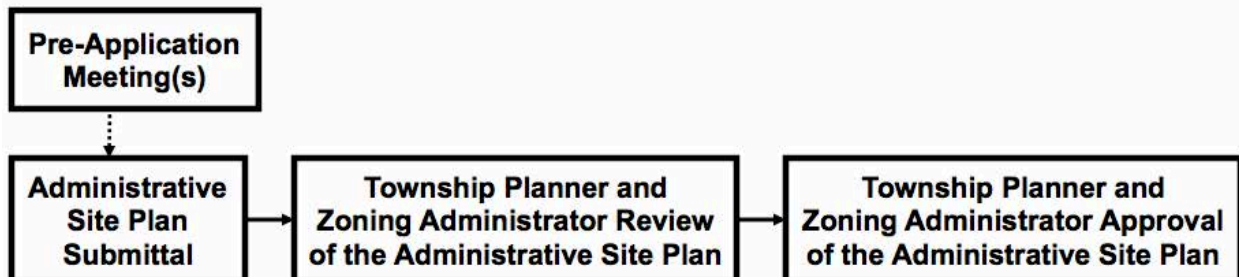
Preliminary/Final Site Plan Approval Process



Minor Site Plan Approval Process



Administrative Site Plan Approval Process



Section 44.05 Planning Commission Action.

In accordance with this Article and Ordinance, the Planning Commission shall have authority to review and take action on all preliminary site plan and all minor site plan applications, and to review and make recommendation to the Township Board on final site plan applications. The Commission shall review the application materials and site plan at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and other officials or outside agencies with jurisdiction.

A. Standards for Site Plan Approval.

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section 44.11 (Standards of Site Plan Approval), have been met by the applicant.

B. Actions.

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny a preliminary and minor site plan, and to make recommendation for such action to the Township Board on a final site plan, as follows:

1. **Postpone.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for action or recommendation to the Township Board, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
2. **Denial.** Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the Planning Commission shall deny approval of the minor site plan or preliminary site plan, or recommended denial of the final site plan to the Township Board. Failure of the applicant or agent to attend two (2) or more Planning Commission meetings where the site plan is being considered as an agenda item, shall also be grounds to deny site plan approval. If the site plan is denied or recommended for denial, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such action.
3. **Approval.** Upon determination that the site plan is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable ordinances, regulations, or state statutes, the Planning Commission shall approve the preliminary site plan, or the minor site plan or recommend approval of the final site plan to the Township Board.
4. **Approval subject to conditions.** The Planning Commission may approve a preliminary site plan, minor site plan, or recommend approval of a final site plan to the Township Board, subject to any conditions necessary to address necessary modifications, ensure that public services and facilities can accommodate the proposed use, protect significant natural resources or site features, ensure

compatibility with adjacent land uses, or otherwise meet the intent and purposes of this Ordinance.

C. Recording of Planning Commission Action.

Planning Commission action on the minor, preliminary or final site plan shall be recorded in the meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its action on the preliminary site plan, the minor site plan, or final site plan by first class mail, electronic mail, or facsimile.
2. After final action on the preliminary site plan or minor site plan, the Clerk shall mark three (3) copies of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval. The Clerk, applicant, and owner(s) of record or the legal representative thereof shall sign all three (3) copies of the site plan.
3. One (1) signed copy of the approved preliminary site plan or minor site plan shall be transmitted to the Zoning Administrator, and one (1) signed copy each to the Township Clerk and to the applicant.
4. The Clerk's signed copy shall be placed on file at the Township offices to be retained per State of Michigan retention guidelines.
5. If the preliminary site plan or minor site plan is denied, the Planning Commission Secretary shall provide a written record to the applicant listing the findings of fact and conclusions or reasons for such denial.
6. The Planning Commission's secretary shall notify the Township Clerk of the Planning Commission's recommendation regarding a final site plan.

D. Effect of Minor Site Plan Approval

Approval of a minor site plan by the Planning Commission authorizes issuance of a Zoning Compliance Permit to begin site work or construction, provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a Zoning Compliance Permit and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

E. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 44.11 (Standards for Site Plan Approval).

Section 44.06 Township Board Action.

After review by the Planning Commission, the final site plan shall be forwarded to the Township Board with the Commission's findings, conclusions, and recommendation(s) for action. The Township Board shall study the final site plan and approve, deny, or refer the plan or portions of the plan back to the Planning Commission for additional review on designated items within a specified period of time. After the Township Board's review, action shall be taken, at a public meeting, to approve or deny the final site plan.

A. Recording of Final Site Plan Action.

Upon Township Board approval of the final site plan, the Clerk shall mark three (3) copies of the site plan APPROVED, with the date that action was taken and any conditions of approval. The Clerk, applicant, and owner(s) of record or the legal representative thereof shall also sign all three (3) copies of the site plan.

1. One (1) signed copies of the approved final site plan shall be transmitted to the Zoning Administrator, and one (1) signed copy each to the Township Clerk and to the applicant.
2. The Township Clerk shall attach a certificate of approval to the copy to be sent to the applicant.
3. The Clerk's signed copy shall be placed on file at the Township offices to be retained per State of Michigan retention guidelines
4. If the final site plan is denied, the Clerk shall provide a written record to the applicant listing the findings of fact and conclusions or reasons for such denial.

B. Effect of Final Site Plan Approval.

At the discretion of the Township Board, approval of a final site plan may authorize the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 54.20 (Development Agreement). If no Development Agreement is requested by the Township Board, approval of the final site plan shall authorize issuance of a Zoning Compliance Permit. If a Development Agreement is requested by the Township Board the execution and recording of the Development Agreement shall authorize issuance of a Zoning Compliance Permit. No site work or construction shall begin prior to the issuance of the Zoning Compliance Permit and any required building permits.

In the case of uses without structures, approval of a final site plan authorizes issuance of a Zoning Compliance Permit and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

Section 44.07 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review. 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.

Section 44.08 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION			
Applicant and developer’s name(s), signatures, address(es), telephone and facsimile numbers, e-mail, and interest in the property, and property owner's name, address, telephone number, and signed consent if applicant is not the owner.	●	●	●
The name, address, telephone, facsimile numbers, and e-mail of the firm or individual preparing the site plan. If the site plans were prepared by an architect, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan, the plans shall bear the individual’s professional seal.	●	●	●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●
Legal description(s) of the subject parcel(s).	●	●	●
Legal description of the land use or development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.		●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.			●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●
Gross and net dwelling unit density for residential projects.		●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.			
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●
SITE PLAN DATA AND NOTES			
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 11 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●		
Preliminary and final site plans shall be drawn to an engineer’s scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●
Vicinity map showing the general location of the site.		●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Owners’ names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).		●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.		●	●
Calculations for parking and other applicable Ordinance requirements.	●	●	●
EXISTING CONDITIONS			
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
SITE PLAN DETAILS			
Delineation of required yards, setback areas, and transition strips.	●	●	●
Identification of general location(s) and area(s) of each development phase.		●	●
Planned construction program and schedule for each development phase.		●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●	●	●
Location, type, area, height, and lighting specifications of proposed signs.	●		●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.			●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●	●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.		●	●
BUILDING DESIGN AND ORIENTATION			
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.		●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.		●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.			
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.			●
ACCESS AND CIRCULATION			
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●	●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.			●
Parking space dimensions, pavement markings, and traffic control signage.	●	●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.		●	●
Identification of the proposed name(s) for new public or private road(s) serving the site.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.			●
NATURAL FEATURES AND OPEN SPACE AREAS			
A Natural Features Determination, with a general description and preliminary delineation of existing natural features on and abutting the site, per Section 54.08 (Natural Features Protection and Preservation).		●	●
A Natural Features Impact Statement, with details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 54.08 (Natural Features Protection and Preservation).			●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.			●
SCREENING AND LANDSCAPING			
Location and size of required landscape strips, if applicable.		●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●	●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.			●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.			●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●	●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●	●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING			
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.		●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.			●
Calculations for capacity of stormwater management and drainage facilities.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●
General areas of intended filling or cutting.		●	●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.			●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.		●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.			●
ADDITIONAL REQUIRED INFORMATION			
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●

Section 44.09 Expiration of Site Plan Approval.

Approval of a site plan shall expire in accordance with the following:

A. Expiration of Administrative Approval.

Administrative approval of incidental changes during construction consistent with an approved final site plan shall not alter the original expiration date for the final site plan. Any other site plan subject to administrative approval under this Article shall expire and be of no effect unless, within 365 calendar days of administrative approval, all work associated with the approved plan has been completed.

B. Expiration of Minor Site Plan Approval.

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission’s approval, appropriate permits have been approved, substantial construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

C. Expiration of Preliminary Site Plan Approval.

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a complete application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three (3) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the preliminary site plan shall expire and be of no further effect with respect to the remaining parts of the site.

D. Expiration of Final Site Plan Approval.

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Township Board's approval, a fully executed Development Agreement, when required, has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days following the date of approval, substantial building construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

E. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that current, applicable provisions of this Ordinance are met.

Section 44.10 Phasing of Development.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 57.08 (Fees and Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation

facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

Section 44.11 Standards for Site Plan Approval.

In reviewing a minor, preliminary, or final site plan, a determination shall be made whether the following standards are met, as applicable to the type of site plan and required approval process:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed land use or development activity is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●
The final site plan conforms to the approved preliminary site plan.			●
The proposed land use or development activity will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
Preservation and/or mitigation of natural resources conform to the standards of Section 54.08 (Natural Features Protection and Preservation), and the development as proposed will not cause soil erosion or sedimentation.		●	●
The proposed land use or development activity respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed land use or development activity is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed land use or development activity and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan.		●	●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●
The plan, including all engineering drawings, meets Township standards 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 Township Engineer.			●
The drainage plan conforms to the standards of the Washtenaw County Water Resource Commissioner, and any stormwater management improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Outside storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance.	●		●
Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 44.12 Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer in accordance with Section 57.08 (Fees and Performance Guarantees).

Section 44.13 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Article. Requests for approval of a major or minor change to an approved site plan shall be made by application in writing to the Township Clerk. The burden shall be on the petitioner to show good cause for any requested change.

1. **Application.** The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - a. The application, containing specific and detailed information, shall be filed with the Township Clerk, who shall transmit the complete application to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the application is filed with the Clerk. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. **Review.** 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 site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
3. **Amendment.** If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Article for a new site plan submittal.

Section 44.14 Rescinding Site Plan Approval.

A final site plan approval may be rescinded by the Township Board upon recommendation of the Planning Commission, upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 57.10 (Public Hearing Procedures), at which time the property owner and the owner or operator of the use(s) for which the site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** After the hearing, the decision regarding the minor site plan rescission by the Planning Commission, or final site plan rescission, as

recommended by the Planning Commission to the Township Board, shall be made and written notification provided to the owner(s).

Section 44.15 Construction Record Drawings.

The applicant shall provide as-built drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. The drawings shall be submitted to the Zoning Administrator and shall be subject to field verification by the Township Planner and Township Engineer prior to the release of any performance guarantee or part thereof for the completion of such improvements. 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 registered professional engineer.

Section 44.16 Inspection.

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with an approved site plan. The applicant shall be responsible for requesting all necessary inspections.

1. All sub-grade improvements, such as utilities, sub-based installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
2. The Zoning Administrator shall obtain inspection assistance from the Township Planner, Fire Chief, and Township Engineer, where applicable.
3. The Zoning Administrator shall notify the Township Supervisor and Planning Commission Chair in writing when:
 - a. An approved development has passed inspection with respect to the approved final site plan; or
 - b. An approved development does not pass inspection with respect to the approved final site plan. The Zoning Administrator shall report on the steps taken to achieve compliance, on progress toward compliance with the approved final site plan, and when compliance is achieved.

Section 44.17 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Administrator to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board. Any violation of any provision of this Article, and any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section 57.09 (Violations and Penalties).

ARTICLE 45.0

CONDOMINIUM REGULATIONS

Section 45.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision (site condominium) plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Land Division Act and any Township subdivision regulations.
2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
3. Condominium subdivisions and all other condominium projects are to be developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Land Division Act and any Township subdivision regulations.

Section 45.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

Section 45.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance, any higher standards required by Section 45.02 (Scope), and the Condominium Act:

1. **Single-family dwellings.** A condominium unit which is intended for a detached single-family dwelling (or site condominium).
2. **Two-family or duplex dwellings, or multiple-family buildings.** Condominium buildings and units created by the construction of two-family or duplex dwellings, or multiple family building and where each dwelling,

apartment, townhouse or stacked flat is a separate, individually owned condominium unit, or by the conversion of existing two-family or duplex dwellings, or multiple-family building into residential condominium units.

3. **Non-residential condominium units.** Any permitted condominium unit not otherwise addressed in this Section that consists of either new building construction or the conversion of an existing building into individual condominium units.

Section 45.04 Condominium Site Plan Requirements.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans in accordance with the requirements of this Ordinance. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium projects shall be subject to the procedures and standards of Article 44.0 (Site Plan Review), and the following:

A. Preliminary Condominium Site Plan Requirements.

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 44.08 (Required Site Plan Information).

B. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 44.08 (Required Site Plan Information), and all information required by the Condominium Act.

C. Site Condominium Projects.

In the case of a site condominium project 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, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium project approval.

Section 45.05 Changes to an Approved Condominium.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 44.13 (Amendment and Revision). In the event that the condominium project is located in a Special District or planned unit development (PUD), such changes shall be subject to the amendment provisions of Section 42.106 (Amendment).

Section 45.06 Effect of Condominium Site Plan Approval.

At the discretion of the Township Board, approval of a final site plan may authorize the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 54.20 (Development Agreement). If no Development

Agreement is required by the Township Board, approval of the final site plan shall authorize issuance of a zoning compliance permit. If a Development Agreement is required, the execution and recording of the Development Agreement shall authorize issuance of a zoning compliance permit. No site work or construction shall begin prior to the issuance of the zoning compliance permit and any required building permits.

If a building, structure or use to be placed on a condominium lot requires site plan approval per Section 44.02 (Site Plan Approval Required), a site plan for that building, structure or use shall be approved in accordance with Article 44.0 (Site Plan Review) before a building permit or zoning compliance permit may be issued.

Section 45.07 Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 44.09 (Expiration of Site Plan Approval). In the event that the condominium project is located in a planned unit development (PUD) District, such changes shall be subject to the expiration provisions of Article 42.107 (Expiration of Approval).

Section 45.08 Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Township upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 44.14 (Rescinding Site Plan Approval). In the event that the condominium project is located in a planned unit development (PUD) District, such changes shall be subject to the rescission provisions of Section 42.108 (Rescinding Special District Approval).

Section 45.09 Density Regulations.

The following density regulations shall apply to residential condominium units and condominium projects in the Township:

1. For the purposes of this Ordinance, each condominium lot shall comply with all regulations of the zoning district in which it is located, as specified in Article 30.0 (Dimensional Standards). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way centerline to the nearest part of the structure or building envelope.

Section 45.10 Design and Development Standards.

The following design and development standards shall apply to all condominium units and condominium projects in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Condominium or Site Condominium Lot.

For purposes of this Article and Ordinance, each condominium or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose, and shall comply with the following:

1. Corner units or lots shall require front yard setbacks on each adjacent street.
2. Condominium units or lots occupied by residential uses shall not open or face directly onto lots occupied or intended to be occupied by non-residential land uses. Such units or lots also shall not open or face directly onto freeway rights-of-way, or arterial or collector roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, such units or lots shall be laid out in one of the following ways:
 - a. Such units or lots may back onto the above features, and corner lots may abut such features. Such units or lots shall be separated therefrom by a minimum 20 foot wide transition buffer, with screen plantings along the abutting property line(s). The transition buffer shall not be part of the unit or lot, but shall be part of the common area for the condominium project. The required transition buffer shall be located outside of any road rights-of-way and utility easements.
 - b. Such units or lots may face onto a marginal access street.
 - c. Such units or lots may be grouped around a cul-de-sac or loop street that opens onto an arterial or collector road.
3. **Lot frontage.** All units or lots shall abut, by their full frontage, on a public or private road. Units or lots extending through a block are prohibited except where they back directly onto freeway rights-of-way, arterial or collector roads as defined by the master transportation plans of the Township, or county or state road authorities.
4. **Lot lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved roads. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. The Planning Commission may approve units or lots that deviate from these requirements, upon determination that such deviations would result in better arrangement.
5. **Units or lots to be buildable.** The unit or lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each unit or lot shall have the following characteristics:
 - a. A suitable site for placing a house without excessive grading.

- b. On site suitability for either municipal sewer, where available, or for individual site septic systems.
 - c. A usable area for customary outdoor activities.
 - d. Adequate land area to accommodate surface-water drainage.
 - e. Reasonable driveway grades.
 - f. Minimal general site grading with maximum retention of significant trees and other vegetation.
 - g. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
6. **Non-residential units or lots.** Units or lots intended for uses other than residential uses shall be identified on the plan, and shall be specifically designed for such uses in accordance with provisions of this Ordinance.

C. Roads and Road Rights-of-Way.

The proposed development shall provide logical extensions of existing or planned roads and shall provide suitable road connections to adjacent parcels, where applicable. Street and block layout and design shall be subject to the following standards:

- 1. **Layout.** Road and street layout shall conform to the adopted Master Plan and the following:
 - a. Public roads in a condominium project shall be developed to the standards of the Washtenaw County Road Commission (WCRC). Private roads shall conform to the requirements of Section 54.17 (Private Road Regulations). Limited deviations from specific standards may be authorized for private roads only as part of a planned unit development (PUD).
 - b. The arrangement of roads in the development shall provide for the extension of an interconnected system of local and collector roads with adjacent developments where such extension is not precluded by topographic or other existing conditions.
 - (1) The layout shall also provide for proper projection of roads into adjoining properties not yet developed.
 - (2) The Planning Commission may require additional street connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - c. The Planning Commission may require new collector roads or road extensions within or through a condominium project in accordance with

the policies of the master transportation plan of the Township; or upon determination that such roads will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.

- d. Local roads shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.
 - e. Roads shall be arranged in proper relation to topography so as to result in usable lots; safe roads and sidewalks; and reasonable street, driveway, and sidewalk grades.
 - f. All street construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or Washtenaw County Road Commission (WCRC) approves an exception.
2. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium units or site condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.
 3. **Drainage.** All roads 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 a condominium project with a net dwelling density of one (1) unit per acre or less.
 4. **Special treatment along arterial or collector roadways.** When a development abuts or contains an arterial or collector roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access roads, a minimum 20 foot wide transition buffer with screen plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the arterial or collector roadway(s).
 5. **Marginal access roads.** Where marginal access roads are required, the proprietor shall be responsible for improving said roads according to County Road Commission standards. A landscaped strip at least 20 feet wide shall be provided between a marginal access road and the adjacent road.
 6. **Other required roads.** 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 (1) 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.

7. **Road names.** Road names shall be reviewed and approved in writing by the Saline Area Fire Department, Washtenaw County Road Commission, Post Office, Washtenaw County 911 Coordinator, and any other outside agencies with jurisdiction. Roads shall have names, not merely numbers or letters. Roads shall not change direction by more than 90 degrees without a change in road name.

D. Blocks.

Blocks generally shall be not less than 330 feet or more than 1,320 feet in length as measured from the centerlines of roads, subject to the following:

1. 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.
2. For blocks exceeding 660 feet in length, a minimum 20 foot wide cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.
3. Blocks intended for non-residential uses shall be especially designed for such purposes and in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

E. Access.

Pedestrian and vehicular access to residential lots in a condominium project shall conform to the following standards:

1. **Driveways.** Driveways and curb cuts shall conform to Washtenaw County Road Commission standards and all Township ordinances and engineering standards. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
2. **Non-motorized transportation facilities.** Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with applicable engineering standards of the Township, Washtenaw County Road Commission, State of Michigan, and the following:
 - a. Sidewalks shall be required along the entire length of all public road rights-of-way abutting the condominium project.
 - b. At the discretion of the Planning Commission, sidewalks may be required on one or both sides of all internal public and private roads within a condominium project.
 - c. Roads within a condominium project leading directly to a school shall have sidewalks on both sides of the street.

- d. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of a condominium project shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
- e. A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum 20 foot wide access easement.

F. Natural Features.

All condominium projects shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances, including Section 54.08 (Natural Resources Protection and Preservation).

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 development. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space.

G Trees.

Trees shall be provided in the margins of both sides of all roads in a condominium project, and shall be placed at a maximum distance apart of 60 feet, except for site condominium projects where a minimum of two (2) per site condominium lot. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. 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.
2. Trees to be installed in the street margins or pedestrian ways shall be of a large deciduous type, and shall conform to the standards of Section 55.09 (Landscaping, Screening, and Land Use Buffers). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.

H. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted Master Plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the final site plan for the development.

1. 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.

2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval.
 - b. The reservation shall be valid for a period of 545 calendar days from the date of approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.
 - (1) Unless during such 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 owner(s)/developer(s) at the end of the period.
 - (2) The reservation shall freeze the maximum price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
 - (3) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).

I. Exterior Lighting.

Exterior lighting within a condominium project shall conform to the applicable standards of Section 55.21 (Exterior Lighting) and the following:

1. Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.
2. Streetlighting, where required or otherwise provided as part of a condominium project, shall conform to the following:
 - a. Streetlighting shall be required for all residential projects, except projects with a net dwelling density of less than one (1) unit per acre. The Planning Commission may require streetlighting for non-residential condominium projects.
 - b. Streetlighting shall have underground wiring, and shall be downshielded and designed to minimize glare.
 - c. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
 - d. Required streetlighting shall be installed prior to the occupancy of structures within the development.

J. Stormwater Management Facilities.

Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Township's engineering standards and Washtenaw County Water Resources Commissioner requirements.

1. 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.
2. Adequate provisions shall be made for proper drainage of stormwater runoff from individual condominium units or site condominium 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.
3. Where a development is traversed by a watercourse, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided, conforming substantially to the high water mark of such watercourse, and to the standards of the County Water Resources Commissioner. Wherever possible, drainage should be provided by an open channel with landscaped banks and adequate width for maximum potential flow. Existing drainageways 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 there from. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
4. Where topography or other conditions make inclusion of drainage facilities within road right-of-way impractical, perpetual unobstructed easements at least 20 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 watercourse or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of condominium units or site condominium lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

5. Low-lying lands along watercourses 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 be excluded in computing the net lot area.
6. 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 Water Resources Commissioner or other state or county agencies with jurisdiction. If, in the judgment of the Water Resources Commissioner, a natural water drainageway or impoundment area should be

reserved, a storm drainage easement acceptable to the Water Resources Commissioner shall be provided.

7. The developer 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.
8. A culvert or other drainage facility in a proposed development shall be in accordance with County Water Resources Commissioner standards and 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.
9. The effect of the development on existing downstream drainage facilities outside the development shall be reviewed by the developer with the County Water Resources Commissioner. Where it is anticipated that the additional run-off resulting from development will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.
10. Stormwater retention or detention 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.

K. Potable Water and Sanitary Sewage or Septic Facilities.

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems prior to occupancy, in accordance with the requirements of this Ordinance and other Township ordinances.

L. Gas, Wire, and Cable Utilities.

All lines for gas, telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

1. Overhead lines may be permitted upon approval of 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/or character of the development, and only where such overhead lines are brought to the perimeter of the development.
2. 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.
3. 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 and approval before filing for final approval of the plan.

4. Utilities placed in road rights-of-way shall not conflict with other underground lines.

M. Utility Easements.

The developer shall dedicate all necessary utility easements to the Township or other agency or entity with jurisdiction for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits, and other installations of a similar character; for the purpose of providing public utilities, including the conveyance of sewage and water, across, through, and under the property subject to said easement; and for excavating and refilling ditches and trenches necessary for the location of said structures.

1. All underground public utility installations that traverse publicly-owned property shall be protected by dedicated easements approved by the public utility.
2. Such easements shall be so located as not to interfere with the use of any lot or other part of the development.
3. 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.

Section 45.11 Manufactured Housing Park Condominium.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project 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 following:

1. All roads and driveways in the development shall conform to the standards set forth in Section 45.10.C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
2. Collector road dimensions shall conform to Washtenaw County Road Commission specifications.
3. Each lot shall abut and have direct access to a public or private road.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 45.10E (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
6. All lots shall be connected to municipal sanitary sewer and water systems approved by the Washtenaw County Environmental Health Division. Such

facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.

7. Fuel oil and 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 development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 54.12 (Wireless Communication Facilities).

Section 45.12 Non-Residential Condominium.

Condominium projects containing non-residential condominium units shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** All roads in a non-residential condominium project shall be paved and shall be designed and constructed to adequately handle truck traffic. Roads 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 areas, so as to minimize conflict of movement between the various types of traffic, including pedestrians.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
3. **Blocks.** The block size standards of Article 30.0 shall not apply to non-residential condominium projects. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Units.** Non-residential condominium units shall have access from internal roads within the development, or from marginal access roads. Such units shall not open directly onto arterial or collector roads.
5. **Sidewalks.** Sidewalks and 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.
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a non-residential condominium project as required by Section 30.203.E. (Transition Buffer).
7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Section 45.13 Special District or Planned Unit Development (PUD) Condominium Projects.

Developments in a Special District or planned unit development (PUD) District may be granted approved deviations from this Article in accordance with the regulatory flexibility provisions of Section 42.003 (Regulatory Flexibility).

Section 45.14 Relocation and Subdivision of Lot Boundaries.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 30.0 (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article 44.0 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 30.0 (Dimensional Standards) or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

Section 45.15 Monuments.

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium unit or site condominium lot corners and deflection points of unit or lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit a performance guarantee with the Township in accordance with the requirements of Section 57.08 (Fees and Performance Guarantees).
2. The performance guarantee 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.
3. If the developer defaults, the Township Board may promptly require a registered surveyor to set the monuments and irons in the ground per the condominium site plans, with the cost reimbursed to the Township from the performance guarantee.

Section 45.16 Construction in a General Common Element.

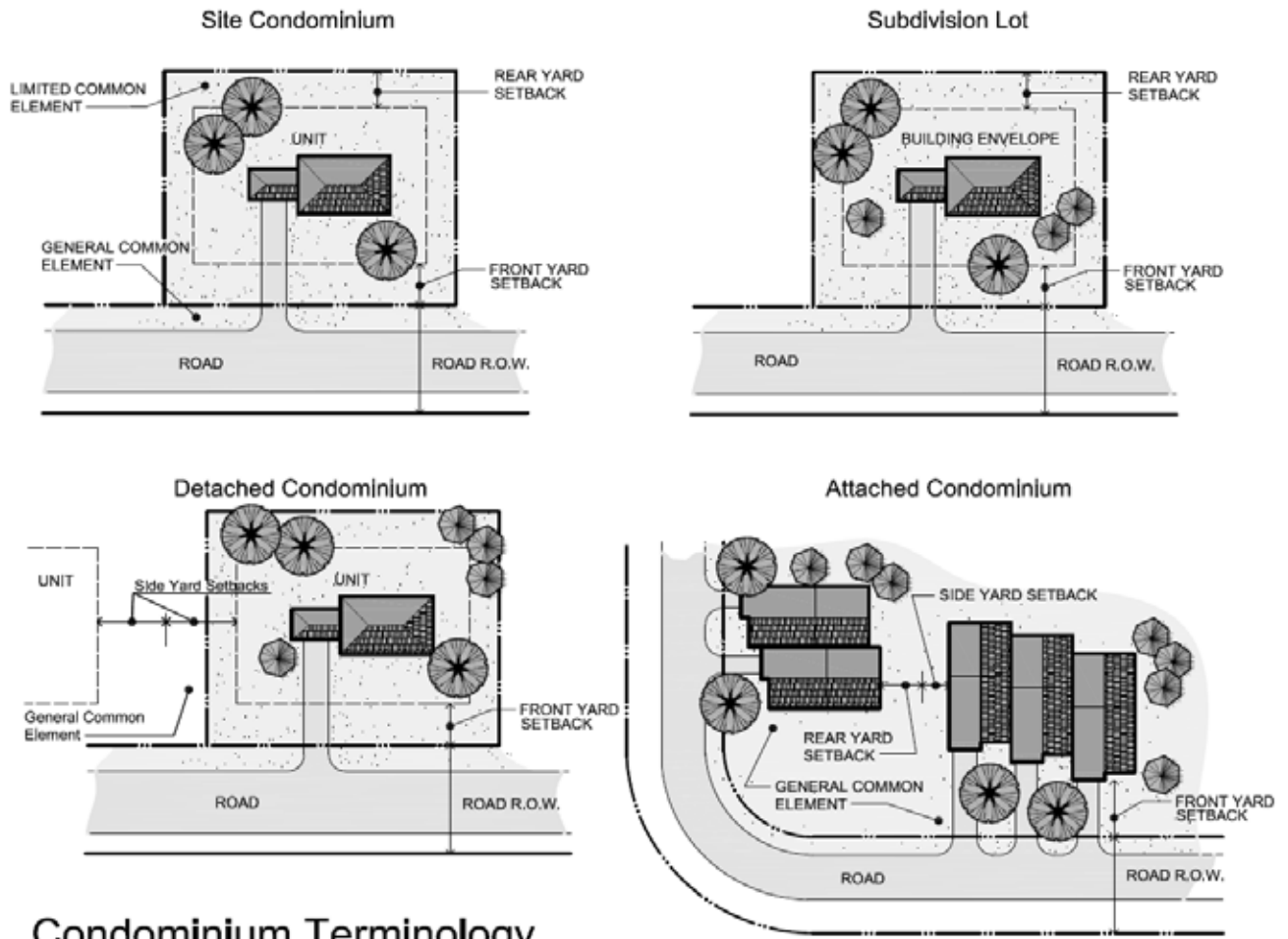
Any application for a building permit or zoning compliance permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

Section 45.17 Recording of Condominium Documents.

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:
 - a. Three (3) copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act shall be transmitted to the Clerk.
 - b. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer shall be placed on file at the Township office.
2. The Clerk shall place a copy on file at the Township office to be retained per State of Michigan retention guidelines.
3. The Township Clerk shall provide a copy to the Township Planner and to the Zoning Administrator.
4. The Zoning Administrator may withhold zoning compliance permit approval for any structure within the condominium project if such documents have not been submitted within 10 days after written request from the Township to do so.
5. A final Certificate of Occupancy for any building in an approved condominium project shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Washtenaw County Register of Deeds and the recorded document filed with the Township Clerk.

ILLUSTRATIONS



Condominium Terminology

ARTICLE 51.0

OFF-STREET PARKING AND LOADING REGULATIONS

Section 51.01 Purpose.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use of shared parking facilities and cross-access between sites.

Section 51.02 Scope.

The regulations of this Article shall be met in all districts whenever any use is established; any structure is erected, enlarged, or increased in capacity; or any existing use is changed to a different use, expanded, extended, or increased in intensity.

Section 51.03 General Regulations.

The following standards shall apply to all off-street parking and loading facilities:

A. Use and Alteration of Parking or Loading Facilities.

Any area designated as required off-street parking, stacking, or loading spaces or otherwise provided for the purpose of complying with this Article and Ordinance shall not be changed to any other use or relinquished or reduced in any manner below the requirements established in this Ordinance, subject to site plan approval as required, and unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Township. Use of such spaces shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas and associated access drives and maneuvering lanes, except as expressly authorized under this Ordinance.
2. Parking lots, loading areas, and associated access drives and maneuvering lanes shall not be used for vehicle repairs, dumping of refuse, or storage of any merchandise, equipment, products or materials.

B. Unlicensed or Inoperable Vehicles Parking or Storage.

Unlicensed or inoperable motor vehicles shall be parked or stored within a completely enclosed structure, except where otherwise permitted by this Ordinance as a principal or accessory use.

C. Location of Required Parking.

Required off-street parking facilities shall be located on the same lot as the principal building or use for which the parking is intended, or on a lot under the same ownership

as the principal building within 300 feet of a primary entrance to the principal building or use for which the parking is intended; except as follows:

1. The minimum required parking spaces for each single-family or two-family dwelling shall be located on the premises of the dwelling and within 150 feet of a primary entrance to the dwelling; or
2. The required parking facilities are in accordance with Section 51.09.A. (Shared Parking Facilities).

D. Residential Parking Requirements.

Off-street parking of licensed and operable motor vehicles, commercial vehicles, and recreational vehicles in the Residential Districts, or accessory to residential uses in any zoning district, shall be subject to the following:

1. Facilities for the parking of motor vehicles accessory to residential uses in any zoning district shall be provided in an accessory garage, carport, driveway, parking pad or bay, or combination thereof. Parking of motor vehicles at any other location in the front, side or rear yards of any dwelling unit shall be prohibited.
2. Parking of motor vehicles in the Residential Districts or Planned Unit Development (PUD) incorporating residential uses shall be limited to light duty vehicles, and a maximum of one (1) commercial vehicle per dwelling unit of a light delivery type not exceeding a Gross Vehicle Weight (GVW) rating of 14,000 pounds.
3. Recreational vehicles may be parked anywhere on a lot accessory to residential uses in any zoning district for a period not to exceed 48 hours during loading or unloading. No recreational vehicle shall otherwise be parked or stored in the front yard of the lot, or within any minimum required side or rear yard setback area.
4. Recreational vehicles shall not be used for living, sleeping or housekeeping purposes when parked or stored on a lot in the Residential Districts or Planned Unit Development (PUD) incorporating residential uses.

Section 51.04 Standards for Parking and Loading Calculations.

The following standards shall apply to all parking calculations:

1. **Multiple or mixed uses.** Where more than one (1) principal use or accessory use exists or is proposed to occupy a site (such as a motor vehicle fueling station with a convenience store and car wash, a restaurant with a drive-through lane, or a mixed-use commercial/residential building), the parking requirements for each use shall be calculated separately. The total parking obligation for the site shall equal the cumulative total of the parking requirements for the individual uses, subject to the provisions of Section 51.09 (Modification of Standards).

2. **Floor area.** Where floor area is the unit for determining the required number of off-street parking spaces, any portion of the floor area used for parking within the principal building or accessory structure, and for incidental service installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses may be excluded from the calculation.
3. **Fractions.** When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall be counted as one (1) additional space.
4. **Employees.** For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.
5. **Capacity or permitted occupancy.** For requirements stated in terms of authorized capacity or maximum permitted occupancy, the number shall be determined on the basis of the largest occupancy ratings by the State Construction Code, applicable local, county or state fire or health codes, or other regulatory agency with jurisdiction.
6. **Uses not specifically mentioned.** For those uses not specifically mentioned in this Article, the requirements for off-street parking shall be in accordance with a listed use that the Planning Commission or Zoning Administrator determines to be similar in character and intensity.

Section 51.05 Off-Street Parking Requirements.

Determinations of the minimum number of required off-street parking spaces by type of use shall be determined in accordance with the following schedule:

A. Minimum Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in accordance with the minimum requirements of this Article. Where a specific use standard includes more than one (1) means of calculating required parking, the standard that requires the largest number of spaces shall apply.

B. Schedule of Off-Street Parking Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in the Township in accordance with the following:

Use	Minimum Required Parking
Adult Foster Care Family Home	One (1) per employee, plus any required spaces for the dwelling.
Adult Foster Care Small or Large Group Home, and Other Managed Residential Facilities	One (1) per resident bedroom, plus one (1) per employee.
Agricultural Service Establishments	One (1) per 400 square feet of floor area, plus one (1) per employee.

Use	Minimum Required Parking
Amusement Center, Indoor	For bowling alleys: Three (3) per bowling lane, plus one (1) per employee.
	For all other uses: One (1) per four (4) persons allowed within the maximum authorized occupancy.
Amusement Center, Outdoor	For miniature golf, batting cages or similar uses: One (1) per hole, batting cage, and similar station, plus one (1) per employee.
	For all other uses: One (1) per 7,500 square feet of land area.
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of floor area.
Barber Shop, Beauty Salon or Nail Care	One (1) per service chair or station, plus one (1) per employee.
Bed and Breakfast Inn	One (1) per guest bedroom, plus any required spaces for the dwelling.
Campgrounds and Recreational Vehicle Parks	One (1) at each campsite, plus any required spaces for other accessory uses.
Car Wash, Vehicle Detailing Shop or Truck Wash	For self-serve facilities: Two (2) parking spaces, plus one (1) parking space per employee, plus two (2) stacking space per service bay.
	For automated facilities: Two (2) parking spaces, plus one (1) parking space per employee, plus stacking spaces equal to four (4) times the maximum capacity of the facility (determined by dividing total service lane length in feet by 25 feet).
Cemetery	One (1) per employee, plus required parking for any accessory office and other uses.
Child Day Care Home, Family or Group	One (1) per employee, plus any required spaces for the dwelling.
Controlled Uses	One (1) per 200 square feet of floor area.
Composting Centers	One and one-half (1.5) per employee, plus required parking for any accessory office and other uses.
Day Care Center, Child or Adult	One (1) parking space per six (6) children of state licensed or authorized capacity, plus one (1) parking space per employee, plus one (1) stacking space in a designated drop-off/pick-up area per 12 children of state licensed or authorized capacity.
Dealership – Indoor Showroom	One (1) per 500 square feet of floor area of the sales room, plus one (1) per employee.
Dealership – Outdoor Sales Lot	One (1) per 4,000 square feet of land area occupied by the use.

Use	Minimum Required Parking
Drive-in Establishments or Drive-through Facilities	Two (2) per service window, booth, cubicle and stall, plus six (6) stacking spaces per service lane.
Extraction Operations	One and one-half (1.5) per employee, plus required parking for any accessory office and other uses.
Farm-Based Tourism/Entertainment Activities	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the assembly space(s); or one (1) per four (4) persons allowed within the maximum authorized capacity of the facility.
Farm Implement Sales or Repair Services, and Farm Market	One (1) per 400 square feet of floor area, plus one (1) per employee.
Fire or Police	One (1) per employee at the station, plus any required spaces for storage of vehicles.
Funeral Parlor or Mortuary	One (1) per two (2) persons allowed within the maximum building occupancy plus one (1) for each fleet vehicle.
Garden Center or Garden Supply Store	One (1) per 4,000 square feet of outdoor land area occupied by the use, plus required parking for indoor retail, office, and other uses.
Government Offices	One (1) per 300 square feet of floor area.
Health Club or Fitness Center	One (1) per 300 square feet of floor area.
Hospital or Urgent Care Center	One (1) per bed (excluding bassinets), plus one (1) per employee, plus required parking for any retail, food service, assembly, and other accessory uses.
Industrial and Research Uses not otherwise listed in this table – established for a known user.	Five (5), plus one (1) per employee, plus required parking for any accessory office and other uses.
Industrial and Research Uses not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Five (5), plus one (1) per 2,000 square feet of floor area for the proposed principal use(s), plus required parking for any accessory office and other uses.
Institutional Uses as defined in this Ordinance, except Schools	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the assembly space(s); or One (1) per employee, plus one (1) per four (4) persons allowed within the maximum authorized occupancy.
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities	One (1) per employee, plus one (1) per four (4) persons allowed within the maximum authorized occupancy.
Kennel	One (1) per 500 square feet of floor area, plus one (1) per employee.

Use	Minimum Required Parking
Landscape Businesses	One (1) per employee, plus required spaces for the dwelling and offices.
Laundromat or Dry Cleaners	One (1) per four (4) washing and drying machines, or 300 square feet of floor area for uses without self-service machines for individual use, plus one (1) per employee.
Manufactured Housing Parks	Three (3) per dwelling.
Manufactured Housing Sales Lot	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per employee.
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist	One (1) per 200 square feet of floor area.
Motion Picture Cinema	One (1) per three (3) seats, based upon the maximum seating capacity of the assembly space(s), plus one (1) per employee.
Motor Vehicle Fueling Station	One (1) parking space per employee, plus one (1) parking space at each fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center or Repair Stations	One (1) parking space per employee, plus one (1) parking space per service bay, plus one (1) stacking space per service bay.
Multiple-Family Housing, Townhouses, and Stacked Flats	Three (3) per dwelling.
Offices for Professional, Service, Clerical, Corporate or Administrative Uses	One (1) per 300 square feet of floor area.
Open Air Business or Outdoor Sales Area not otherwise listed in this table	One (1) per 4,000 square feet of land area occupied by the use.
Outdoor Eating Area	One (1) per two (2) seats, based upon the maximum seating capacity, plus one (1) per employee.
Outdoor Storage, General	One and one-half (1.5) per employee, plus required parking for any accessory office and other uses.
Outdoor Storage of Recreational Vehicles or Similar Items	
Outdoor Storage, Dismantling or Recycling Yard for Motor Vehicles, Machinery, Manufactured Houses or Similar Items	
Public Works and Road Maintenance Yards	One (1) per employee, plus required parking for any accessory office, vehicle storage, and other uses.

Use	Minimum Required Parking
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum occupancy.
Recreation Facilities, Outdoor, with the exception of Campgrounds or Recreational Vehicle Parks	For golf courses: Four (4) per hole, plus one (1) per employee.
	For golf driving ranges: One (1) per practice station, plus one (1) per employee.
	For facilities with a known maximum occupancy: One (1) per four (4) persons allowed within the maximum authorized occupancy.
	For all other uses: One (1) per 7,500 square feet of land area.
Recycling Collection Facility	One and one-half (1.5) per employee, plus required parking for any accessory office and other uses.
Restaurants and Food Service Establishments, Carry-Out Only	One (1) per 200 square feet of floor area, plus one (1) per employee.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per two (2) seats, based upon the maximum seating capacity, plus one (1) per employee.
Retail Stores and Commercial Uses not otherwise listed in this table	One (1) per 250 square feet of floor area.
Restaurants and Food Service Establishments, Food Trucks Only	Four (4), plus one (1) per food ordering station.
Roadside Stand	One (1) per 100 square feet of display area.
Schools	Elementary and junior high schools - private or public: 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.
	Senior high schools and institutions 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.
	Trade schools and other schools primarily serving commuter students: One (1) space for each two (2) students, plus one (1) space for each faculty or staff member.
Self-Storage Warehouses	Two (2) for the caretaker's dwelling, plus one (1) per four (4) storage units.
Senior Housing – Assisted Living Facilities; or Dependent, Nursing or Convalescent Care	One (1) per dwelling unit or two (2) beds, plus one (1) per employee.
Senior Housing – Independent	Two (2) per dwelling unit, plus one (1) per employee.
Single-Family Dwellings	Three (3) per dwelling.

Use	Minimum Required Parking
Studios for Filmmaking and Video Production	One (1) per four (4) persons allowed within the maximum authorized occupancy.
Tavern, Bar, Pub, Brewpub or similar establishment serving alcoholic beverages and/or providing entertainment	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the assembly space(s), plus one (1) per employee.
Temporary Concrete or Asphalt Mixing or Production Plants	One and one-half (1.5) per employee, plus required parking for any accessory office and other uses.
Two-Family (Duplex) Dwellings	Three (3) per dwelling.
Veterinary Clinic or Animal Hospital	One (1) per 500 square feet of floor area, plus one (1) per employee.
Workshop Studios for Crafts, Photography, Art, Woodworking, Decorative Metalworking, Small Appliance Repair, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Activities	One (1) per 400 square feet of floor area.

Section 51.06 Design Requirements for Parking Areas.

Every parcel of land hereafter used for public or private off-street parking facilities a parking area shall be designed, constructed, and maintained in accordance with the following:

A. Handicap Parking Requirements.

Handicap parking spaces shall be provided at conveniently accessible locations within each parking area built to accommodate five (5) or more vehicles per the State Construction Code, except off-street parking for single-family dwellings. At least one (1) out of every eight (8) handicap parking spaces shall be van accessible. (See following chart and accompanying illustrations)

Number of Parking Spaces Provided	Minimum Number of Handicap Spaces Required
5 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in each lot

Number of Parking Spaces Provided	Minimum Number of Handicap Spaces Required
1,001 and over	20, plus 1 per 100 spaces over 1,000

B. Landscaping and Screening.

Any off-street parking area providing spaces for five (5) or more vehicles, except off-street parking for single-family dwellings, shall be landscaped, and effectively screened from all lot boundaries and road rights-of-way per Section 55.09.E. (Parking Lot Landscaping and Perimeter Screening).

C. Setback.

Off-street parking shall conform to the following minimum setback requirements:

1. Off-street parking facilities for all land uses, except single-family and two-family dwellings, shall be set back a minimum of ten (10) feet from all lot boundaries and road rights-of-way.
2. Off-street parking spaces within a required front yard setback area shall be landscaped, and effectively screened from all lot boundaries and road rights-of-way per Section 55.09.E. (Parking Lot Landscaping and Perimeter Screening).
3. No parking spaces shall be located within any required landscape strip or transition buffer per Section 30.203 (Yard Standards).

D. Ingress/Egress.

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Driveways and aisles for any off-street parking area shall comply with the following requirements:

1. For any off-street parking area built to accommodate more than five (5) vehicles, aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way traffic flow. Aisles for angle parking spaces shall be limited to one-way movement, and shall be clearly marked as such.
2. Ingress and egress to a parking lot shall not be across land located in the Rural Districts or Residential Districts, if the parking lot is located in any Business Districts or Other Districts.
3. Off-street parking facilities that make it necessary for vehicles to back out directly into a road right-of-way shall be prohibited, provided that this shall not apply to off-street parking for single-family and two-family dwellings.
4. Not more than 20 parking spaces shall be permitted in a continuous row without interruption by a landscaped island or similar site element per Section 55.09.E. (Parking Lot Landscaping and Perimeter Screening).

5. For any off-street parking area built to accommodate more than five (5) vehicles, lanes for entering and exiting traffic shall be clearly marked. Exit lanes shall include adequate area for traffic waiting to exit the site.

E. Exterior Lighting.

Light fixtures used to illuminate off-street parking and loading facilities shall conform to the requirements of Section 55.21 (Exterior Lighting).

F. Pavement, Striping, and Signage.

Off-street parking facilities, off-street loading, unloading, stacking spaces, handicap parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be paved with concrete, plant-mixed bituminous asphalt, brick pavers, or similar materials in accordance with the standards of this Ordinance and the Township’s engineering standards. Pavement striping and signage shall be provided in accordance with applicable State Construction Code and Township requirements.

G. Stacking Spaces.

Where required by this Article, stacking spaces shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

H. Grading and Drainage.

Driveways and off-street parking areas shall be sloped and provided with adequate stormwater management and drainage facilities to dispose of surface waters in accordance with applicable construction and design standards established by the Township, Washtenaw County Road Commission, and Washtenaw County Water Resources Commissioner. Surface water shall not drain on to abutting properties, toward buildings or across a public road, except in accordance with an approved drainage plan.

I. Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see “Parking Layout” illustration):

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel)	24.0 feet (two-way)	10.0 feet	22.0 feet
45°	13.0 feet (one-way)	10.0 feet	20.0 feet
60°	18.0 feet (one-way)	10.0 feet	20.0 feet
90°	22.0 feet (two-way)	10.0 feet	20.0 feet

1. Parking space dimensions shall be exclusive of access drives or aisles, and shall be of usable shape and condition.

2. Maneuvering lanes and aisles shall be designed to meet applicable Township and outside agency engineering standards for emergency vehicle access.
3. Off-street parking facilities for commercial vehicles, recreational vehicles, and similar large vehicles shall be of sufficient size to adequately serve such vehicles without interfering with other vehicles that use the same facilities. Such spaces shall not be less than ten (10) feet in width and 55 feet in length.

J. Shared Access Standards.

The purpose of this subsection is to protect the substantial public investment in the Township's road system by preserving the traffic capacity of existing roads, promote safe and efficient travel within the Township, and ensure reasonable vehicular access to properties, though not always by the most direct access. Primary vehicle access to parcels in the Business Districts or occupied by Office, Service, and Community Uses or Commercial Uses may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, where permitted and subject to the following:

1. **Access to roads.** Such shared access shall conform to the standards of Section 30.205 (Access to Roads). New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.
2. **Cross-access easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots. The property owners shall record the approved easement in the Washtenaw County Register of Deeds office, and shall provide at least one (1) copy of the recorded document to the Township Clerk.
3. **Maintenance.** The easement area shall remain clear of obstructions. Each property owner shall be jointly and severally responsible for maintenance of the shared access.

Section 51.07 Off-Street Loading Requirements.

To avoid interference with public use of roads and parking areas, adequate off-street loading and unloading spaces shall be provided on the same lot for any use that customarily receive or distribute vehicles, materials, or merchandise, subject to the following:

A. Specifications for Loading and Unloading Areas.

Every parcel of land or portion thereof hereafter used as a loading and unloading area shall be developed and maintained in accordance with the following regulations:

1. Each off-street loading and unloading space shall be of sufficient size and configuration to accommodate the largest type of delivery vehicle anticipated for the proposed use.
2. In no event shall any part of a required front yard or street side yard be occupied by a loading and unloading space, except where specifically permitted by this Article.

3. A loading and unloading space may occupy all or any part of any required side or rear yard, provided that all such spaces shall be set back a minimum of 50 feet from any Residential Districts, or any Special District or planned unit development (PUD) that includes Residential Uses; except where enclosed within a building or completely screened from all lot boundaries and road rights-of-way per Section 55.09.D. (Methods of Screening).
4. All off-street loading and unloading areas shall be drained so as to prevent surface drainage onto abutting properties, toward buildings, or onto public streets. All loading dock approaches shall be paved so as to provide a permanent, durable, and dustless surface.
5. Ingress and egress to loading and unloading areas shall be provided by means of clearly defined drives. Ingress and egress to a loading and, unloading area for a non-residential use shall be set back a minimum of 50 feet from the boundary of any Residential Districts, or any Special District or planned unit development (PUD) that includes Residential Uses.
6. Loading and unloading areas shall be located within or immediately adjacent to the building to be served, subject to the requirements of this Section.
7. Off-street loading and unloading areas that make it necessary for vehicles to back directly into a road right-of-way shall be prohibited. All maneuvering of trucks, automobiles, and other vehicles shall take place on the site and not within a road right-of-way.

B. Schedule of Loading and Unloading Requirements.

The minimum number of off-street loading and unloading spaces shall be determined in accordance with the following schedule:

1. One (1) space for the first 5,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet of gross floor area or fraction thereof.
2. Required off-street parking spaces shall not be included in the counting of required loading and unloading spaces.
3. In the case of two (2) or more uses on one (1) lot or parcel, the total requirements for off-street loading and unloading facilities shall be the sum of the various uses computed separately.

Section 51.08 Construction and Maintenance.

Construction, alteration, and maintenance of off-street parking and loading facilities, except off-street parking for single-family dwellings, shall be in accordance with the following:

A. Construction.

Plans and specifications showing required off-street parking and loading spaces, including the means of access, ingress, egress, and circulation, shall be submitted to the Zoning Administrator for review at the time of application for a building permit or zoning

compliance permit. If a site plan is required per Article 44.0 (Site Plan Review), such plans shall be submitted for Township approval.

1. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion.
2. Copies of any permits or written approvals from the Washtenaw County Road Commission, Washtenaw County Water Resources Commissioner or other agency with jurisdiction shall be provided to the Township prior to the issuance of a zoning compliance permit.

B. Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Article, any approved site plan, and the following:

1. All alterations to parking and loading facilities shall be in accordance with the requirements of this Article and Ordinance, all other applicable laws, any approved site plan, and:
 - a. If Article 44.0 (Site Plan Review) does not require a site plan, zoning compliance approval.
 - b. If Article 44.0 (Site Plan Review) does require a site plan, any alterations to parking and loading facilities as shown on the site plan shall follow the amendment and revision procedures set forth in Article 44.0.
2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

Section 51.09 Modification of Standards.

Limited modifications to the standards of this Article shall be permitted as part of site plan approval, subject to the following:

A. Shared Parking Facilities.

Parking facilities for one (1) land use shall not be considered as providing the required parking facilities for any other land use, unless a shared parking facility meeting the following conditions has been approved as part of a final site plan approval:

1. The Township Planner has reviewed the proposed shared parking facility and determined that the operating hours of the uses do not overlap, or that the peak activity for each use will occur at different periods of the day or week, and has determined that the number of spaces requested would adequately serve the combined uses.
2. Where shared parking facilities are provided, the minimum number of required parking spaces shall not be less than the sum of the minimum required number

of spaces for the largest user of parking, plus one-half (1/2) of the minimum required number of spaces for each additional use as specified in this Article.

3. Where shared parking facilities are provided, the minimum required parking for each multiple-family and non-residential land use shall be located within 300 feet of a primary entrance to the principal building or use for which the parking is intended, and within 150 feet for each single-family or two-family dwelling.
4. A shared parking agreement between the property owners has been submitted and found to be acceptable by the Planning Commission after review by the Township Planner and Township Attorney.

The property owners shall record the approved agreement in the Washtenaw County Register of Deeds office, and shall provide at least one (1) copy of the recorded document to the Township Clerk.

B. Deferment of Parking Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space. This open space shall be in addition to and separate from any other required open space.

Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Township Planner or Zoning Administrator has documented three (3) incidents of problem parking on the site or upon determination by the property owner that additional parking is required.

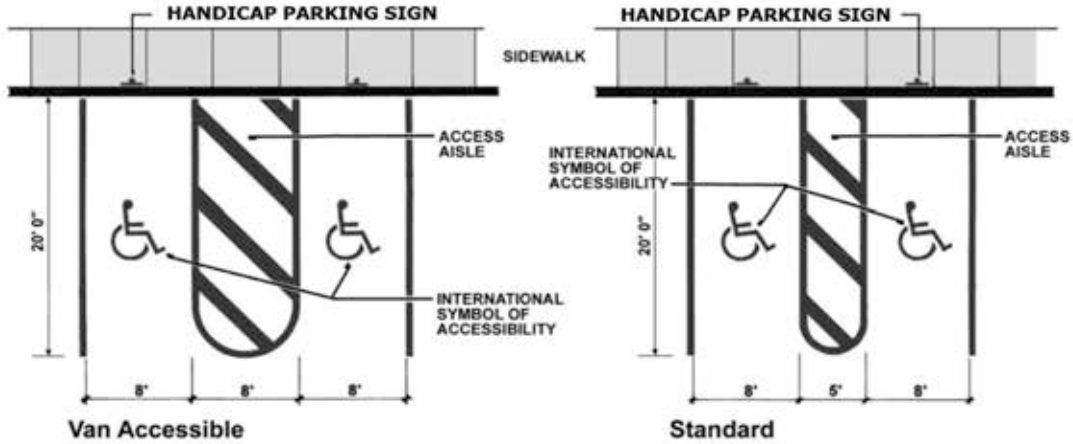
C. Modification of Paving Requirements.

The Planning Commission may approve an alternative paving material or surface for all or part of a parking area, loading and unloading facility, or walkway, subject to the following:

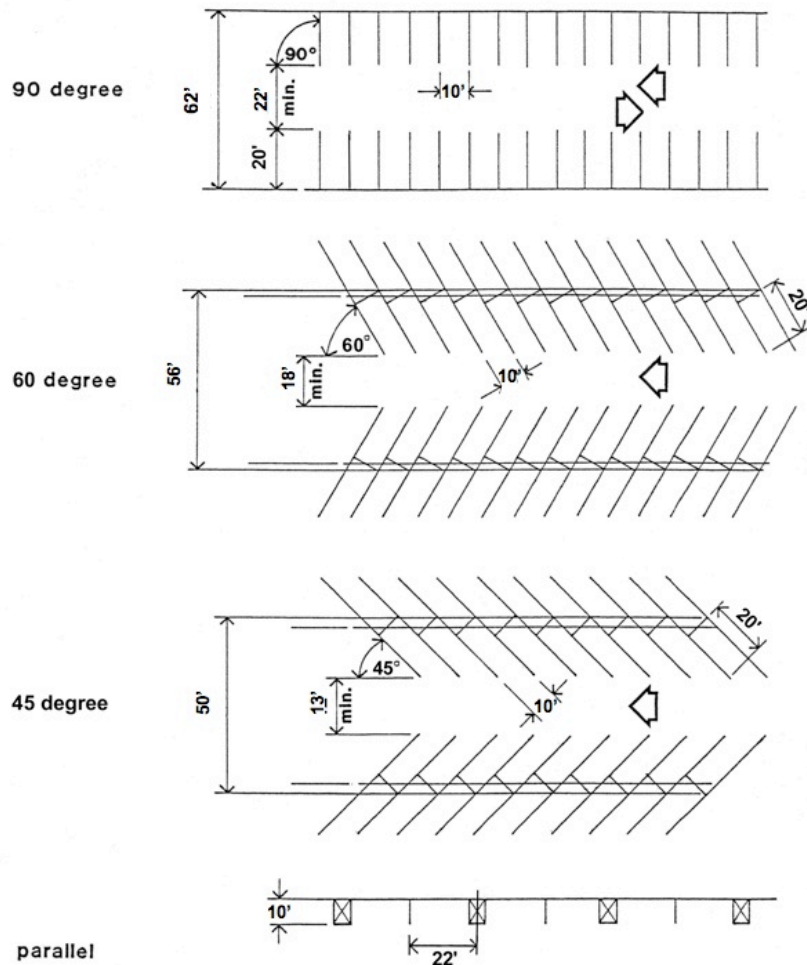
1. The Planning Commission shall determine that the alternative paving material or surface is more appropriate for a particular site or use.
2. Alternative paving material or surface for handicap parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be prohibited.
3. Alternative paving materials shall be limited to graded and compacted gravel, crushed limestone, or other materials that would provide a durable surface and are acceptable to the Township Engineer.

ILLUSTRATIONS

Handicap Parking Space Layout



Parking Layout



ARTICLE 53.0

SIGN REGULATIONS

Section 53.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of both business signage and signs needed to direct and warn the public.

It is the intent of this Article that all signs be designed, constructed, and maintained in a manner appropriate in appearance with the intended character of their vicinity so as not to adversely affect the intended character of the zoning district where the sign is located. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Permit such signs as will not, by reason of their size, location, or manner of display, endanger public health or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety.
4. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
5. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.
6. Recognize the Township's character and scale to protect scenic areas and viewsheds, native plants, and landscapes, and dark night sky.

The provisions of this Article shall be considered to be the minimum necessary to meet the intent and purposes of this Article and Ordinance, and to promote and protect the public health, safety, comfort, morals, and convenience.

Section 53.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

A. Compliance Required.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article. In no case shall any sign exceed the maximum sign height and sign area standards that apply to the type of sign as defined by this Ordinance and regulated by this Article.

B. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The vertical distance measured from the average level of the ground or pavement directly below the sign to the highest point of the sign area, excluding incidental decorative elements above the sign area (see illustration at end of Article).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. **Sign area.** Measurements of the sign area shall be in accordance with Section 2.0 (Definitions) and the following standards:
 - a. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
 - b. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
 - c. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
 - d. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade(s), as depicted in the illustration at end of Article.
 - a. **Signable area for buildings with multiple occupants.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building may be divided among the businesses or uses.
 - b. **Signable area for buildings with multiple facades.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article.

C. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements.

1. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.
2. No nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude use of block letters, decorative elements or other devices that may extend over or in front of the sign structure.
3. Building-mounted and ground signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment.
4. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

D. Placement Standards.

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
2. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where authorized by Section 53.04.C (Temporary Signs Within Road Rights-of-Way). This restriction shall include any future planned rights-of-way, as defined by the master transportation plans for the Township, or county or state road authorities.
3. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, transformer or streetlight.

E. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision of motorists and others within the road right-of-way, or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape.

F. Use.

All signs shall be accessory to the principal use of the lot where the sign is located, and shall not impair the use of adjacent properties. Any sign allowed by this Article may contain a non-commercial message.

G. Illumination.

Internal and external sign illumination shall be allowed, subject to the following:

1. **External sign illumination.** Where allowed under this Article, external illumination of signs shall be subject to the following:
 - a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration at end of Article); and
 - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where allowed under this Article, internal illumination of signs shall be subject to the following:
 - a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher.
 - b. Sign illumination intensity shall not exceed three (3) footcandles as measured ten (10) feet from the sign.
 - c. Internal illumination of signs accessory to residential uses shall be prohibited.
3. **Other Limitations.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent or moving type, except where allowed by Section 53.02.H. (Changeable Copy or Electronic Message Board). Illumination involving searchlights, strings of lights or movements of lights or other devices shall be prohibited.

H. Changeable Copy or Electronic Message Board.

A changeable copy or electronic message board is prohibited, except where allowed as part of a permitted building-mounted sign or ground sign and subject to the following:

1. To ensure compliance with the internal illumination standards of Section 53.02.G (Illumination) and minimize glare from the bright background of such signs, the area for changeable copy shall not exceed fifty percent (50%) of the total sign area.
2. To ensure compliance with Section 53.02.I (Animated Copy Prohibited) and minimize visual distractions and hazards for motorists, pedestrians, and property, an electronic message board shall be limited to a display cycle interval of 60 seconds or longer for automated changes to the sign copy.
3. All electronic message boards shall operate in full conformance with the internal illumination standards of Section 53.02.G (Illumination).

I. Animated Copy Prohibited.

To minimize visual distractions and hazards for motorists, pedestrians, and property; animated copy, as defined in Section 2.03 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

Section 53.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 53.05 (Sign Permit Requirements), are allowed without a permit in any zoning district, are required where indicated, and are subject to the specific standards of this Section and to all other applicable standards of this Article:

A. Address Numbers and Nameplate.

Assigned address number shall be displayed in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be allowed per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

B. Window Signs.

Window signs shall be restricted to interior window surfaces and shall be accessory to a principal non-residential use. A maximum of ten percent (10%) of the surface area of any window may be covered with non-illuminated window signs. One (1) additional window sign not exceeding four (4) square-feet in area shall be allowed, which may be internally or externally illuminated per Section 53.02.G. (Illumination).

C. Construction Signs.

Temporary signs, during construction, shall be subject to the following:

Standards	Construction Signs
Maximum number of permitted signs	One (1) sign per road frontage of the zoning lot.
Minimum required setbacks	Outside of any road rights-of-way and ten (10) feet from the edge of pavement for any internal access drive.
Maximum sign area	32.0 square feet
Maximum sign height	6.0 feet
Method of illumination	External light sources only.
Display period	The sign shall not be erected prior to final site plan approval or final preliminary plat approval, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

D. Other Temporary Signs.

Temporary signs, as defined in Section 2.03 (Definitions), not otherwise provided for in this Article shall be subject to the following:

1. **Maximum height and sign area.** Such temporary signs shall be allowed in accordance with the following table of standards for maximum allowed height and total sign area per lot:

Zoning District Name		Maximum Sign Area for All Signs	Maximum Sign Height
Rural Districts	R-C, A-1, and NR	32.0 square feet	6.0 feet
Residential Districts	R-1, R-3, and MHP	12.0 square feet	6.0 feet
Business Districts	O, and C-1	18.0 square feet	6.0 feet
Other Districts	LCD	18.0 square feet	6.0 feet
	PSP	12.0 square feet	6.0 feet
	I-1	18.0 square feet	6.0 feet

2. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.
3. **Right-of-way.** Such temporary signs shall be located outside of all road rights-of-way.

E. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be allowed accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.
2. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
3. Flags bearing the official design of a nation or state.
4. Changes to sign copy within an approved sign area for changeable copy.
5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.

6. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
7. Signs on the interior of a building not intended to be legible from the building exterior.
8. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, and similar transitory devices that are in motion or associated with and regularly used in the course of conducting the principal use located on the premises.
9. Seasonal decorations for a maximum of sixty (60) days, provided traffic visibility is not affected.

Section 53.04 Signs Allowed With a Permit.

The following signs shall be allowed accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 53.05 (Sign Permit Requirements):

A. Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. The following standards shall apply to building-mounted signs in any zoning district:

Standards	Type of Permitted Signs		
	Wall	Awning	Projecting
Permit required?	yes	yes	yes
Internal or external illumination permitted?	yes	yes	yes
Maximum number of sign faces per building-mounted sign	one (1)	one (1) per window	two (2)
Minimum sign height above ground	none	7.5 feet	8.0 feet
Maximum permitted sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use (see definition and illustration)		

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).
2. **Additional public entrance signs.** The total sign area allowed may be divided between building facades as determined within this Section.
3. **Wall sign depth.** No wall sign shall project more than one (1) foot from the building wall.

4. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
5. **Awning signs.** Awning signs shall be restricted to the surface area of the awning's valance, which is the band of material hanging perpendicular to the ground (see illustration at end of Article). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.
6. **Residential uses.** Except for a building directory (see illustration at end of Article) building-mounted signs shall be prohibited accessory to residential uses in any zoning district.
7. **Projecting signs.** Projecting signs shall be further subject to the following (see illustration at end of Article):
 - a. Such signs shall project from the wall at an angle of 90 degrees.
 - b. A maximum of one (1) projecting sign shall be permitted per use, with a maximum sign area of 15 square feet per sign face.
 - c. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.
 - d. Projecting signs may extend out from the building wall a maximum of four (4) feet, and shall be pinned away from the building wall at least six (6) inches.
 - e. Minimum clearance above grade shall not be less than eight (8) feet.
 - f. No part of the sign extends into or over a road right-of-way.

B. Building Directory.

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade, subject to the following (see illustration at end of Article):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

C. Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the

proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township. The following shall apply to ground signs accessory to non-residential uses in any zoning district: (see illustration at end of Article)

1. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Buildings and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Zoning Lot
10 feet	equal to actual sign height	36.0 square-feet	1

- a. Ground signs shall be prohibited within corner clearance areas, as defined in Section 30.206 (Corner Clearance Areas).
- b. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans of the Township or county or state road authorities.
- c. A maximum of one (1) sign face shall be permitted per ground sign side.
- d. No part of a ground sign shall be located within a required side yard or within ten (10) feet of a side lot line.
- e. Ground sign shall be set back a minimum of 25 feet from the lot boundary of any abutting zoning lots in Residential Districts or occupied by residential uses.
- f. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.

2. Permitted Modifications.

The following modifications to the standards of this Section have been established to:

- a. Preserve the character and appearance of the Township’s lower intensity use districts through more restrictive standards;
- b. Ensure that permitted signage is in reasonable proportion to the land use intensity; and
- c. Provide for the specific signage needs of multi-tenant shopping centers and uses that abut arterial or collector roadways as defined by the master transportation plans of the Township, or county or state road authorities.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

	Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
Permitted Modifiers (cumulative down the table)	10 feet	equal to actual sign height	36.0 square feet	1
Located in the R-C, A-1 or NR Districts	- 2 feet	no change	- 18 square feet	no change
Located in the R-1 or R-3 Districts	- 4 feet	no change	- 12 square feet	no change
Located in the MHP District	- 2 feet	no change	- 12 square feet	no change
Located in the PSP District	- 2 feet	no change	- 8 square feet	no change
Sign abuts an arterial or collector primary paved roadway with a speed limit 50 miles per hour or greater	+ 2 feet	no change	+ 12 square feet	no change
Sign abuts a public road with an existing right-of-way width greater than 90 feet	+ 2 feet	no change	+ 8 square feet	no change
Lot is occupied by a multi-tenant office building, shopping center or similar group of at least five (5) independent non-residential uses	no change	no change	+ 24 square feet	no change
Total Permitted with Modifiers:	_____ feet	_____ feet	_____ square feet	_____ sign(s)

D. Temporary Signs Within Road Rights-of-Way.

In addition to the requirements of Section 53.05 (Sign Permit Requirements), temporary signs proposed to be located within or over road rights-of-way, including street banners or signs associated with a public event or festival, shall be subject to Township Board approval. The Township Board may establish policies for the display and removal of such signs, and may require payment of an inspection fee or performance guarantee to ensure timely removal. Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

E. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus, subject to the following (see illustration at end of Article):

1. Site entry features may consist of walls, columns, gates, and similar design elements, and may be located within required yard setback areas. Site entry features shall be located outside of any road rights-of-way and a minimum of ten (10) feet from the edge of pavement for any internal access drive.
2. The location, design, and maintenance provisions for the site entry features shall be subject to site plan approval per Article 44.0 (Site Plan Review). Site entry features to be added to an existing site shall be subject to approval of an amended site plan in accordance with Section 44.13 (Amendment and Revision).
3. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement, and shall conform to the requirements of Section 30.206 (Corner Clearance Areas).
4. A maximum of one (1) sign shall be permitted on a site entry feature per side of a road entrance from a public road classified as an arterial or collector roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	24.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

Section 53.05 Sign Permit Requirements.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Sign Permits.

Where a provision of this Article requires approval of a sign permit, such approval shall be subject to the zoning compliance permit provisions of Article 57.0 (Administration and Enforcement) and the following:

1. Submittal of a complete application, containing information required in Section 53.05.B herein, to Township Clerk with required fee.
2. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.

3. Other permits may be required in accordance with applicable building and electrical codes.
4. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Section and Article.

B. Required Information for Sign Permit Applications.

The following shall be provided with any sign permit application:

1. **Application information.** Permit applications shall include the following information:
 - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; and written consent of the property owner and sign owner to perform the proposed work.
 - b. Where a proposed sign would encroach into a road right-of-way, copies of permits or approvals from the Township Board and any other agency with jurisdiction.
 - c. Any other information required by the Zoning Administrator to show full compliance with this Ordinance.
2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, structure locations, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.
4. **License and insurance.** Every person who engages in the erecting, altering or dismantling of permanent signs in the Township shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies Lodi Township and its prior, present and future employees, officials, and representatives from all damage suits or other actions brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Township at least 30 days prior to the date of cancellation.

Section 53.06 Billboards.

Billboard signs, as defined in Section 2.03 (Definitions), shall be subject to the following:

A. Findings.

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.
2. Unrestricted display of billboard signs along arterial or collector roadways as classified by the master transportation plans of the Township or county or state road authorities would lessen the effectiveness of signs allowed under this Article, create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
3. Billboard signs are not appropriate in the Rural Districts, because such signs would detract from the visual appearance and rural/recreational character of these zoning districts, which is attractive to visitors and residents and a benefit to the local agricultural economy.
4. Billboard signs are not appropriate in the Residential Districts and Planned Unit Development (PUD) Districts where Residential Uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
5. Billboard signs are not appropriate in the Business Districts and Planned Unit Development (PUD) Districts where Commercial Uses and Industrial, Research, and Laboratory Uses are permitted, because such signs would be out-of-scale with the structures and character of the districts, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce in the districts.
6. Billboard signs are not appropriate in the Public/Semi-Public Uses (PSP) District, Lodi Central District, and Planned Unit Development (PUD) Districts where Office, Service, and Community Uses are permitted, because such signs would be out-of-scale with the structures and character of the districts, and incompatible with abutting rural, residential, and recreational uses.
7. The placement of new billboard signs in the Township is contrary to the purposes of this Article and the Township's Master Plan.

B. Billboards Prohibited.

In accordance with the above findings, billboard signs shall be prohibited in the Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be allowed to continue, subject to the provisions of Section 53.08 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

Section 53.07 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles or streetlights.
3. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Article.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
6. Roof signs and inflatable signs.
7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits, exceeding permitted size, or in violation of location or time period limitations, and any sign that does not conform to the requirements of this Article.
9. Abandoned, damaged or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

Section 53.08 Nonconforming Signs.

All signs legally existing as of the effective date of this Ordinance and not conforming to the provisions of this Article shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 53.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 53.02 (General Standards).

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased and any sign illumination is brought into compliance with the provisions of Section 53.02.G. (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 53.02.G. (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
 - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
 - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
 - (1) The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities.
 - (2) The sign shall be located outside of any corner clearance area, as defined by Section 30.206 (Corner Clearance Areas).
 - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.
 - c. Repairs as part of normal maintenance or to resolve safety issues.

D. Inventory.

The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of nonconforming signs in the Township.

Section 53.09 Sign Removal by Township Action.

A sign shall be removed by the Township only in accordance with the following, subject to appeal by an aggrieved person to the Zoning Board of Appeals:

A. Abandoned or Unlawful Signs.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 2.03 (Definitions). The Zoning Administrator may order the removal of such signs in accordance with the following:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located, and to all persons with any interest in the sign.
2. **Removal.** Abandoned or unlawful signs shall be removed by the owner within 15 calendar days after written notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed.
 - a. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense.
 - b. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Zoning Administrator shall be made safe or removed within fifteen (15) calendar days after written notification provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located, and to all persons with any interest in the sign. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the owner, operator or person having beneficial use of the property upon which the sign is located, and all persons with any interest in the sign by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 53.08 (Nonconforming Signs) requirements.

E. Temporary Signs.

Temporary signs affixed within a road right-of-way or corner clearance zone, without a valid permit, or after permit expiration, may be removed by the Township or Washtenaw County Road Commission without notice. Signs removed shall be held by the Township or Washtenaw County Road Commission for seven (7) calendar days, after which the sign may be discarded.

Section 53.10 Exceptions.

The Zoning Board of Appeals shall have the authority to grant an exception from the strict application of these regulations in accordance with the following procedures and standards:

A. Applications and Review Procedures.

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the Zoning Board of Appeals within 60 calendar days of the decision. Applications for exceptions from provisions of this Article shall be submitted and reviewed in accordance with Section 59.03 (General Procedures of the Zoning Board of Appeals), and the following:

B. Exception Standards for Signs.

The Zoning Board of Appeals shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception to particular requirements of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Aesthetics.** The exception does not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
5. **Requirements of a supplier or franchise grantor.** The inability of a dealer or franchise operator to comply with the minimum signage requirements of its supplier or franchise grantor may be considered by the Zoning Board of Appeals as part of an application under this Section, but shall not be the sole reason for granting an exception.
6. **Minimum necessary action.** The exception shall not be granted unless the

Zoning Board of Appeals first determines that it is the minimum necessary to allow reasonable use, visibility or readability of the sign.

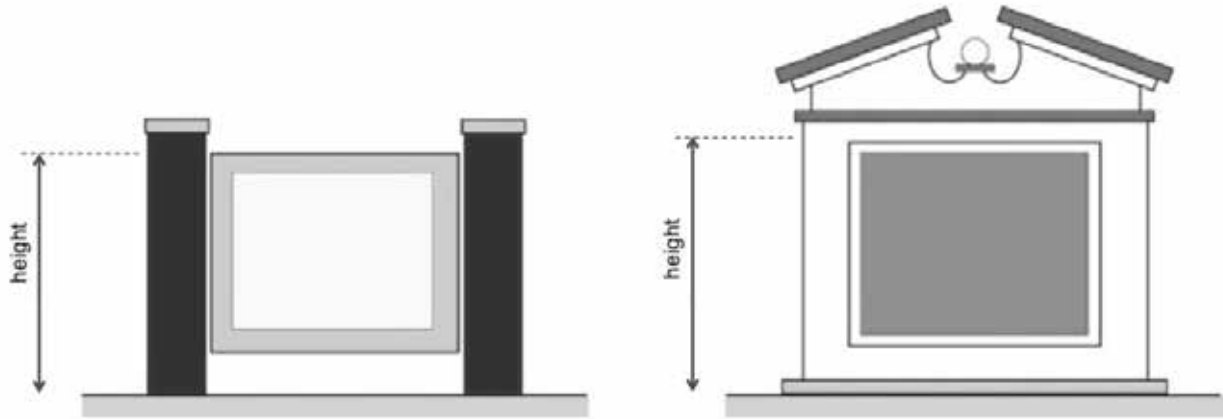
7. **Consistency with the intent and purposes of this Article.** The exception shall not be granted unless the Zoning Board of Appeals first determines that the sign authorized by the exception will be consistent with the intent and purposes of this Article, as specified in Section 53.01 (Purposes).

C. Findings and Conditions.

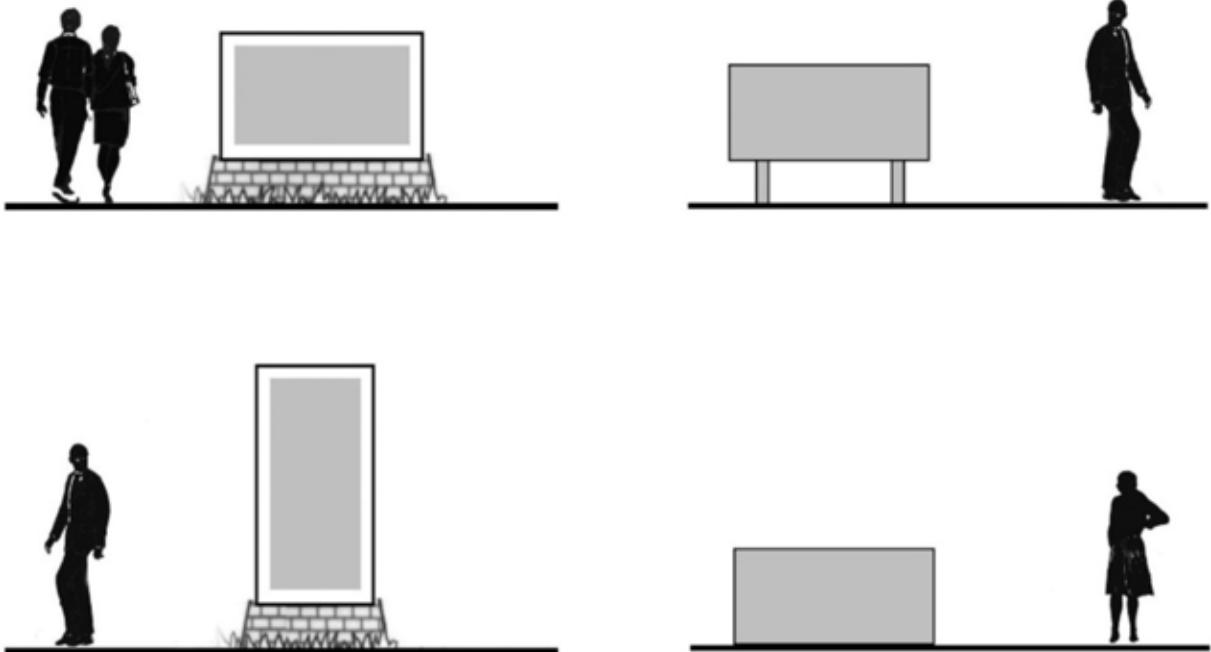
In a motion granting or denying a sign exception, the Zoning Board of Appeals shall state the specific findings of fact and conclusions or grounds for the decision. The Zoning Board of Appeals may attach conditions to a sign exception approval in accordance with the intent and purpose of this Article.

ILLUSTRATIONS

Sign Height

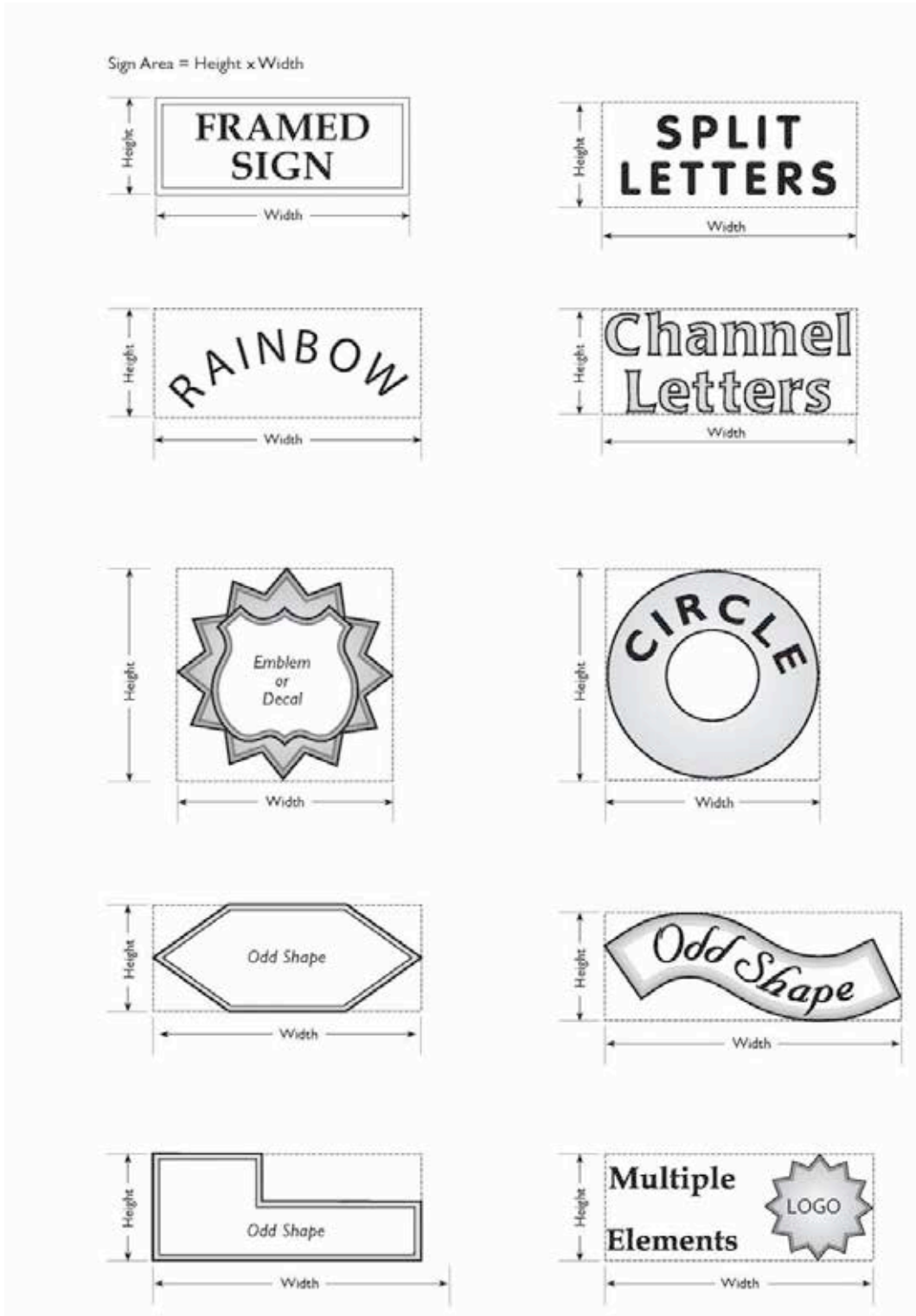


Various Types of Ground Signs



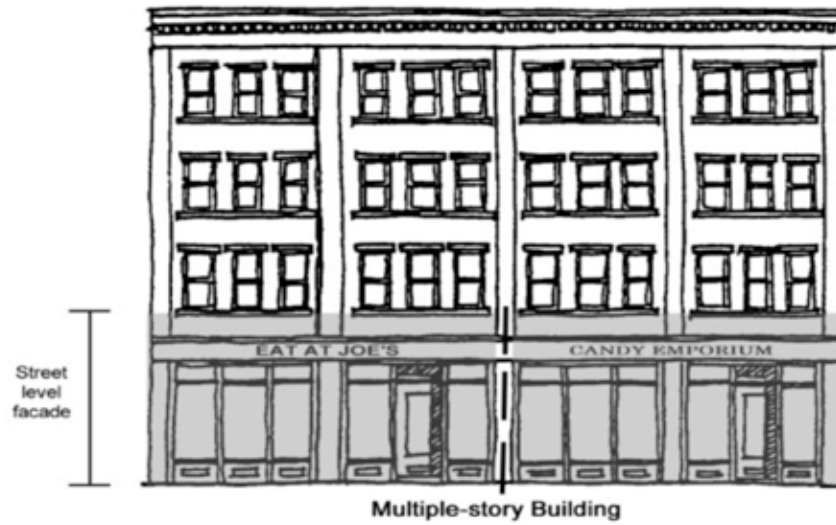
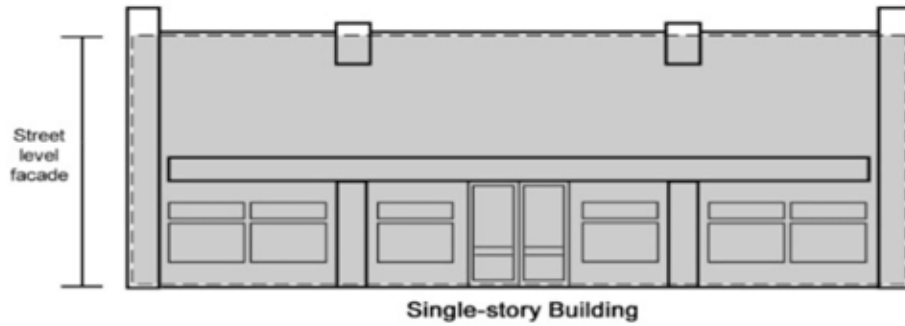
ILLUSTRATIONS

Computation of Sign Area

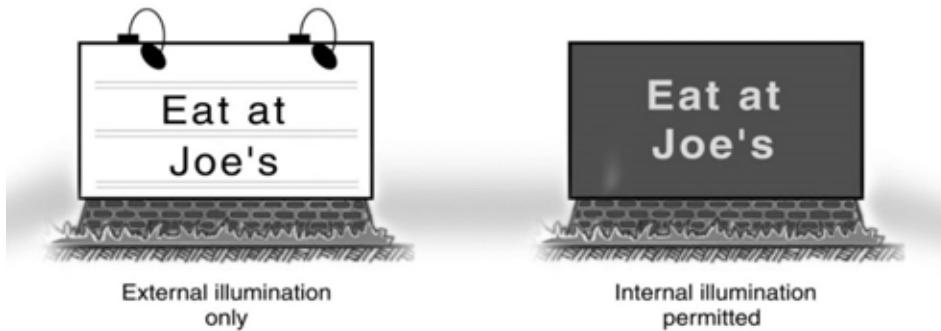


ILLUSTRATIONS

Signable Area

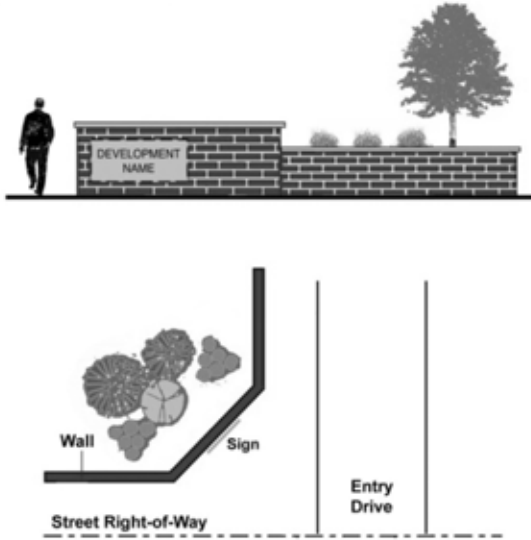


Sign Illumination

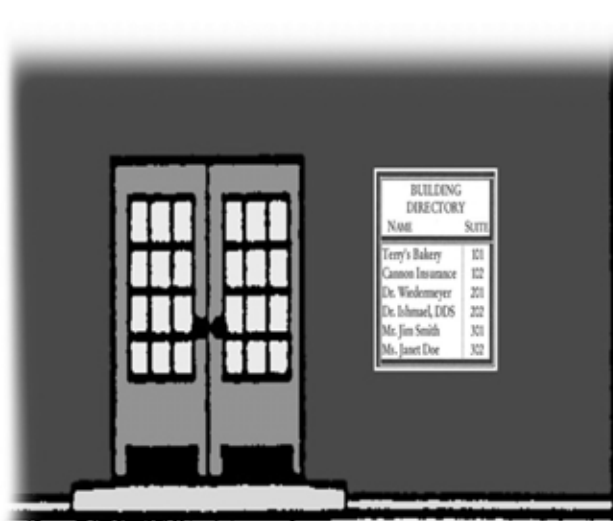


ILLUSTRATIONS

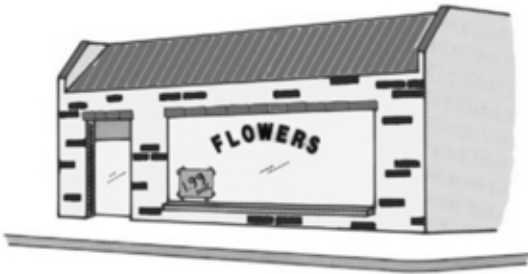
Site Entry Feature With Signage



Building Directory



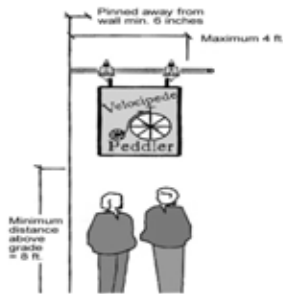
Window Signs



Awning Sign



Projecting Sign



Roof Sign (not allowed)



ARTICLE 54.0

ADDITIONAL DEVELOPMENT PROCEDURES

Sections 54.01 – 54.06 Reserved.

Section 54.07 Regulation of Land Within a Floodplain.

The floodplains of Lodi Township are subject to periodic inundation of floodwaters that result in loss of property, health and safety hazards, disruption of commerce and governmental service, and impairment of tax base. The following requirements and standards shall apply to all areas of the Township located within the boundaries of a floodplain, as identified in the most recent Flood Insurance Study for Washtenaw County, as prepared by the Federal Emergency Management Agency (FEMA) and updated from time to time.

A. Purpose and Intent.

It is the purpose of this Section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by FEMA, as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44 FR 31177, May 31, 1979.

The provisions of this Section are intended to:

1. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including public facilities which serve such uses, will be protected against flood damage at the time of initial construction;
4. Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding; and
5. Permit reasonable economic use of land located within a floodplain.

B. Application of Regulations.

In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Section will be necessary for all development occurring within a floodplain.

1. Conflicts between the requirements of this Section and other requirements of this Ordinance or any other Township ordinances will be resolved in favor of the more stringent requirement.
2. Upon application for approval of a zoning compliance permit per Section 57.04 (Issuance of Zoning Compliance Permits), the Zoning Administrator shall determine whether the subject site is located within a floodplain utilizing the documents cited in this Section. For land development and other applications for

approval under this Ordinance requiring Planning Commission review, the Planning Commission shall make this floodplain determination.

3. Final authorization to begin grading, site clearing, and construction work within a floodplain shall not be provided until the Zoning Administrator confirms that all proposed work complies with the following standards:
 - a. All applicable requirements of this Section have been met;
 - b. The requirement of the underlying zoning district(s) and all other applicable provisions of this Ordinance have been met; and
 - c. Documentation has been provided to the Township that the proposed work meets applicable standards of local, state, and federal authorities with jurisdiction, and necessary outside agency permits or approvals have been obtained or are assured, including a floodplain permit, approval or letter of authority from the State of Michigan under authority of Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended). Where an outside agency permit or approval cannot be issued without prior confirmation of local zoning compliance, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance will be acceptable.

C. Additional Floodplain Management Administrative Duties.

With regard to the National Flood Insurance Program, and the regulation of development within a floodplain as prescribed in this Section, the Township Clerk and Zoning Administrator shall have the following additional responsibilities:

1. The Township Clerk or Zoning Administrator shall notify adjacent communities and the appropriate regulatory office of the State of Michigan of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance and Mitigation Administration;
2. The Zoning Administrator shall verify that a land surveyor licensed in the State of Michigan has documented the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within a floodplain, and in the case of floodproofed structures, the elevation to which the structure was floodproofed; and that the property owner has recorded a copy of the surveyor's record in the Washtenaw County Register of Deeds Office, and has submitted a copy of the recorded document to the Township; and
3. The Township Clerk shall maintain a record of all certificates of floodproofing as required by this Section, and written notification to all applicants to whom variances are granted from any provision of this Section by the Zoning Board of Appeals within a floodplain indicating the terms and any conditions of the variance. A record of all variance notifications and variance actions must be maintained together with the justification for each variance. The Clerk shall

submit an annual or biennial report of the variances to the Federal Insurance Administrator.

4. The Zoning Administrator is responsible for obtaining and utilizing the best available floodplain data for purposes of administering the Ordinance in the absence of data from FEMA.

D. Floodplain Standards and Requirements.

1. The following general standards and requirements must be applied to all uses proposed to be located on land within a floodplain:
 - a. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and manufactured housing units, must:
 - (1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure;
 - (2) Be constructed with materials and utility equipment resistant to flood damage;
 - (3) Be constructed by methods and practices that minimize flood damage.
 - b. All new and replacement water supply systems must minimize or eliminate infiltration of floodwaters into the systems.
 - c. All new and replacement sanitary sewage systems must minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters.
 - d. All public utilities and facilities must be designed, constructed, and located to minimize or eliminate flood damage.
 - e. Adequate drainage must be provided to reduce exposure to flood hazards.
 - f. Land must not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Section and Ordinance.
 - g. Any altered or relocated watercourse not subject to state and federal regulations must be designed to insure flood carrying capacity is maintained.
2. The following specific standards will be applied to all uses proposed to be located on land within a floodplain, except those in the floodway portion of the floodplain.

- a. All new construction of a new building and any reconstruction, rehabilitation, addition or other improvements to an existing building for which the total cost equals or exceeds the State Equalized Value of the building must have either:
 - (1) The lowest floor, including basement, elevated at least one (1) foot above the base flood level;
 - (2) Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect must certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood in the location of the structure.
3. The following general standards and requirements will be applied to manufactured housing units in a manufactured housing park located within a floodplain:
 - a. Anchoring must meet all applicable federal and state specifications, for such units.
 - b. An evacuation plan indicating alternate vehicular access and escape routes must be filed with the county Director of Emergency Services.
 - c. Manufactured housing units in manufactured housing parks located within zones A1-30, as depicted on the Flood Insurance Rate Maps for Lodi Township, must be located in accordance with the following standards:
 - (1) All such housing units must be placed on stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - (2) Adequate surface drainage away from all structures and access for delivery, installation, and removal of such housing units must be provided.
 - (3) In the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart; and reinforcement must be provided for piers more than six (6) feet above ground level.
 - d. Existing, legal nonconforming manufactured housing parks shall be brought into compliance with the requirements of this subsection 54.07.D.3. whenever repair, reconstruction or improvement of streets,

utilities, and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair.

4. The following standards will be applied to all uses proposed to be located within the floodway portion of the floodplain:
 - a. Encroachments into, filling of or other alterations to a floodway, any new construction, and any reconstruction, rehabilitation, addition or other improvements to an existing building for which the total cost equals or exceeds the State Equalized Value of the building are prohibited. Exceptions to this prohibition will only be made upon certification by a registered professional engineer or the appropriate regulatory office of the State of Michigan that the development proposed will not result in any increases in flood levels during a base flood discharge, and that such encroachments are in compliance with all applicable requirements of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - b. The placement of manufactured housing units is prohibited within any portion of a manufactured housing park located in the floodway portion of a floodplain.
 - c. The uses of land allowed in an underlying zoning district will not be construed as being allowed within the floodway, except in compliance with this Section.
5. The degree of flood protection required by provisions of this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
6. The provisions of this Section do not imply that areas outside the floodplain, and land uses permitted within those districts, will be free from flooding or flood damages. Also, these provisions do not imply that compliance with these provisions within the floodplain will prevent all flood damage. Lodi Township, and its officers, officials, trustees, employees, consultants, and independent contractors are not liable for any flood damages that result from reliance on the provisions of this Section or any administrative decision lawfully made.

E. Variances from Floodplain Standards and Requirements.

Variances may be granted by the Zoning Board of Appeals from the standards and requirements of this Section if the following conditions are met:

1. No increase in flood levels during the base flood discharge would result.
2. A showing of good and sufficient cause.
3. A determination that failure to grant the variance will result in exceptional hardship.

4. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with law.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Section 54.08 Natural Features Protection and Preservation.

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. The preservation of natural resources is essential to maintain the continued character and quality of life for the current and future Township residents, property owners, and visitors. As the Township's Master 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.

The provisions of this Section are intended to protect significant natural features from destruction and misuse; retain and provide the establishment and protection of interconnected and natural environmental areas; facilitate movement of wildlife between areas; establish reasonable standards for natural resources management and preservation; and assist the Planning Commission, Township Board, applicants, reviewers and the general public in the identification and preservation of natural features on sites being developed in the Township.

A. Natural Features.

1. For the purpose of this Ordinance, natural features include the following:
 - a. Wetlands
 - b. Watercourses
 - c. Floodplains
 - d. Groundwater Recharge Areas
 - e. Woodlands and Trees
 - f. Steep Slopes
 - g. Habitat of Threatened or Endangered Species
 - h. Other Fragile Features deemed necessary by the Planning Commission, including Hedgerows, Prairies and Meadows
2. A generalized rendition of natural resources, found in the Master Plan, are shown on Township maps titled: "Fragile Lands," which includes Woodlands and Wetlands, Hydrology & Groundwater Recharge Zones, Slope Factors 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.
3. 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 planned unit development (PUD) review process. This site-specific information will supplement Township natural resource maps referred to within this Section.

4. 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 the Township.

B. 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 remaining Township wetlands in a natural condition is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future Township residents; therefore a policy of no net loss of wetlands is established by this Section. 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 prevention techniques shall be devised and implemented during and

after construction according to applicable governmental regulations. Every developer shall evaluate the potential damage to nearby watercourses during the design, construction, and implementation phases to minimize problems associated 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 shall 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 shall 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. Development projects shall be designed to minimize flooding potential. An additional concern is the potential for increased flow to the watercourse, which may increase erosion and result in physical alteration of the watercourse.

Construction of structures within a watercourse is regulated by Federal and State statutes and may require permits or approvals from the United States Army Corps of Engineers, State of Michigan, and other outside agencies with jurisdiction.

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 shall 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.**
 - a. **Findings.** Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational, and economic assets for present and future generations. Specifically, it is found that:
 - (1) Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
 - (2) Woodland growth protects public health through absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.
 - (3) Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.
 - (4) Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, wildlife habitat and irreplaceable natural heritage.
 - b. **Purposes.** Therefore, the purposes of this Section are as follows, to be applied throughout Lodi Township:
 - (1) To prohibit unnecessary removal of trees on undeveloped land.
 - (2) To prohibit the unnecessary removal of trees and woodland resources in connection with the development of land.
 - (3) 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.
 - (4) To provide for the continuity of ecological systems designed to protect existing wildlife habitats.
 - (5) 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.

- (6) To prevent owners or developers of property from removing trees from land prior to or in anticipation of development.
 - (7) To provide for the replacement of trees removed, where no feasible alternative site for development is available.
 - (8) 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 Michigan's Natural Resources and Environmental Protection Act.
 - (9) 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 shall 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.

C. Applicability Requirements.

This Section shall apply to all parcels, land uses, and development projects within Lodi Township that are subject to preliminary or final site plan approval per Article 44.0 (Site Plan Review), subdivision plat approval, or Planned Unit Development (PUD) approval.

1. A Natural Features Statement of Impact, Protection, and Mitigation shall be required from the developer for land use activities as described herein, and shall be subject to Planning Commission approval. An approved Natural Features Statement of Impact, Protection, and Mitigation 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.

2. 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.
3. Any preliminary or final site plan, plat, or PUD area plan that has been previously approved and expired under the provisions of this Ordinance shall be resubmitted under the provisions of this Section.

D. 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 shall be shown on plans submitted for Planning Commission review. 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 Planning Commission review. When natural features are determined to exist on a site, a Natural Features Impact Statement shall 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 shall 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 shall 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. The site inventory shall

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 natural features plan, or other permit pursuant to the Ordinances of the Township, said application shall include, in addition to those requirements outlined in Article 44.0 (Site Plan Review), the following information:

- (1) The most current available aerial photograph of the site, at a scale not less than one (1) inch equals 100 feet.
- (2) United States Geological Survey (USGS) 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 landmark trees, as regulated by Section 54.08.I.2. (Landmark Tree Identification), all existing individual deciduous trees of six (6) inch diameter at breast height (D.B.H.) or larger, and all existing individual evergreen trees six (6) feet in height or higher located on the property, within adjoining road rights-of-way, and within 100 feet beyond the property shall be shown on the map and clearly identified by numbered dots, along with an accompanying database table of corresponding species and size listings, and the ground elevation at the base of each 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.

- (f) An evaluation of the quality of woodland area and trees proposed for removal, including but not limited to:
 - (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 relocate, or to remove 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 or sorted during land clearance, development, and construction, and how they are to be maintained after construction.
- (5) Documentation of compliance with Section 54.07.D. (Floodplain Standards and Requirements).
 - (6) Such other information and detail as to vegetation or physical details as may be requested by the Township.
 - (7) All information and details shall be provided by a registered land surveyor, registered engineer, registered landscape architect, certified arborist, or forester who shall 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 shall consider and pursue all development options available under this Ordinance 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 this 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 circumstances:
 - (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 this 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 shall delineate natural features to be retained on the site or excluded from development. Lines

shall 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 shall 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 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 Planning Commission. A mitigation plan to replace natural features shall be considered to be a proposal, which is subject to review by the 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 locations of trees, shrubs, and groundcover.
 - (4) A planting list, including botanical and common names, caliper sizes, root type and height.
 - (5) A timing schedule for the implementation of mitigation measures.
 - (6) Depict the minimum elements set forth under each particular natural features preservation and mitigation guidelines, where mitigation is applicable.
 - (7) Maintenance Plan for ongoing mitigation program.
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 laws, 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 shall 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.

E. Wetland Preservation Standards.

The following provisions shall apply for the following wetlands found within any zoning district:

1. **Wetland delineation process.** Prior to the approval of any land development specified herein for land 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 also in addition to 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.

2. **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:
 - a. All wetlands, regardless of size, which are contiguous to any lake, water course, river, or pond, whether partially or entirely contained within the project site.
 - b. Wetlands, regardless of size, which are partially or entirely within 500 feet of the ordinary high water mark of any lake, stream, river or pond, unless it is determined by the State of Michigan that there is no surface water or groundwater connection between the wetland and water body.
 - c. 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.
 - d. Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the State of Michigan determines the preservation of the wetland is essential to the preservation of the natural resources of the State from pollution, impairment or destruction.
3. **Review of wetlands within proposed development.** In the Planning Commission's review of wetlands, the following criteria shall be considered:
 - a. The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in accordance with the Natural Resources and Environmental Protection Act.
 - b. The site represents what is identified as a locally rare or unique ecosystem.
 - c. The site supports plants or animals of an identified local importance.
 - d. The site provides groundwater recharge documented by a public agency.
 - e. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

- f. 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.
 - g. The site provides preservation of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
 - h. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
 - i. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 - j. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
4. **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. It is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
- a. 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.
 - b. Grazing or watering of animals.
 - c. Education, scientific research, and nature study.
 - d. Installation of a permeable fence within a setback area.
 - e. Maintenance of previously established lawn areas.
 - f. Grading and filling necessary in order to conform to Township Engineer requirements.
 - g. Planting of trees and other vegetation, but not the use of fertilizer.
 - h. Uses exempt under applicable state statutes.
5. **Activities prohibited without first obtaining development approval.**
- a. Deposit, or permit to be deposited, any material into any area with wetland characteristics.
 - b. Remove, or permit to be removed, any soil from any area with wetland characteristics.
 - c. Drain, or cause to be drained, any water from any area with wetland characteristics.

- d. 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.
 - e. Create or enlarge any ditch that would result in a significant reduction or would otherwise negatively impact the existing wetland.
6. **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:
- a. 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:
 - (1) A 25.0 foot setback from the boundary or edge of a wetland, determined in accordance with part 303 of the Natural Resources and Environmental Protection Act and the state Administrative Rules thereunder, as amended.
 - (2) A 25.0 foot setback from the ordinary high water mark of a watercourse.
 - b. The setback shall remain permanently undisturbed and in its natural condition with natural vegetation for the following purposes:
 - (1) To serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.
 - (2) 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.
 - (3) To provide for the continuity of ecological systems designed to protect existing wildlife habitats.
 - (4) 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.

- c. All buildings shall be set back a minimum of 50.0 feet from the edges of wetlands.

F. Watercourse preservation standards.

1. **Identification.** Watercourses may be identified by field observation, on United States Geological Survey Topographic Maps, 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 shall 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.
2. **Preservation and restoration strategies.**
 - a. 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 shall be explored that will reduce the adverse impact of both stormwater and sedimentation.
 - b. The following watercourses will be preserved by any development proposal:
 - (1) Streams and watercourses delineated on the "Fragile Lands" or equivalent map contained within the Township Master Plan.
 - (2) 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 shall be made during the design phase to ensure that these watercourses and adjacent setback areas are protected.

- c. A permanent setback strip, vegetated with natural plant species, will be maintained or restored within a 25.0 foot setback from the high water mark of any watercourse. Buildings and construction activity shall be setback at least 50.0 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 shall 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 shall be kept to the minimum necessary to provide access.

- d. Whenever possible, development projects shall 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.
- e. The planning phase of the project shall recognize underground (piped) watercourses connected to surface drains and shall address stormwater and peak flow rates through these watercourses. Restoration of the surface watercourse is desirable, and these efforts may assist in stormwater control.

G. Floodplain Preservation Standards.

Development regulated by this Section and Ordinance on any land that includes floodplains or floodways shall conform to the requirements of Section 54.07 (Regulation of Land Within a Floodplain).

H. Groundwater Recharge Area Preservation Standards.

- 1. **Identification.** Washtenaw County has mapped groundwater recharge areas for the Township. Using this data and that from the 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 County, but that may also serve as recharge areas, are those with highly permeable geology (sand or gravel) or soils, but that do not exhibit a high water table. A general map of "Fragile Lands" or equivalent map is contained within the Township Master Plan. The Township may ask for additional investigation and mapping of areas with highly permeable soils and geology.
- 2. **Preservation and restoration strategies.**
 - a. Development shall be located away from groundwater recharge areas and wellhead protection areas as mapped by Washtenaw County or otherwise identified. Where development occurs, impervious surfaces shall be minimized. Land grading shall be controlled to retain the water holding characteristics of the land. Vegetation essential to the water holding characteristics shall be preserved, or, where necessary, enhanced as part of the development program. The balance and integrity of the hydrological system shall be maintained in a proposed development.
 - b. Recharge areas shall 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.
 - c. 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:

- (1) Hazardous substance storage areas shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands.
- (2) 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.
- (3) 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.
- (4) 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.

I. Woodland and Tree Preservation Standards.

1. **Identification.** A map of generalized woodland areas are shown on the "Fragile Lands" or equivalent map in the Township Master Plan. 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.
2. **Landmark tree identification.** For purposes of this Section and Ordinance, a landmark tree shall include any tree that has a Diameter at Breast Height (D.B.H.) of 24.0 inches or greater, or that is of a type and DBH equal to or greater than shown on the following Landmark Tree List:

Landmark Tree List		
Common Name	Species	D.B.H. (inches)
Basswood	Tilia americana	18"
Beech	Fagus grandifolia	18"
Buckeye, Ohio	Aesculus glabra	18"
Catalpa	Catalpa spp.	18"
Cedar of Lebanon	Cedrus spp.	18"
Cherry, Black	Prunus serotina	18"
Cottonwood	Populus deltoides	18"
Elm, American	Ulmus americana	18"
Fir	Abies spp.	18"
Fir, Douglas	Pseudotsuga menziesii	18"
Kentucky Coffee Tree	Gymnocladus dioicus	18"

Landmark Tree List		
Common Name	Species	D.B.H. (inches)
Pine	Pinus spp.	18"
Spruce	Picea spp.	18"
Sycamore or London Plane	Platanus spp.	18"
Tulip-tree	Liriodendron tulipifera	18"
Walnut, Black	Juglans nigra	18"
Hickory, various	Carya spp.	16'
Locust, Honey	Gleditsia triacanthos	16"
Maple	Acer spp.	16"
Oak	Quercus spp.	16"
Cedar, White (Arborvitae)	Thuja occidentalis	12"
Cedar, Red	Juniperus virginiana	12"
Baldcypress	Taxodium distichum	12"
Birch	Betula spp.	12"
Black Tupelo	Nyssa sylvatica	12"
Cherry	Prunus spp.	12"
Crabapple	Malus spp	12"
Dawn Redwood	Metasequoia glyptostroboides	12"
Ginkgo	Ginkgo biloba	12"
Hackberry	Celtis occidentalis	12"
Hawthorn	Crataegus spp.	12"
Hemlock, Eastern	Tsuga canadensis	12"
Larch/Tamarack	Larix laricina	12"
Pear	Pyrus spp.	12"
Persimmon	Diospyros virginiana	12"
Poplar (Aspen)	Populus spp.(except alba, deltoides)	12"
Sassafras	Sassafras albidum	12"
Sweetgum	Liquidambar styraciflua	12"
Yellowwood	Cladrastis lutea/kentukea	12"
Cedar	Juniperus spp.	8"
Redbud	Cercis canadensis	8"
Hornbeam, Blue Beech	Carpinus spp.	8"
Ironwood	Ostrya virginiana	8"
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	8"
Dogwood, Flowering	Cornus florida	8"
Pawpaw	Asimina triloba	8"
American Chestnut	Castanea dentata	6"
Butternut	Juglans cinerea	6"

3. **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 Article 44.0 (Site Plan Review), subdivision plat approval or PUD approval shall not remove, transplant, damage or destroy any landmark tree or other deciduous tree, evergreen tree or similar woody vegetation

regulated by this Section and Ordinance currently existing or that has existed on the subject site within the last five (5) years; and shall not conduct any land clearing or grubbing activities within any woodland area.

4. **Requirements.** The following requirements shall apply to all property subject to or proposed for development requiring site plan, plat, or PUD approval:
 - a. Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:
 - (1) Preserve and leave standing a minimum of thirty-five percent (35%) 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.
 - (2) If existing preserved trees do not average 15 trees per acre in the subject development, additional trees shall be planted to equal a minimum average ratio of 15 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.
 - b. 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.

J. Steep Slope Preservation Standards.

1. **Identification.** Slopes with a rise of twelve percent (12%) or more having a vertical change in elevation of eight (8) or more feet and a length of 30 feet or more, as measured parallel to the contour lines. A generalized depiction of erodible soils in the Township is included on the "Erodible Soils" or equivalent map in Township Master Plan. If because of problems with scale or detail, there is any ambiguity as to whether a particular area slopes in excess of twelve percent (12%), having a length of 30.0 feet or more as measured parallel to the contour lines, that determination shall be made by or through the direction of the Planning Commission.
2. **Preservation and restoration strategies.**
 - a. Areas of steep slopes, as defined in Section 2.03 (Definitions), shall be protected to reduce erosion potential, maintain slope and stability, control amounts and velocities of surface water runoff, and protect an aesthetic resource. Steep slopes of greater than eighteen percent (18%) shall be excluded from development as regulated by this Section unless the developer presents an effective method for protective development of

these slopes. Where highly erodible soils are present, special care shall be taken.

- b. Development that is permitted on steep slopes shall maintain or enhance the natural contour, vegetation, and drainage patterns. Existing landform shall 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.
- c. Steep slopes of forty percent (40%) 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) shall be carefully considered.
- d. A primary goal in protecting steep slopes is to prevent erosion and subsequent damage to natural features on- and off-site. Retaining walls can reduce the amount of grading necessary, but are discouraged. Underground utilities shall not be located in steep slopes and shall not run lengthwise along them. Drainage shall be directed to inlet structures and not be permitted to flow down steep slopes during or after construction.
- e. Disturbed areas of steep slopes shall approximate the natural terrain and be planted with native vegetation at the completion of construction.

K. Preservation Standards for Threatened or Endangered Species Habitat.

1. **Identification.** The Michigan State University Extension Office's "Michigan Natural Features Inventory" 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. 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.
2. **Preservation and restoration strategies.** The protection of endangered species and their habitats is regulated by the State of Michigan 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. For those plant species that 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.
3. **Habitat mitigation.** Disturbed areas of threatened or endangered species habitat shall be mitigated in accordance with applicable state and federal laws and regulations, and this Section. Where providing mitigation in accordance with

the requirements of this Section would result in undue hardship, the applicant may request relief from the Planning Commission as part of the site plan review process. Relief may 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 that do not exist generally throughout the Township.
- 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.

L. Wetland Mitigation and Restoration.

Wetlands proposed to be removed or disturbed shall be mitigated as provided for in the Natural Features Statement of Impact, Protection, and Mitigation for all natural features, state or federal permit issued for the wetlands activity, and the following:

1. **Findings that wetland loss is unavoidable.** Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetland impacts. The Planning Commission shall consider a proposal for wetland mitigation only after the applicant has demonstrated 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 that 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 and regulations.
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.

M. Waterbodies, Channels, and Floodplains Mitigation and Restoration.

These resources shall be mitigated to provide no net loss of flood storage capacity. Such mitigation shall comply with conditions of valid permits or approvals from federal, state, and county agencies with jurisdiction. Areas receiving mitigated flood storage capacity shall be protected by compliance with all setback and setback zone requirements of this Ordinance. The requirements of Section 54.07 (Regulation of Land Within a Floodplain) shall also apply.

N. Groundwater Recharge Area Protection.

Any lot or parcel in an identified groundwater recharge area, 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.

O. 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 landmark trees and other deciduous trees and coniferous trees regulated by this Section and Ordinance is deemed necessary, 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.

1. **Replacement species standards.** Replacement trees shall be of the same species as the removed tree, except where otherwise provided for in this Section. Species native to Michigan may be substituted for non-native or prohibited species. Replacement tree species shall be suitable for the habitat where they will be located.

2. **Replacement ratio.** Removed trees shall be relocated or replaced in accordance with the following schedule. Where more than one replacement ratio may apply to an individual tree, the higher ratio shall apply:

Size of Removed Tree	Replacement Ratio (number of replacement trees per removed tree)
Coniferous (height)	
Six (6) to ten (10) feet	one to one (1:1)
Ten (10) to 14 feet	one and one-half to one (1.5:1)
More than 14 feet	two to one (2:1)
Landmark coniferous tree	one (1) tree per four (4) inches of removed tree D.B.H.
Deciduous (D.B.H.)	
Six (6) to ten (10) inches	one to one (1:1)
Ten (10) to 14 inches	one and one-half to one (1.5:1)
More than 14 inches	two to one (2:1)
Landmark deciduous tree	one (1) tree per four (4) inches of removed tree D.B.H.

3. **Minimum requirements.** All replacement trees shall satisfy current American Association of Nurseryman standards and shall be as follows:
- a. Nursery grown or comparable.
 - b. Inspected by the appropriate regulatory office of the State of Michigan.
 - c. 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.
 - d. Number one grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable). Guaranteed for one (1) year.
 - e. Replacement deciduous trees shall have a minimum size at planting of 2.5-inches D.B.H. Replacement coniferous trees shall have a minimum height at planting of six (6) feet.
 - f. All replacement trees shall be approved through inspection by the Township Planner or Zoning Administrator.
 - g. Species used as replacement trees shall also, to the extent practicable, be resistant to diseases and drought, salt tolerant, and produce minimal fruit litter and no thorns on trunk or branches.

4. **Species prohibited as replacement trees.** The following trees are not considered desirable plant materials for replacement trees, except where noted:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties
<i>Pinus Nigra</i>	Austrian Pine

5. **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.
6. **Maintenance.** Relocated or replacement trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition.
- a. Any replacement tree determined by the Township to be dead, dying or diseased within the first three (3) years after planting shall be replaced at the developer's expense.
 - b. Any transplanted tree or landmark tree that is determined to be dead, dying or diseased within the first three (3) years after completion of all development and construction activity authorized by an approved site plan or plat shall be replaced by the applicant in accordance with Section 54.08.O. (Tree Relocation and Replacement).

- c. To ensure timely replacement of trees determined to be dead, dying or diseased, 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 a tree replacement will be required under this subsection.
7. **Identification of trees to be removed or transplanted.** All trees that 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.

P. 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. No person shall conduct any construction activity within the dripline of any existing, transplanted, landmark or replacement tree, including but not limited to the placing of solvents, building materials, construction equipment, soil deposits, or parking of vehicles.
2. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences, such as snow fencing, cyclone fencing or high visibility/dual purpose silt fence barrier, shall be installed as protective barriers 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 dripline of any existing, transplanted, landmark or replacement trees which are located within a disturbance area.
 - 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.
3. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.
4. No person shall attach a device or wire to any existing, transplanted, landmark or replacement trees during construction, except to cordon off protected areas as required.
5. Road rights-of-way, utility easements, and large property areas separate from the construction or land clearing area onto which no equipment will venture may be cordoned by placing stakes a maximum of 50 feet apart and tying ribbon,

plastic tape, or other brightly visible materials at least two and one half (2.5) feet above the ground on stakes along the outside perimeters of areas to be cleared.

6. Temporary construction fencing and protective barriers shall be maintained in place in good condition until it is authorized to be removed by the Township Zoning Administrator.

Q. Inspections.

To ensure compliance with this Section, the Township shall perform periodic inspections of lots subject to the requirements of this Section, 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.

Sections 54.09 – 54.11 Reserved.

Section 54.12 Wireless Communication Facilities.

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

A. Purpose.

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit location of wireless communication facilities, while limiting adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques to preserve the character of the Township;
2. Require provisions for colocation of antennae on existing towers, and on new and replacement towers, unless it can be reasonably demonstrated that such colocation is not technically feasible;
3. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use; and
4. Establish review procedures for construction, alteration or enlargement of such facilities consistent with Michigan Zoning Enabling Act requirements, and to permit administrative review and approval of certain types of projects that have a limited scope and impact.

B. General Application Information.

The following minimum required information shall be provided with any application for approval of a wireless communications facility allowed under this Section and Ordinance:

1. **Applicant information.** Name, address, and contact information for the applicant, property owner, tower operator, and installation contractor; and the address or parcel identification number of the proposed site.
2. **Plans for the facility.** Plans for all wireless communication facilities shall include the following minimum required information:
 - a. An accurate, scaled drawing of the parcel, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.
 - b. A description of the type and design of the proposed wireless communication facility.
 - c. Setback distances between any proposed tower(s) and the nearest lot boundaries and road rights-of-way, and boundaries of any residential zoning district or lot occupied by a dwelling.
3. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify the type, design, materials, and height


for the proposed wireless communications facility, enclosure(s), and associated structures; and the name and location of the tower manufacturer, if applicable.

4. **Manufacturer’s specifications.** Written documentation shall be provided from the wireless communication facility manufacturer demonstrating the manner in which the structure will fall in the event of accident, damage or failure, and that the facility is designed in accordance with applicable dead load and wind pressure standards.
5. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including any access, landscaping, screening, and security improvements.
6. **Documentation of compliance with standards.** Documentation of compliance with Section 54.12.L. (General Standards for All Wireless Communication Facilities), and with the additional standards of this Section that apply to the specific type of proposed wireless communication facility.

C. Type of Review Required.

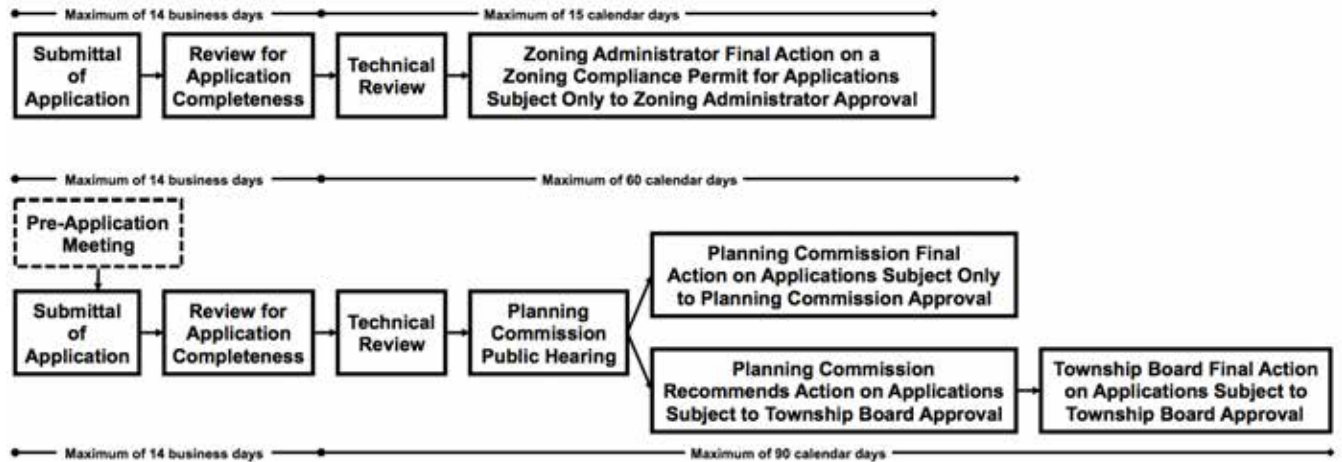
Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communication Facility		Required Review and Approval		
		Township Board and Planning Commission	Zoning Administrator	Exempt
AMATEUR RADIO ANTENNAE AND SIMILAR FACILITIES				
Installation of any amateur radio transmission or reception antenna or antenna tower, short wave facility, contractor’s business antenna tower, television reception antenna, wireless Internet antenna, citizen’s band base station antenna or similar antennae or antenna tower:	Exceeding the zoning district’s height limit	●		
	Up to the zoning district’s height limit		●	
SATELLITE DISH ANTENNAE				
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger		●	
	Less than 1.5 meters			●
OTHER ANTENNAE MOUNTED ON A STRUCTURE				
Antenna(e) installation on a principal building or accessory structure that also includes use of an outside ground equipment enclosure area		● 90 –Day Limit for Review		
Antenna(e) installation on a principal building or accessory structure where all accessory equipment is installed within the building or structure			●	

Type of Wireless Communication Facility		Required Review and Approval		
		Township Board and Planning Commission	Zoning Administrator	Exempt
OTHER WIRELESS COMMUNICATION FACILITIES				
Construction of a new wireless communication facility not otherwise addressed in this table		● 90-Day Limit for Review		
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 6 - 		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure			●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet		● 60-Day Limit for Review		
Colocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 60-Day Limit for Review		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet			●	
Installation of new ground equipment within an approved ground equipment building or enclosure			●	
SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT PROVISIONS				
Installation or modification of a small cell wireless pole (utility pole) or small cell wireless support structure within an eligible right-of-way in excess of 40.0 feet in height above ground level		●		

Type of Wireless Communication Facility	Required Review and Approval		
	Township Board and Planning Commission	Zoning Administrator	Exempt
Installation, replacement or modification of a small cell wireless pole (utility pole) or small cell wireless support structure within an eligible right-of-way not exceeding 40.0 feet in height above ground level, plus an allowance of up to five (5) additional feet in height for a small cell wireless facility to be mounted at the top of the pole		●	
Installation or modification of a small cell wireless support structure on a zoning lot outside of an eligible right-of-way	●		
Collocation of a small cell wireless facility on a small cell wireless pole or small cell wireless support structure within an eligible right-of-way		●	
Collocation of a small cell wireless facility on a small cell wireless pole or small cell wireless support structure on a zoning lot outside of an eligible right-of-way		●	
Replacement of a small cell wireless facility with a small cell wireless facility that is not larger or heavier, in compliance with applicable codes			●
Installation or replacement of a micro wireless facility within an eligible right-of-way that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.			●
All small cell wireless facility installations or modifications within an eligible right-of-way that are not otherwise addressed in this table		●	
OTHER PROJECTS EXEMPT FROM TOWNSHIP REVIEW			
Installation of municipal and other facilities subject to federal or state preemption of local authority			●
Repair or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes			●

Wireless Communication Facility Review Processes



D. Exempt Facilities.

Facilities listed as exempt from review in Section 54.12.C. (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

E. Limitation on Review Fees.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, a review fee required to accompany an application for Planning Commission or Township Board approval per Section 54.12.C. (Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less. For small cell wireless facilities as defined in Section 2.03 (Definitions), the maximum allowable fees as calculated in accordance with sections 13, 15, and 17 of the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.) shall apply.

F. Facilities Subject Only to Zoning Administrator Approval.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of wireless communication facilities subject only to Zoning Administrator approval per Section 54.12.C. (Type of Review Required) shall be subject only to review and approval in accordance with this Section and Section 57.04 (Issuance of Zoning Compliance Permits). Per Section 57.04.D. (Approval or Denial), the Zoning Administrator shall take final action on an application deemed complete within 15 calendar days.

This requirement for administrative review is the minimum Township action necessary to confirm that the tower and ground equipment enclosure are and will remain in compliance with the applicable requirements of this Section and Ordinance, and any conditions of the original tower or ground equipment enclosure approval.

G. Administrative Determination of Application Eligibility and Completeness.

After an application requiring Planning Commission review and Township Board final approval per Section 54.12.C. (Type of Review Required) is filed in accordance with this Section, the Clerk shall immediately transmit a copy of the application materials and

plans to the Township Planner to determine whether the application is administratively complete.

1. The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days that:
 - a. All required application information has been provided and that the application is administratively complete; or
 - b. Specific items of required information are needed for a complete application, or that a specific fee required for review of the application has not been paid. With this notice, the 14 business day period shall be tolled until the applicant submits the specified information or review fee.
2. The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.

H. Facilities Subject to Planning Commission and Township Board Approval.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of wireless communication facilities subject to Planning Commission review and Township Board approval per Section 54.12C (Type of Review Required) shall be modified as follows:

1. **Planning Commission authority to review and recommend.** The Planning Commission shall have authority to review the application, hold a public hearing, and make recommendations to the Township Board to approve, to deny, or to approve with conditions the wireless communication facility application.
2. **Time limit on Planning Commission and Township Board action.** Where a time limit is specified in Section 54.12.C. (Type of Review Required), the Planning Commission and Township Board shall complete their review and the Township Board shall take final action on the application in accordance with Section 54.12.I. (Review Procedures...) within either 60 or 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Township Board takes no final action within the specified calendar day period.
3. **Small Wireless Communications Facilities Deployment Act provisions.** For small cell wireless facilities as defined in Section 2.03 (Definitions), the time limits for approval, permit requirements, and standards specified in the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.) shall apply.

I. Review Procedures for the Planning Commission and Township Board.

After an administratively complete application has been received by the Township in accordance with the requirements of this Section, wireless communications facilities subject to Planning Commission review and Township Board approval per Section 54.12.C. (Type of Review Required) shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township

Planner, and other designated Township consultants for review and comment. The Township may retain, at the applicant's expense, services of wireless communications and engineering experts to review the application. The Planning Commission may also request comments from outside agencies with jurisdiction.

2. **Public hearing.** A public hearing shall be held by the Planning Commission in accordance with Section 57.10 (Public Hearing Procedures).
3. **Planning Commission review.** Subsequent to the hearing, the Planning Commission shall follow the following review process:
 - a. Review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.
 - b. Verify whether all required application information has been provided.
 - c. Confirm whether the facility is in compliance with all applicable requirements of this Section and Ordinance.
 - d. The Planning Commission shall then make recommendations to the Township Board for final action on the application and any proposed conditions on an approval action.
4. **Township Board review.** Upon receipt of the Planning Commission's recommendation about an application for a wireless communication facility, the Township Board shall review the application, reports of the Planning Commission and the public hearing record, and any other reports thereon, and shall then take final action on the application in accordance with Section 54.12.J. (Approval, Denial or Postponement Actions).

J. Approval, Denial or Postponement Actions.

For wireless communications facilities subject to Township Board approval per Section 54.12.C. (Type of Review Required), the board shall take action on the application in accordance with the following:

1. **Postponement.** Upon determination that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission or Township Board may postpone consideration until a later meeting.
2. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for denial of the application.

3. **Approval.** The proposed wireless communications facility shall be approved upon determination that it is in compliance with all applicable standards of this Section.
4. **Approval subject to conditions.** Conditions of approval shall remain unchanged except upon mutual consent of the Township and the owner of the wireless communications facility. Any such changes shall be entered into Township records and recorded in the minutes of the meeting at which the action occurred. In accordance with Section 3514 of the Michigan Zoning Enabling Act, authority to impose conditions on any final approval of an application shall be limited to conditions intended to:
 - a. Verify compliance with the applicable requirements of this Ordinance; or
 - b. Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.
5. **Recording of final action.** Final action on the application shall be recorded in the meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the action, and any conditions of approval. The Township Clerk shall file one (1) copy of the written record for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.

K. Effect of Final Action and Expiration of Approval.

1. **Effect of action.** Final approval of the wireless communications facility in accordance with this Section shall allow the Zoning Administrator to issue a zoning compliance permit for the work associated with the application. No work may take place on the site except in accordance with an approved zoning compliance permit and any conditions of final approval of the application.
2. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of final approval, unless construction has begun on the property and is diligently pursued in conformance with the final approval.
3. **Extension of approval.** Upon written request and showing of good cause by the applicant, the Planning Commission shall have authority to grant an extension of up to 365 calendar days for any wireless communications facility application approved in accordance with this Section, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Section.
4. **Effect of denial and re-application.** If the wireless communications facility application is denied or a previous approval has expired, the applicant may submit a new wireless communications facility application at any time for review and final action in accordance with this Section.

L. General Standards for All Wireless Communication Facilities.

The following general standards shall apply to all wireless communication facilities:

1. **Compliance with airport zoning.** The height and location of all wireless communication facilities shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), adopted airport approach plans, and Federal Aviation Administration (FAA) regulations. Proof of compliance and approval under local airport zoning ordinance requirements shall be provided to the Township as part of the official application submittal.
2. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
3. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
4. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
 - a. If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within 180 calendar days of their effective date, unless a stricter compliance schedule is mandated by the controlling state or federal agency.
 - b. If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the owner or operator shall have 30 calendar days from the date of receipt of notice from the Township to remove the facility or bring it into compliance with applicable standards.
 - c. Failure to take such action as required shall be considered a violation of this Ordinance, and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.
5. **Not essential services.** Structures 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.

M. Standards for Amateur Radio Antennae and Similar Facilities:

The following additional standards shall apply to all amateur radio towers and antennae, short wave facilities, citizen band radio base station antennae, contractor's business antennae, television reception antennae, wireless Internet antennae, and associated antenna structures, which shall be allowed in any zoning district subject to approval per Section 54.12.C. (Type of Review Required) and the following standards:

1. **General standards.**
 - a. For an antenna or antenna tower proposed to exceed the maximum allowable structure height in the zoning district, documentation shall be provided with the application that demonstrates, to the Planning Commission's satisfaction, that the proposed height is the minimum necessary to achieve effective and reliable communications.
 - b. Amateur radio antennae owners shall show proof of having a current FCC amateur radio operator license.
 - c. Antennae, towers, and any guy wires shall meet the setback requirements for the zoning district where the tower is located. The antennae and antenna tower shall also be set back an additional one (1) foot for every one (1) foot in height that the antennae and antenna tower exceeds the maximum allowable structure height in the district.
 - d. Antennae and antenna towers over 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 percent (60%).
 - e. Antennae shall not encroach in any manner upon adjoining parcels.
 - f. No portion of a tower or associated antennae shall display any advertising, message or other graphic representation other than the manufacturer's name and identification number. Lettering shall not exceed three (3) inches in height.
 - g. Antennae and antenna towers shall be erected or installed in rear and side yards only.
 - h. Antennae and antenna towers that are not protected by walls or fences shall have anti-climb plates installed.
 - i. No more than one (1) antenna tower or antenna array subject to the requirements of this subsection shall be allowed on any zoning lot as defined in Section 2.03 (Definitions).
2. **Removal of amateur radio towers.** In addition to the requirements of Section 54.12.T. (Cessation of Operation), an amateur radio antenna or antenna tower shall be required to be removed at owner's expense in the event that 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; the tower or antenna is in a state of disrepair or an unsafe condition; or upon expiration or non-continuance of the FCC license.
3. **Modification of standards for retractable antennae.** Retractable, telescoping, or tilt-down antennae shall be maintained in the "down" or retracted position when not in use. Minimum setback distance requirements and height

measurements for purposes of determining compliance with the requirements of this Section shall be based upon the antennae being in the retracted position.

N. Standards for Satellite Dish Antennae:

The following additional standards shall apply to all satellite dish antennae, which shall be allowed in any zoning district subject to approval per Section 54.12.C. (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot. Satellite dishes with a diameter of 1.5 meters or larger shall not be located in the front yard.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum setback requirements of this subsection.
3. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from neighboring residences or road rights-of-way. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

O. Standards for Other Antennae Mounted on a Structure.

The following additional standards shall apply to other wireless communication antennae mounted on a principal building or accessory structure, which shall be allowed in any zoning district subject to approval per Section 54.12.C. (Type of Review Required) and the following standards:

1. The antenna and support structure shall not extend into any required yard setback areas, and shall not exceed the structure height by more than 14 feet.
2. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
3. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
4. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.

5. Any accessory ground equipment enclosure shall be screened in accordance with Section 55.09.D. (Methods of Screening).

P. Standards for Small Cell Wireless Facilities, Poles, and Support Structures.

For small cell wireless poles, small cell wireless support structures, and small cell wireless facilities as defined in Section 2.03 (Definitions), the standards specified in the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018 (MCL460.1301 et seq.) shall apply.

Q. Standards for Other Wireless Communications Facilities.

The following additional standards shall apply to all other wireless communications facilities, including cellular towers and radio or television transmission towers, allowed under this Section and Ordinance:

1. **Additional application information.** The following additional application information shall be required for all other wireless communications facilities:
 - a. **Site plan.** A detailed site plan conforming to the applicable requirements of Section 44.08 (Required Site Plan Information).
 - b. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide the following minimum inventory of existing towers in the Township and within one (1) mile of the Township's boundaries:
 - (1) Identification of the owner or operator, location, height, type, and design of each tower.
 - (2) A description and assessment of the suitability of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - (3) An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance, based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.
 - (4) An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
 - c. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
 - d. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided,

along with a second map of the same area also showing the proposed service area coverage.

- e. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
- f. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- g. **Colocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for colocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
- h. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- i. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:
 - (1) The agreement shall be in accordance with the requirements of Section 54.12.T. (Cessation of Operation).
 - (2) The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
 - (3) The performance guarantee shall be in accordance with Section 57.08.C. (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility and restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.
- j. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes.

Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

- k. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
 - l. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
 - m. **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating that the setback area will contain the facility in the event of a failure, and that the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.
2. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Township Board that:
- a. No existing towers or structures are located within the geographic area that meet the 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 the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).
 - 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 that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

3. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:
 - a. Wireless communications towers, other than radio and television towers as defined in Section 2.03 (Definitions), shall only be allowed on parcels in the A-1 (Agricultural), PSP (Public/Semi-Public Services), and I-1 (Industrial-Research) zoning districts. Radio and television towers shall only be allowed on parcels in the A-1 (Agricultural) zoning district.
 - b. No tower shall be located within two (2) miles of another wireless communication tower, irrespective of Township boundaries. The Planning Commission may waive this restriction upon determination that the facility's technical requirements make necessary an additional tower.
 - c. No tower shall be located closer than 800 feet to the boundary of any Residential District or any Planned Unit Development (PUD) incorporating residential uses.
4. **Maximum height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including the base pad and any antennae.
5. **Minimum setbacks.** A tower shall have a minimum setback from all lot boundaries and road rights-of-way equal to the height of the tower. Ground equipment enclosures, accessory structures, and anchor points for guy wires shall satisfy the minimum zoning district setback requirements, with a minimum required setback of 50 feet.
6. **Design.** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - a. The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
 - b. The antennae shall be painted to match the exterior treatment of the tower.
 - c. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.
 - d. Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - e. Metal structures shall be constructed of or treated with corrosive-resistant material.

7. **Fencing and screening.** The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a dense evergreen screen per Section 55.09.D. (Methods of Screening) around the entire perimeter of the fencing and building.
 - a. The screening shall be maintained in good condition at all times so as to continue its effectiveness.
 - b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
 - c. The Planning Commission may waive the screening requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.
8. **Colocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates colocation of multiple antennae on a single tower.
9. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.
10. **Structural design and installation.** 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 structures shall meet all applicable standards of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
 - a. To ensure its structural integrity, the owner of a tower shall ensure that it is maintained in compliance with the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association.
 - b. All signal and remote control conductors extending substantially horizontally above the ground between a tower or antennae and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - c. The base of the tower shall occupy no more than 500 square feet.
11. **Lighting.** Structures shall not be artificially illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.

12. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.
13. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
14. **Tower address.** Each wireless communications tower shall be designated with a specific and unique street address.

R. Existing Wireless Communications Facilities.

Legal nonconforming wireless communication facilities shall be allowed to continue, provided such facilities are maintained in accordance with applicable federal, state, and county laws, and regulations; and in accordance with all approved plans, permits, and conditions of approval. Colocation of additional antennae on such towers shall be permitted in accordance with the requirements of this Section and Ordinance.

S. Rescinding Approval.

Abandonment of a wireless communication facility, or failure of the owner, operator or leaseholder of an approved wireless communication facility to renew or replace any required performance guarantee or insurance certificate, to provide required information to the Township about the facility, or to maintain and operate the facility in compliance with applicable federal, state, and county laws or regulations, the provisions of this Section, or any conditions of approval shall be grounds for the Township Board to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Abandonment.** Any wireless communication facility that is unused for a continuous period of 365 calendar days shall be deemed abandoned. If there are two (2) or more antennae on a single tower, the tower shall not be deemed abandoned until all users cease using the tower for the 365 calendar day period.
2. **Notice to Operator.** Prior to a public hearing, the owner, operator, or leaseholder shall be given notice regarding noncompliant issues. If noncompliant issues are not corrected within a period of time, not to exceed thirty (30) calendar days, a public hearing will be scheduled to consider rescinding the previous approval in accordance with this Section.
3. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 57.10 (Public Hearing Procedures), at which time the owner or operator of the wireless communication facility shall be given an opportunity to present evidence in opposition to rescission.
4. **Planning Commission Recommendation.** Following the hearing and deliberation, the Planning Commission shall make recommendations to the Township Board for final action with regard to the rescinding of approval.

5. **Township Board action.** Upon receipt of the Planning Commission's recommendations, the Township Board shall review the reports of the Planning Commission and the public hearing record, and shall make the final decision and provide written notification to said owner, operator or designated agent.
6. **Order for removal.** Following Township Board action to rescind approval of a wireless communication facility, the Township Clerk or designee shall send written notice of the Township Board's action to the owner or operator of the facility, along with an order to remove the facility in accordance with Section 54.12.T. (Cessation of Operation) and any approved removal agreement.

T. Cessation of Operation.

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, or that has ceased operation for more than 365 contiguous days, subject to the following:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal.
2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.

Section 54.13 – 54.16 Reserved.

Section 54.17 Private Road Regulations.

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; and to ensure that such services can safely and quickly enter and exit private property at all times. When public dedication is desirable or required, access to the interior of certain sections within Lodi Township shall meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the County Road Commission or other municipal corporations. The following standards and specifications for private roads are the minimum necessary to meet the intention of this Section and Ordinance.

A. Review Procedures.

Applications for approval of a private road under this Section shall be subject to review and approval in accordance with the following:

1. **Pre-application meeting.** 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.
2. **Public hearing.** Prior to review of the private road application submittal, the Planning Commission shall hold a public hearing in accordance with Section 57.10 (Public Hearing Procedures).
3. **Review procedures.** Applications for approval of a private road under this Section shall be reviewed as part of review and approval of a:
 - a. Subdivision plat in accordance with the Land Division Act and any Township subdivision regulations;
 - b. Condominium subdivision (site condominium) development under Article 45.0 (Condominium Regulations) and the Condominium Act;
 - c. Site plan approval in accordance with Article 44.0 (Site Plan Review) where a private road is proposed to serve lots to be created by metes and bounds lot splits permitted by the Land Division Act; or.
 - d. Incidental alterations to an existing private road in conformance to Section 44.02B5.

B. Required Information.

Applications for approval of a private road under this Section shall be filed with the Township Clerk. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** All required fees and escrow deposits to defray the costs of plan review, administration, inspection and enforcement of this Section shall be paid to the Township at the time of application.

2. **Development plan.** The private road development plan shall, at a minimum, include all of the following:
 - a. All applicable information required for subdivision plat approval per the Land Division Act and any Township subdivision regulations; condominium subdivision plan approval per Article 45.0 (Condominium Regulations) and the Condominium Act; or site plan approval per Article 44.0 (Site Plan Review) of this Ordinance.
 - b. A survey drawing showing the following:
 - (1) The proposed private road right-of-way, all parcels to be served, utility and other easements, abutting parcel boundaries, and abutting roads and road rights-of-way.
 - (2) Existing soil characteristics, regulated wetlands, floodplains, watercourses, drainage patterns, and topographic contours at one (1) foot intervals for the area within the proposed right-of-way area and all adjacent land within 100 feet thereof; or within such greater area as may be determined necessary by the Township Planner or Planning Commission to ensure adequate drainage.
 - (3) All existing trees subject to the requirements of Section 54.08 (Natural Features Protection and Preservation).
 - (4) All existing structures and any additional features uniquely affecting the site within 100 feet of the proposed right-of-way.
 - c. Plan and profile drawings and cross-sections of all proposed private road, drainage, and other improvements within the right-of-way, showing clearly all materials, grades, and dimensions.
 - d. A legal description of the private road right-of-way and of each parcel to be served by the road right-of-way; and the names and addresses of all persons or entities having an equitable interest or legal title to the parcels and private road right-of-way.
3. Documentation from the County Environmental Health Division or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or other approved wastewater treatment systems; or documentation that the proposed dwellings will be served by municipally owned and operated water or sanitary sewer services.
4. A complete statement of all terms, covenants, and deed restrictions associated with the private road right-of-way, including the Private Road Maintenance Agreement required by this Section.
5. Documentation that the proposed private road will be developed in conformance with the Township's natural features preservation requirements per Section 54.08 (Natural Features Protection and Preservation); the County Water

Resources Commissioner's standards and approval for stormwater retention and drainage facilities; and the County Road Commission's standards and approval for vehicular access.

6. Any additional information requested by the Township Planner or Planning Commission to verify compliance with this Ordinance.

C. Specifications for Rights of Way and Roadways.

Each right-of-way and its roadway shall conform to the following specifications:

1. **Classes of private roads.** Private roads shall be divided into two (2) classes, as follows:
 - a. **Class One private roads.** Class One private roads shall be any private road that meets one (1) or more of the following criteria:
 - (1) Serves two (2) 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.
 - (2) Connects with or has a reasonably foreseeable potential to be extended at a future time to connect with another public or private road.
 - (3) Serves one or more nonresidential uses, not including farm uses and associated buildings.
 - b. **Class Two private roads.** Class Two private roads shall be any private road that serves not more than eight (8) residential units and does not otherwise qualify as a Class One private road.
2. **General standards for all private roads.** All Class One and Class Two private roads shall meet the following minimum requirements and specifications:
 - a. The roadway surface and turnaround area shall be centered in the right-of-way.
 - b. The connection between the right-of-way and any public road shall conform to the specifications of the County Road Commission.
 - c. Underground 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 County Road Commission and the Water Resources Commissioner.
 - d. The right-of-way and roadway shall be adequately drained to prevent flooding or erosion. Open swale/ditch drainage systems within the right-of-way are preferred to enclosed storm sewers where applicable standards and site conditions permit. Road drainage systems shall be constructed so that runoff water shall be conveyed to existing

watercourses. Such water shall not be discharged off-site upon the land of another property owner unless the water is following an established watercourse and does not exceed the normal agricultural rate. Connection to roadside ditches within public road rights-of-way and county drains shall be approved by the County Road Commission and the County Water Resources Commissioner.

- e. All parcels receiving access shall have their individual addresses posted on each property and at their driveway entrances.
 - f. 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.
 - g. Private road names shall be subject to approval by the Saline Area Fire Department, County Road Commission, Washtenaw County 911 Administrator, and local post office jurisdiction.
 - h. The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
3. Class One and Class Two private roads shall also meet their respective minimum requirements and specifications as follows:

Minimum Requirements and Specifications for Private Roads		
Standard	Class One	Class Two
Width of right-of-way	66 feet	50 feet
Road length	not applicable	not applicable
Driving surface or pavement width	20 feet with six (6) foot shoulders and adequate drainage	16 feet with adequate drainage
Sub-base (spread to a minimum width sufficient to extend to the front slope of the roadside ditch)	six (6) inches of compacted MDOT Class 2 aggregate	same as Class One
Base for gravel surface	eight (8) inches of MDOT 22A in two (2) equal courses, each compacted 26 feet wide	six (6) inches of MDOT 22A in two (2) equal courses, each compacted 18 feet wide
Base for paved surface	ten (10) inches of MDOT 22A in two (2) equal courses, each compacted 26 feet wide	If paved, same as Class One

Minimum Requirements and Specifications for Private Roads		
Standard	Class One	Class Two
Pavement (pavement is required for all private roads abutting a paved road)	three (3) inches bituminous mixture type 13A in two (2) courses 24 feet in width. Curb and gutter permitted; in rural areas vegetated swales are preferred.	If paved, same as Class One
Turnaround right-of-way	75 foot radius	60 foot radius
Turning circle driving surface area	50 foot radius	same as Class One
Ditches and swales		
Minimum grade	0.50%	ditches shall be of adequate width, depth, and grades to provide for adequate and positive drainage
0.5% to 4.0% grades	sod or otherwise stabilize	
4.01% and steeper grades	rip-rap to stabilize	
front and back slopes	one on four (1:4)	
Roadway grades		
Minimum	0.50%	same as Class One
Maximum	6.00%	same as Class One
Roadway Crown		
Minimum	2.0%	Same as Class One
Roadway curves		
Horizontal minimum	230 foot radius	150 foot radius
Vertical minimum	100 foot long for changes in gradient of 2% or more	same as Class One

D. 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 escrow deposit established in accordance with Section 57.08.B. (Escrow Deposits for Variable Costs and Expenses).

E. Private Road Maintenance Agreement.

A maintenance agreement for the private road shall be prepared by the applicant, subject to review and approval by the Township Planner and Township Attorney. The following minimum standards shall apply to the Agreement:

1. **Maintenance responsibility.** Owners of all lots accessing the private road or otherwise part of this Agreement shall be jointly and severally responsible for maintaining the private road(s) in accordance with this Section, approved development plans, and any conditions of approval. Should the Township incur costs for necessary maintenance to the road for any reason, each owner shall be jointly and severally liable for reimbursement of such costs.
2. **Maintenance standards.** Maintenance of private road(s) shall include but not be limited to filling of pot holes, re-grading, ditching, and the placement of gravel and/or sealcoat of paved surfaces as necessary for emergency vehicle access, and to enable lot owners to use the roads for ingress and egress.
3. **Maintenance fee.** Each parcel owner shall be liable for an equal pro rata portion of the costs necessary to maintain the roadways. Said maintenance fee shall be established by the Agreement, or as the equal pro rata portion of actual costs of maintenance work performed.
4. **Termination.** Lot owners' responsibility and liability for road maintenance shall cease for roads or portions thereof that are dedicated or conveyed for public use and have been accepted by the County Road Commission for this purpose.

F. Recording of Rights-of-Way.

The applicant shall record the approved private road right-of-way; all associated terms, covenants, and deed restrictions; and the approved Private Road Maintenance Agreement in the Washtenaw County Register of Deeds Office, and shall provide two (2) copies of the recorded document to the Township Clerk.

G. Restriction on Zoning Compliance Permits.

No zoning compliance permit for a building shall be issued for any lot subject to the provisions of this Section unless all road signs, stop signs, and other traffic control devices have been installed and a certificate of completion has been issued by the Township Clerk, except upon recommendation by the Township Engineer or other designated Township representative.

H. Expiration of Private Road Approval.

Township approval of a private road under this Section shall expire and have no effect immediately upon expiration, rescinding or voiding of the associated final subdivision plat, final condominium site plan, or final site plan approval.

Section 54.18 Reserved.

Section 54.19 Wind Energy Conversion Systems.

A. Purpose.

Lodi Township promotes the effective and efficient use of wind energy conversion systems (WECS) 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. Approval Required.

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Township unless special use approval has been obtained pursuant to this Ordinance.

1. Agricultural WECS projects accessory to permitted farm and agricultural operations that conform to the regulations of the zoning district, including maximum height and minimum setback standards for structures, shall be exempt from the requirements of Section 54.19.D. (Shadow Flicker) and Section 54.19.E. (Additional Standards...), and shall be subject only to review and approval in accordance Section 57.04 (Issuance of Zoning Compliance Permits).
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 the requirements of Article 43.0 (Special Uses):
 - a. Plot plan showing location of the WECS, guy lines where required, guy line anchor bases, and distances from all property lines;
 - b. Methods to screen the base of the WECS and other ground apparatus.
 - c. All review fees and escrow deposits as set by Township Board.

C. General Standards.

The following standards shall apply to all private and commercial wind energy conversion systems in the 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 shall 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 will conform to national and local electrical codes.
4. **Compliance with Township ordinances.** All private and commercial WECS projects shall be in compliance with all requirements of this Ordinance and other applicable ordinances.
5. **Setbacks.** All private and commercial WECS projects shall be setback from property lines and road rights-of-way at a distance equal to or greater than three hundred percent (300%) for commercial structures and one hundred fifty percent (150%) for private structures 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 Article 43.0 (Special Uses) and compliance with FAA regulations. All private and commercial WECS shall maintain a minimum 20 foot blade or rotor clearance above grade.
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 shall be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six (6) feet high
 - b. Anti-climbing devices twelve (12) feet from base of pole; or
 - c. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence.
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 application 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 shall adhere to all applicable electrical codes and standards, and shall utilize twistable cables on turbines. The WECS owner or operator shall be responsible for maintaining the site so that there are no potential fuel sources, such as vegetation, within the immediate vicinity of electrical gear and connections.
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 or at any road right-of-way shall not exceed 45.0 decibels.
13. **Liability insurance.** The owner or operator of a private or commercial WECS shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS. The amount of the policy shall be established as a condition of special use approval. For a private WECS accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

D. Shadow Flicker Standards.

WECS owners and operators shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures during daylight hours, causing a repeating pattern of light and shadow:

1. Private and commercial WECS units shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling, or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
2. A letter from the private or commercial WECS owner or contractor installing the WECS verifying that the unit(s) will comply with this subsection shall be included with any application for approval under this Section.
3. To minimize off-site impacts from shadow flicker, the Planning Commission may require additional perimeter greenbelt screening per Section 55.09.D. (Methods of Screening), limit hours of private or commercial WECS operation, or place other conditions on a Special Use Permit approval in accordance with Article 43.03.F. (Conditions of Approval.).
4. The Planning Commission or Township Board may require submittal of a shadow casting study, including maps and/or a computer animation in a format compatible with Township computer systems, with an application for Special Use Permit approval of one (1) or more commercial WECS units. At a minimum, the study shall identify the projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed commercial WECS units over one (1) calendar year, including:
 - a. All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
 - b. Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.

- c. Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.
5. Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Administrator within any 365 calendar day period shall be grounds for the Township to require that the private or commercial WECS unit be shut down and secured against movement during the hours and seasons of the year when such off-site impacts have occurred.

E. Additional Standards for Commercial WECS Projects.

The following additional standards shall apply to all commercial wind energy conversion systems in the 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 shall have at a minimum six-inch letters with 3/4-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
4. **Annual inspection.** Every commercial WECS project shall 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 shall provide assurances that the WECS project does not negatively impact the path of migratory birds.
7. **Decommissioning plan and escrow.** The commercial WECS project shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment, subject to the following standards:

- a. 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 180 calendar days of the end of project life or facility abandonment.
- b. 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.
- c. The decommissioning plan shall also include an agreement between the applicant and the Township that:
 - (1) 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.
 - (2) 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 one hundred eighty (180) days of the end of project life or facility abandonment.
 - (3) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - (4) 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.

Section 54.20 Development Agreement.

A Development Agreement may be entered into between the Township and the owner(s)/developer(s) of any property following final site plan approval or equivalent final development plan approval under this Ordinance or other Township ordinances, and prior to the commencement of or any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by the owner(s)/developer(s) with respect to an approved project;
2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;
3. Provide for maintenance of any common facilities and open space areas;
4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;
5. Describe the phasing and timing of development activities;
6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;
7. Describe any required escrow accounts or performance guarantees; and
8. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement may be subject to review by Township officials and consultants; and shall be subject to approval by the Township Board. Following approval, the owner(s)/developer(s) shall record the approved Development Agreement in the Washtenaw County Register of Deeds Office, and shall provide two (2) copies of the recorded document to the Township Clerk.

ARTICLE 55.0

GENERAL REGULATIONS AND STANDARDS

Section 55.01 Purpose.

Schedules of specifications, regulations and standards governing various zoning districts, land uses, and land development activities have been incorporated in this Ordinance. There are, however, at times some unusual conditions attendant on land uses and zoning classifications that justify elaboration and particularization in the application of these specifications, regulations, and standards. It is the intent of this Article to establish the following general regulations and standards, which shall apply to all zoning districts, land uses, and land development activities permitted under this Ordinance.

Section 55.02 Performance Standards.

Activities, operations and uses of land, structures or equipment that, because of potentially hazardous or objectionable features inherent therein, produce an environmental impact or irritant to sensory perception that exceeds the standards of this Section shall be prohibited in Lodi Township. The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

A. Scope.

No structure or land shall be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section. The regulations of this Section shall govern, except where a higher standard that is imposed by a federal state, county or local regulatory agency with jurisdiction shall govern.

B. Surface Water Flow.

No site plan review application and no proposal for division of land shall be approved if subsequent development would result in an identifiable diversion, concentration or increase in the velocity or volume of the existing or natural flow of surface water.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Noxious or foul odors shall not be allowed to escape into the atmosphere in concentrations that result in a public nuisance hazardous condition for neighboring residents.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (0.2) footcandle when measured at any point along an adjacent property line or road right-of-way. Any operation that produces intense heat shall be conducted within a completely enclosed structure, which shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (Public Act 207 of 1941, as amended).

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county, and local regulatory agencies, including the appropriate regulatory agencies of the State of Michigan, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

H. Gases.

The escape of, or emission of, any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Additionally, gaseous emissions measured at the property line at ground level shall not exceed the levels based on the current National Ambient Air Quality Standards.

I. Electromagnetic Radiation.

Electronic equipment used in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC) so as to not interfere with the use of radio, television or other electronic equipment on nearby property.

J. Radioactive Materials.

Radioactive material wastes and emissions shall not exceed levels established by occupational and health standards, and/or state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

K. 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. Emergency sirens and related apparatus used solely for public purposes are exempt from this requirement.

L. Vibration.

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

Section 55.03 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter.

Section 55.04 Property Between the Lot Line and Road.

The area between the lot line and edge of the road shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way between their lot lines and the road edge.

Section 55.05 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any building as a voting place in connection with any public election.

Section 55.06 Essential Services.

Essential services structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state law or Township ordinance.

Section 55.07 Bulk Regulations.**A. Continued Conformity to Bulk Regulations.**

The maintenance of setback, height, floor area ratio, coverage, open space, dwelling site, transition buffer, landscape strip, lot area, lot width, and land 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, dwelling site, transition buffer, landscape strip, lot area, lot width, and land area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building or structure.

B. Division of a Lot.

A lot, once designated and improved with a building or structure, shall not 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 requirements of the zoning district where it is located.

Section 55.08 Dumping and Filling of Land.

Filling or depositing of any type of earth material, topsoil, gravel, rock on land shall be prohibited in all zoning districts, except in accordance with an approved development plan. The use of land for filling, depositing or storing, temporarily or permanently, of garbage, rubbish, construction debris, or other wastes or by-products shall be prohibited in all zoning districts, except within an approved sanitary landfill or in accordance with applicable Township ordinances. This Section shall not apply to common household gardening, farming, general ground care, and normal soil changes for basement or foundation construction. The Township's Extraction and Filling Regulations, as amended, also apply.

Section 55.09 Landscaping, Screening, and Land Use Buffers.

Landscaping, screening, and land use buffers are required by this Ordinance for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Landscaping and screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Appropriate landscape design can also enhance the visual appearance and buffer the impacts of necessary stormwater management facilities. Screening and buffering also contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Section are to establish minimum standards for the design, installation, and maintenance of landscaping and screening elements and plant materials; to establish landscape design standards for stormwater management facilities, and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required landscaping, screening, and buffering elements shall be immediately effective in achieving the purpose of this Section, and shall maintain that effectiveness over time and as the plant materials mature.

A. Scope.

The standards of this Section shall be considered the minimum necessary to achieve the purposes of this Section and Ordinance, and shall apply to all uses, lots, and sites subject to site plan approval under this Ordinance. Where existing sites have been developed without required landscaping, screening or buffering elements, the provisions of Section 56.09 (Nonconforming Sites) shall also apply.

B. General Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 30.206 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility easements, and access to or visibility of fire hydrants. The anticipated height at maturity of vegetation planted near overhead utility lines shall be a minimum of ten (10) feet less than the existing line height.
3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Plant material standards.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc.
 - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.
 - d. The use of plant materials native to southern Lower Peninsula of Michigan is encouraged.
5. **Groundcovers.** The following shall apply to all groundcover materials:
 - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged; such as native prairie grasses, wildflowers, and similar plantings. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) growing season.

- c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
- 6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
- 7. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a zoning lot subject to the requirements of this Section, the following types of required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Required Plant Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ - 3.0 caliper-inches diameter and 8.0 feet in overall height
Coniferous Trees	5.0 - 6.0 feet in overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter and 6.0 feet overall height
Shrubs	30 inches in height or 24 inches in spread

- 1. The calculations shall be made by dividing the total number of proposed plantings for each species by the total number of proposed plantings under the associated type of required plant materials (e.g. 30 Red Maple trees divided by 100 Deciduous Shade Trees of all species).
- 2. The limitation on the percentage of any single plant species shall not apply where the type of required plant materials includes less than five (5) proposed plantings.
- 3. The limitation on the percentage of any single plant species shall not apply to shrubs which form a continuous hedgerow for screening purposes consistent with the requirements of Section 55.09.D.2. (Hedgerow).

D. Methods of Screening.

Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:

- 1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the

adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration at end of Section 55.09):

- a. Greenbelts shall have a minimum width of 20 feet. No road, driveway, parking area, sidewalk or similar improvement shall be located within a required greenbelt, except to cross in a more or less perpendicular direction.
 - b. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
 - c. Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - d. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.
2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration at end of Section 55.09):
- a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
 - b. Maintained plant height at maturity shall be adequate for the intended screening function.
 - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
 - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration at end of Section 55.09):
- a. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height

- is determined by the Planning Commission to be necessary to provide adequate screening.
- b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.
 - c. The standards of Section 55.18 (Fences) shall also apply.
4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall meet the following standards (see illustration at end of Section 55.09):
- a. Berms shall have side slopes no steeper than one (1) foot vertical to four (4) feet horizontal (1:4 ratio), except as otherwise allowed for the interior face of the berm under Section 55.09.D.4.c.
 - b. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
 - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
 - d. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.
5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration at end of Section 55.09).

6. **Screen wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration at end of Section 55.09):
 - a. Screen walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
 - b. Walls shall be solid in character, and capped with a stone or concrete cap.
 - c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone or decorative block) materials be incorporated into the wall design and construction.
 - d. The standards of Section 55.18 (Fences) shall also apply to screen walls.

E. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian and motorists; guide traffic movement; define egress/ingress points, traffic circulation, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting Rural Districts, Residential Districts, existing residential uses, and road rights-of-way per Section 55.09.D. (Methods of Screening).
2. **Snow storage area landscaping.** Plant materials in snow storage areas required per Section 51.06.K. (Snow Storage Areas) shall be limited to hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Additional standards.** The following additional standards shall apply to parking lot landscaping and perimeter screening improvements:
 - a. Landscaped islands shall be provided at the ends of parking rows, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. Landscaped islands shall be subject to the following (see illustration at end of Section 55.09):
 - (1) Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 180 square feet.
 - (2) A minimum of two (2) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover the remaining areas of the island.

The Planning Commission may require additional plantings to achieve the objectives of this Section.

- b. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

F. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 55.09.D. (Methods of Screening).

G. Landscape Design and Buffering for Stormwater Management Facilities.

Where a detention basin, retention basin, rain garden, bioswale or other stormwater management facility is required, such facilities shall comply with the following requirements:

1. Stormwater management facilities shall be designed and arranged on the zoning lot in a manner compatible with the applicable screening requirements of this Section and Ordinance.
2. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to buffer views of the basin.
3. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be consistent with Section 55.09.D. 3. (Fence), subject to Planning Commission approval.
4. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
5. A perimeter greenbelt buffer shall also be provided in accordance with this Section and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

H. Prohibited Plant Materials.

The trees listed in Section 54.08.O.4. (Prohibited Species) have been determined by the Township to be undesirable for the landscaping, screening, and buffering purposes of this Section and Ordinance, and except under the limited circumstances noted in Section 54.08.O.4. shall not be used to satisfy the requirements of this Section. Existing undesirable trees may be left in place.

I. Installation and Maintenance.

All screening elements and plant materials shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Township Board may require submittal of a performance guarantee, per Section 57.08.C. (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Administrator shall conduct an inspection of the plant materials before the guarantee may be released.
4. **Maintenance.** All screening elements, groundcovers, mulch, and plant materials shall be maintained in accordance with the approved site plan, and the following:
 - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements, groundcovers, mulch, and plant materials on the site will be ensured.
 - b. Adequate provisions shall be made to regularly supply water to all required plant materials as necessary to ensure proper growth and development.
 - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
 - d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

- e. All required screening elements, groundcovers, mulch, and plant materials shall be installed and maintained in accordance with an approved site plan. Failure to maintain required screening elements, groundcovers, mulch, and plant materials, including the removal and replacement of dead or diseased plant materials and replacement or augmentation of groundcovers and mulch, shall be a violation of this Ordinance.
- f. The replacement or removal of screening elements, groundcovers, mulch or plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

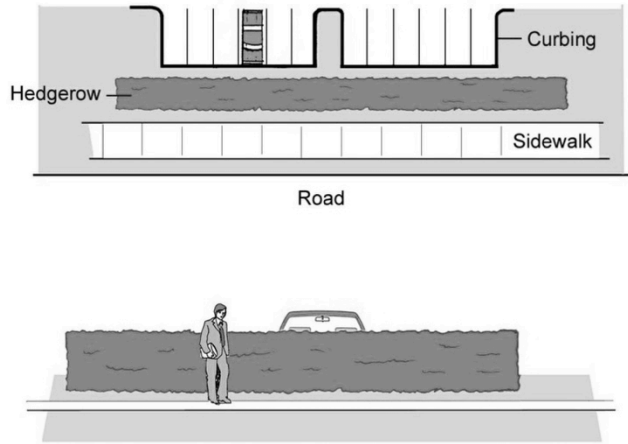
J. Modifications.

The Township Board shall have the authority to approve alternative designs or plant materials as part of final site plan approval, after recommendation by the Planning Commission. The Planning Commission shall have the authority to make recommendations to the Township Board regarding how the standards of this Section apply to existing conditions and redevelopment sites. Such actions shall be subject to the following:

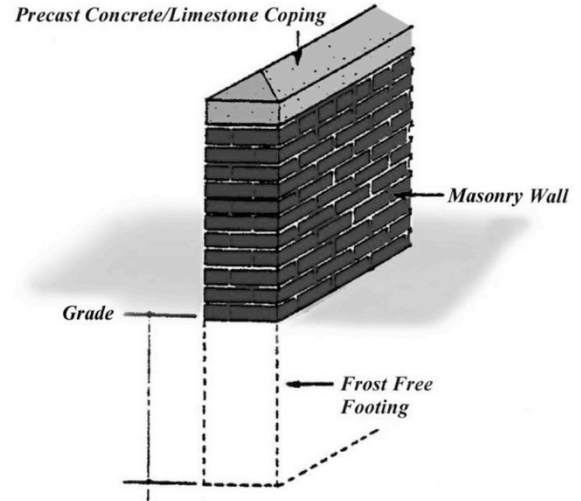
- 1. **Alternative designs or materials.** The Township Board may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this Section.
- 2. **Existing conditions.** The Township Board shall have the authority to determine that requirements of this Section have been satisfied by existing topography, vegetation or other means recommended for acceptance by the Planning Commission.
- 3. **Redevelopment sites.** Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as recommended for acceptance by the Planning Commission in accordance with the purpose and objectives of this Section.

ILLUSTRATIONS

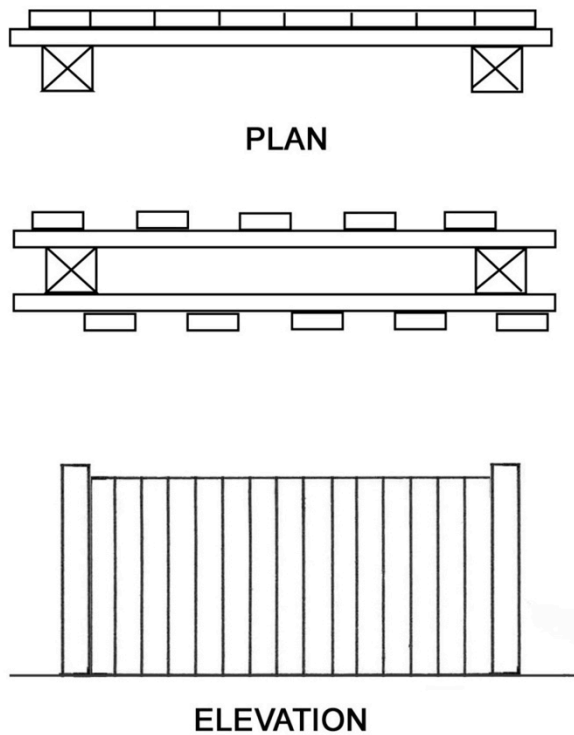
Hedgerow



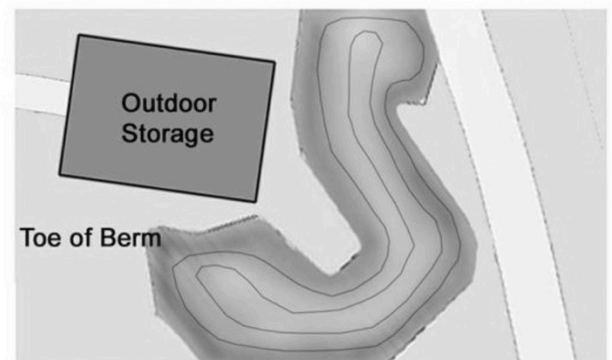
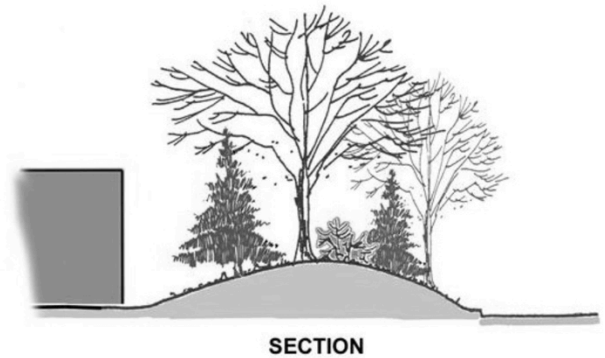
Screen Wall



Fence

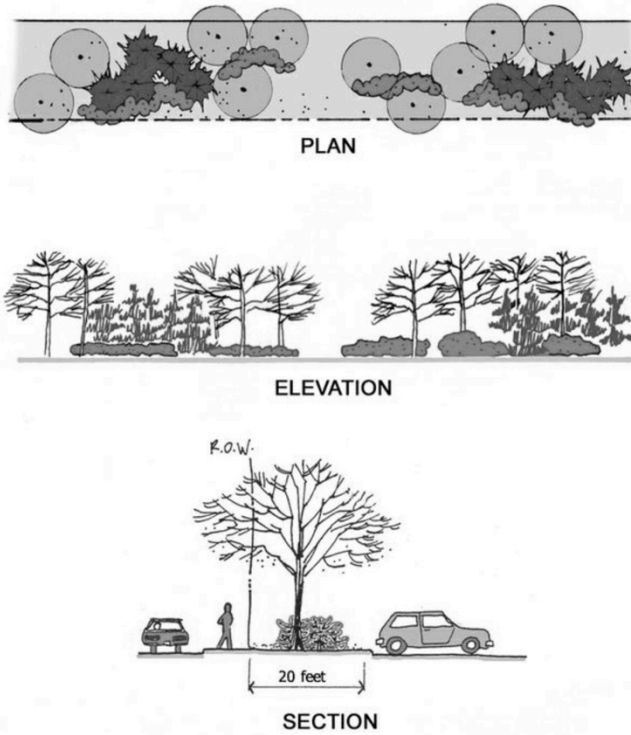


Berm

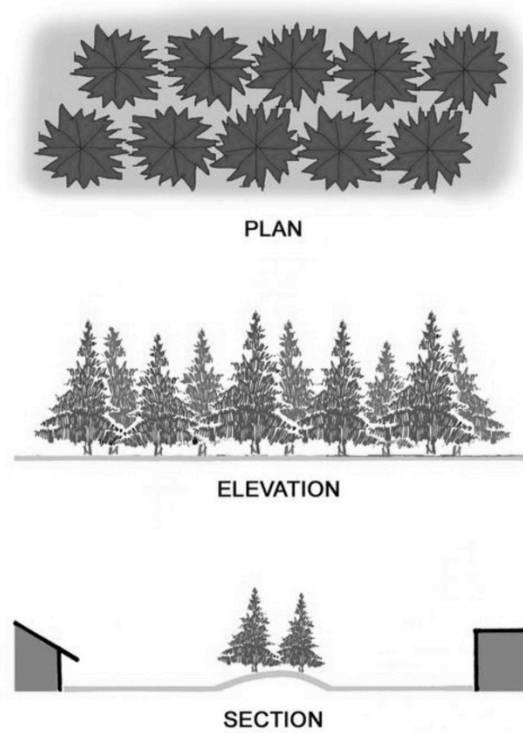


ILLUSTRATIONS

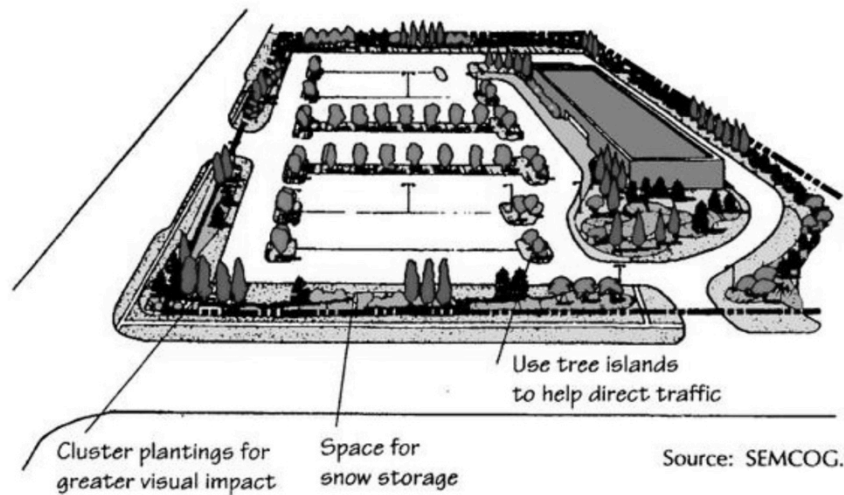
Greenbelt Buffer



Evergreen Screen



Landscaping Within Parking Lots



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. General Standards.

1. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of the County Environmental Health Division.
2. Each dwelling, lot or structure required by state or county law, ordinance or regulation to have a sanitary sewage facility to be suitable for occupancy by any use permitted under this Zoning Ordinance shall be subject to the following:
 - a. If no municipal sewer is available, each building on the lot shall be served by an independent on-site septic system meeting the requirements of the County Environmental Health Division.
 - b. The on-site septic system shall not be separated from the dwelling, lot or structure by a public or private road.
3. Sanitary facilities installed within a detached accessory structure shall be limited exclusively to a toilet and/or a sink, provided that:
 - a. The structure shall not be used as an accessory dwelling or for any type of residential living space; and
 - b. 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 County Environmental Health Division and Lodi Township. This provision does not preclude use of a separate septic system or connection to a municipal sanitary sewer system in accordance with applicable Township and outside agency standards and required permits.
4. Where a municipal sanitary sewage system is available or planned for in the adopted Township Master Plan, sewer lines and facilities shall be installed and available to provide service to a lot before construction on the lot shall be permitted. Each lot and structure shall be connected to the system before occupancy shall be permitted.
5. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of the County Environmental Health Division and other outside agencies with jurisdiction.

B. Private Community Wastewater Systems.

Private community wastewater systems (PCWS), as defined in Article 2.0 (Definitions) shall be prohibited in all zoning districts.

C. Sewage Treatment Facility Screening Standards.

In addition to any state or county requirements, all municipal sewage treatment and disposal facilities and operations shall be completely enclosed by a fence not less than six (6) feet high. Such facilities and operations shall be surrounded on all sides by a buffer strip at least 200 feet wide within which dense evergreen screening shall be placed in accordance with Section 55.09.D. (Methods of Screening) to screen the facility from view.

Section 55.11 Reserved.**Section 55.12 Traffic Impact Study.**

Traffic Impact Studies, as required in accordance with this Section and Ordinance, shall conform to the following minimum requirements:

A. Traffic Impact Study Required.

A traffic impact study shall be submitted for a development project subject to Planning Commission or Township Board approval under provisions of this Ordinance or other Township ordinances under any of the following situations:

1. In conjunction with an impact assessment as required per Section 55.13 (Impact Assessment).
2. Projects involving development of a vacant lot with frontage along primary roads designated as collector and arterial roads in the master transportation plans of the Township or outside agencies with jurisdiction that would be expected to generate 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 roads.
3. Projects involving development of a vacant lot that would be expected to generate 100 direction vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator. (Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineer's (ITE) Trip Generation manual. The ITE data may be supplemented by actual trip generation data from similar establishments in Michigan).
4. As otherwise required by the Washtenaw County Road Commission.

B. Minimum Contents of a Traffic Impact Study.

The following minimum requirements for content and analysis shall apply to any traffic impact study required in accordance with this Section and Ordinance. The traffic impact study shall be submitted to the Planning Commission for review and evaluation, and the Commission shall be responsible for determining the applicability and/or necessity of the following items as they pertain to a specific project or rezoning request:

1. The traffic impact study shall be authored by a professional engineer registered in the State of Michigan with expertise in transportation systems, traffic safety, and traffic operations. The author's professional credentials shall be detailed in the traffic impact study.

2. **Existing conditions including existing daily and peak hour traffic volumes on adjacent street(s).** Intersections in the vicinity that are expected to be impacted shall be identified, by the author of the traffic impact study, subject to acceptance by the Township, along with a description of any sight distance limitations within the anticipated impact area.
 - a. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks and on days when school is in session. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required by the Township 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.
 - b. The author of the traffic impact study shall 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.
 - c. 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%), based on data from a comparable Township location.
3. **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, or an equivalent professional resource accepted by the Planning Commission.
 - a. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
 - b. For requests for zoning change when such request represents a departure from the land use proposed in the Township Master 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.
4. For any project with a completion date beyond one (1) year at the time of the traffic impact study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent road network, using a forecast based on historic annual percentage increases and/or on expected development in the area.
5. Traffic impact studies shall acknowledge and take into account the potential traffic impacts of other uses approved, but not yet constructed, which may affect traffic operations for the subject site.
6. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) on to the existing road network to project turning movements at site driveways and nearby intersections, and shall be clearly illustrated in the traffic impact study. A description of the application of standard engineering procedures for determining the distribution should also be attached.

7. 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, or an equivalent professional resource accepted by the Planning Commission. Before and after capacity analyses shall also be performed at all road 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.
8. Traffic accident data covering the most recent three (3) years for intersections analyzed in the traffic 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.
9. 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.
10. An analysis of the potential need for bypass lanes or deceleration tapers/lanes including attachment of any correspondence by the Washtenaw County Road Commission.
11. A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.
12. Documentation of approval for size and location of fire lanes and emergency vehicle access by the Fire Department.
13. A general description of pedestrian circulation on and across the roadways including any pedestrian facilities provided.

Section 55.13 Impact Assessment.

Impact assessments shall be subject to the following standards:

A. Purpose.

An impact assessment provides relevant information concerning the effects that a proposed development project or rezoning action may have on the community, and the data necessary for the Planning Commission or Township Board to make an informed decision on the request. An impact assessment may also explain the purposes of the request and indicate how the proposed project would benefit the Township.

B. Minimum Contents.

The following minimum requirements for content and analysis shall apply to any impact assessment required in accordance with this Section and Ordinance:

1. The impact assessment shall evaluate the development project or rezoning proposal's impact upon:

- a. The natural environment of the area, including flora, fauna, soils, groundwater, wetlands, and watercourses;
 - b. Topography and drainage patterns;
 - c. Utilities and public facilities;
 - d. Recreation, school and public safety needs;
 - e. Future land use of the surrounding area;
 - f. Township revenues and expenses;
 - g. Potential for water, noise, air or light pollution associated with the proposed use(s); and
 - h. Traffic operations and safety, based on a traffic impact study provided in accordance with the requirements of Section 55.12 (Traffic Impact Study).
2. The applicant shall also be required to clarify whether anticipated impacts are short- or long-term in character, and to provide a detailed plan for proposed mitigation measures to be employed to resolve anticipated impacts.
 3. The applicant may also be required to submit documentation to demonstrate ability to complete and operate the project, including ability to finance public improvements and facilities required to serve the development project or future land uses allowed in the zoning district proposed as part of a rezoning application. Evidence of past experience with similar types of projects may also be required for submittal, if applicable.
 4. The requirements set forth in this Section shall not relieve the project's sponsor from complying with other land development standards of this Ordinance, other Township ordinances, or requirements of any outside agency with jurisdiction.

C. When Required.

An impact assessment shall be required in conjunction with any of the following:

1. Submittal of an application for rezoning when such request represents a departure from Master Plan recommendations and policies applicable to the parcel(s).
2. Submittal of an application for a Planned Unit Development (PUD) project.
3. Submittal of an application for approval of a subdivision plat or condominium development consisting of 15 or more new lots or dwellings.
4. When otherwise required by this Ordinance for a specific land use or otherwise determined necessary by the Planning Commission in accordance with the purposes of an impact assessment, as specified in Section 55.13.A. (Purpose).

Section 55.14 Stormwater Management.

Design and implementation of stormwater management shall be according to the County Water Resources Commissioner's adopted specifications. A copy of the approved stormwater plan shall be included for every project requiring a grading plan as part of site plan review in accordance with Article 44.0 (Site Plan Review).

Section 55.15 Hydrogeological Assessment.

Any projects requiring a hydrogeological assessment, or that is determined by the Planning Commission after recommendation by the Township Planner and Township Engineer to have the potential to alter groundwater quality or flow, shall provide a hydrogeological assessment in accordance with County Environmental Health Division requirements and specifications. Where required, hydrogeological assessments shall be part of site plan review in accordance with Article 44.0 (Site Plan Review).

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 met for such facilities:

1. A minimum storage capacity of 10,000 gallons should be provided by the applicant for residential developments (site condominium or plat) that are not served by a municipal 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 method acceptable to the Fire Chief and Township Engineer. Where ponds are proposed for water storage, the capacity shall be calculated based on the lowest water level less an equivalent of four (4) feet of ice.
2. 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.
3. 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.
4. 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.
5. A long-term maintenance plan of the dry hydrant system shall be provided to the satisfaction of the Township Engineer.
6. 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 Accessory Structures.

The following standards shall apply to all accessory structures in the Township:

A. Approval Required.

It shall be unlawful for any person to construct, alter or relocate any accessory structure upon any lot without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of structures accessory to non-residential land uses and exceeding 120 square feet in floor area shall be subject to site plan approval per Article 44.0 (Site Plan Review).
2. Construction, alteration or relocation of structures accessory to non-residential uses and up to 120 square-feet in floor area shall be subject to Zoning Compliance per Section 57.04 (Issuance of Zoning Compliance Permits).
3. Construction, alteration or relocation of structures accessory to rural uses and residential uses shall be subject to Zoning Compliance per Section 57.04 (Issuance of Zoning Compliance Permits).
4. Building permit approvals for accessory structures shall be required in accordance with the State Construction Code enforced by Washtenaw County.
5. The standards of this Section do not apply to fences, which are subject to the requirements of Section 55.18 (Fences).
6. The standards of this Section do not apply to wireless communication facilities, which are subject to the requirements of Section 54.12 (Wireless Communication Facilities).
7. The standards of this Section do not apply to wind energy conversion systems, which are subject to the requirements of Section 54.19 (Wind Energy Conversion Systems).
8. Temporary storage structures may be allowed based upon appropriate permits and fees from Lodi Township.

B. General Standards.

Accessory structures shall conform to the following general standards:

1. **Attached accessory structure.** Where an accessory structure is structurally attached to a principal building, it shall be subject to the requirements of this Ordinance that apply to the principal building.
2. **Allowable use of an accessory structure.** Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district. Detached accessory structures shall not be occupied for dwelling purposes, including but not limited to any sleeping quarters or habitable living space, except where authorized in the zoning district as a caretaker living quarters in accordance with the requirements of this Ordinance, including Section 40.05 (Caretaker Living Quarters).

3. **Timing of construction.** An accessory structure shall be constructed or established on a lot concurrent with or after construction or establishment of the principal building or use on the same lot.
4. **Vehicle shelters.** Carports and temporary vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.
5. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
6. **Dimensional standards.** Detached accessory structures shall not exceed 25 feet in height, and shall otherwise conform to all area and setback requirements of Article 30.0 (Dimensional Standards). Limited exceptions to the height standards of this Section, as specified in Section 30.201 (Height Exceptions), shall apply.
7. **Additional standards for residential accessory structures.** The following standards shall apply to all structures accessory to residential uses:
 - a. Detached accessory structures on residential lots shall be set back a minimum of ten (10) feet from and located entirely behind the front building line of any principal building on the same lot.
 - b. For residential lots of less than one (1) acre in lot area, the total floor area of all detached accessory structures shall not exceed the ground floor area of the principal dwelling.
8. **Prohibited accessory structures.** Semi-trailers, shipping or cargo containers, transparent soft sided structures shall be prohibited to be used as accessory structures.

Section 55.18 Fences.

All fences shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 30.206 (Corner Clearance Areas).
2. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or junk.
3. Use of razor-wire, barbed-wire, electrified-wire, spikes, and similar security materials on any fence shall be prohibited, except as follows:

Principal Use of the Premises	Approval Requirements
Rural Uses, Public Utilities, and Essential Services in any Zoning District	No Township approval shall be required, provided that the fence shall conform to applicable requirements of this Section.

Principal Use of the Premises		Approval Requirements
All Other Principal Uses in any Zoning District	Subject to Site Plan Approval per Article 44.0 (Site Plan Review).	May be approved as part of a final site plan approval, provided that the security material is determined to be necessary for security or public safety purposes by the Township Board after recommendation by the Planning Commission.
	Not Subject to Site Plan Approval per Article 44.0	Use of these security materials shall be prohibited on any fence associated with these principal uses.

B. Location and Height.

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted by this Section. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration at end of Section 55.18).

1. Only decorative fences not exceeding four (4) feet in height may be located within any required front yard area.
2. Fences shall not exceed six (6) feet in height on any lot of record in any Residential Districts or Planned Unit Development (PUD) districts occupied by residential uses. Such fences shall not extend toward the front of the lot nearer than the required minimum front yard setback.

C. Maintenance.

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Any fence determined by the Township to be in violation of this Section or Ordinance due to lack of maintenance or otherwise shall be removed or repaired by the owner, subject to the provisions of Section 57.09 (Violations and Penalties).

D. Existing Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 56.0 (Nonconformities).

E. Approval Required.

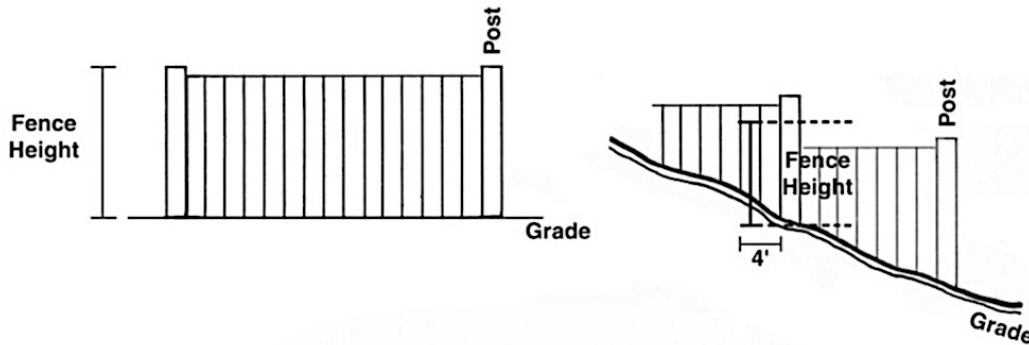
It shall be unlawful for any person to construct, alter or relocate a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. No Township approval shall be required for fences accessory to rural uses or residential uses, provided such fences conform to applicable requirements of this Section.

2. Construction, alteration or relocation of fences for non-residential uses shall require site plan approval per Article 44.0 (Site Plan Review).

ILLUSTRATION

Fence Height



Section 55.19 Swimming Pools, Spas, and Hot Tubs.

Outdoor swimming pools, spas, and hot tubs, with a depth exceeding two (2) feet permanently or temporarily placed in, on or above the ground in all zoning districts shall be subject to Zoning Compliance approval per Section 57.04 (Issuance of Zoning Compliance Permits), applicable Washtenaw County approval, and the following:

1. Swimming pools, spas, and hot tubs shall conform to area, height, and side and rear yard setback requirements of Article 30.0 (Dimensional Standards).
2. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
3. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and self-latching gate.
 - a. Aboveground pool walls two (2) feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be secured, locked or removed when not in use.
4. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.
5. Swimming pools, spas, and hot tubs shall not be located in the front yard.

Section 55.20 Trash Storage and Disposal Standards.

Garbage, trash, and similar refuse to be stored outside a building occupied or intended to be occupied by a multiple-family building or a non-residential use in any zoning district shall be kept within lidded containers and stored within a screened enclosure. Such trash storage areas and enclosures shall be subject to the following:

1. **Garbage, trash, and refuse.** Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition. In no instance shall any refuse be visible above required screening while stored within the enclosure.
2. **Outdoor trash storage area screening.** Outdoor trash storage areas shall be screened and secured in accordance with the following:
 - a. The enclosure shall be constructed of a solid, obscuring material, such as wood, concrete block, or brick, which is architecturally compatible with the architectural materials used in the site development. The enclosure walls shall be a minimum of six (6) feet in height.
 - b. The enclosure shall be secured by a gate at least six (6) feet in height, and constructed of opaque material compatible with the wall materials.
 - c. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the interior rear of the enclosed area to prevent damage to the walls.
 - d. A concrete pad at least four (4) inches thick shall be provided under the trash storage area, extending out a minimum of ten (10) feet in front of the enclosure's gates.
 - e. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way.

Section 55.21 Exterior Lighting.

The purpose of this Section is to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 44.0 (Site Plan Review), condominium site plan approval per Article

45.0 (Condominium Regulations), and zoning compliance approval per Section 57.04 (Issuance of Zoning Compliance Permits), except as follows:

1. Holiday decorations displayed for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.
2. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from requirements of this Section, except that the Planning Commission or Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the public health, safety and welfare.
3. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.
4. This Section shall not apply to circumstances where federal or state laws take precedence, to streetlighting installations within a road right-of-way, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
5. This Section shall not apply to fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
6. Where there is a conflict between the general provisions of this Section and other provisions of this Ordinance that apply to more specific circumstances, the provisions applicable to the more specific circumstances shall govern.

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded fixtures required.** Exterior lighting shall be fully downshielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** The maximum intensity of light within any site shall not exceed the following standards, except as otherwise allowed by this Ordinance for specific land uses in Articles 40.0 and 41.0 (Use Standards...):

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	0.2

4. **Lamp wattage and energy efficient technologies.** Lamp wattages shall be consistent with the fixture’s style and function. The use of light emitting diode (LED) and other more energy efficient lighting technologies shall be encouraged,

provided that light intensity levels shall conform to all requirements of this Section.

5. **Decorative lighting.** Decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.
6. **Alterations of approved exterior lighting.** Exterior light fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Administrator has verified that the alteration or substitute fixture conforms to the requirements of this Section.
7. **Prohibited lighting.** Exterior lighting sources and fixtures regulated by this Ordinance shall not be of a flashing, moving, animated or intermittent type.

C. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 55.21.B. (General Provisions):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture’s proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any Rural Uses or Residential Uses, as follows:

Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

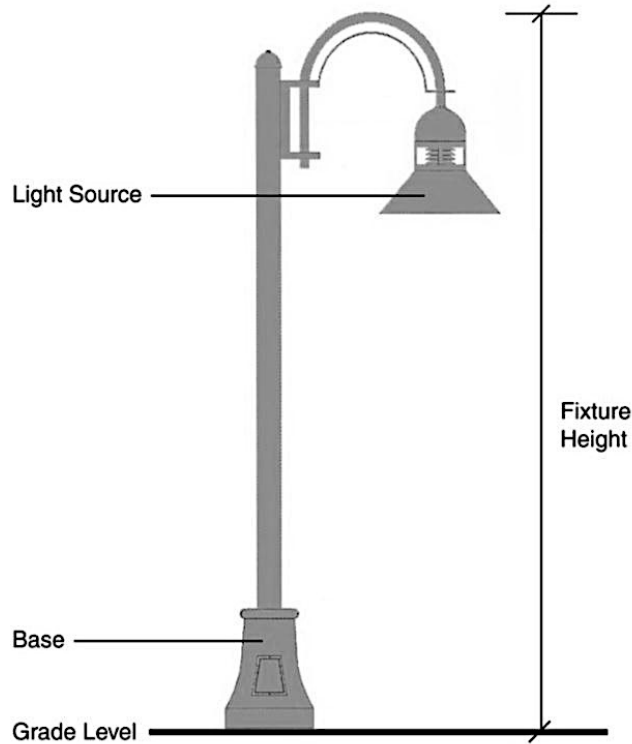
2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings.
3. **Window lighting.** All interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.

D. Measurements.

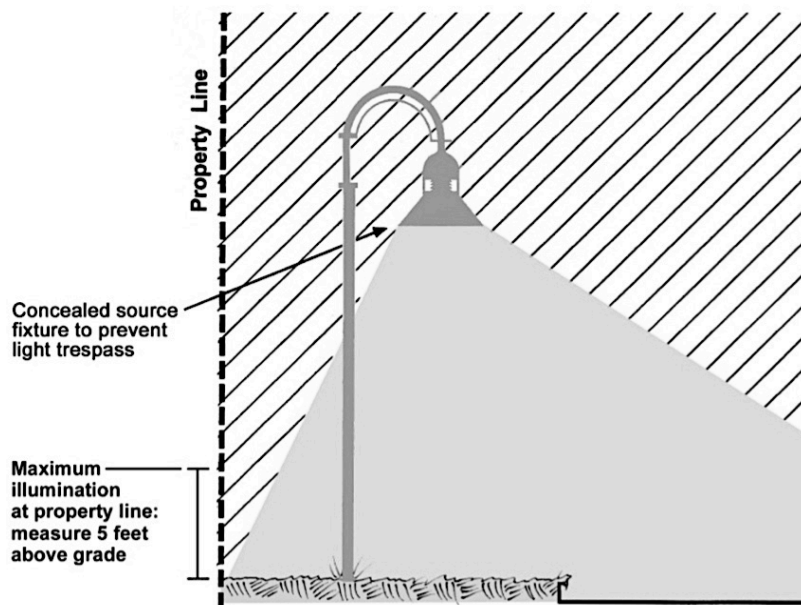
Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

ILLUSTRATIONS

Light Fixture Height



Lighting Fixture Orientation and Shielding



ARTICLE 56.0 NONCONFORMITIES

Section 56.01 Purpose.

The regulations of this Ordinance are designed to protect the public health, safety, and general welfare by regulating the future use of land through appropriate groupings of compatible and related uses. Certain existing structures, lots, sites, and uses were lawful before this Ordinance was adopted or amended, but have become nonconformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival. Where discontinuance or removal is not feasible, it is the intent of this Article to provide for the gradual conversion of such nonconformities to conforming status.

The regulations of this Article are intended to permit such nonconformities to continue without specific limitation of time, while restricting extensive further investments that may make them more permanent. This Article is further established to:

1. Regulate the use and development of nonconforming lots, the completion, alteration and reconstruction of nonconforming structures, the redevelopment and improvement of nonconforming sites, and the maintenance of nonconforming uses.
2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular structure or parcel of land.

Section 56.02 Scope and General Prohibition.

Nonconformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various zoning districts. Except as otherwise provided in this Article, any nonconforming lot, use, site or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible, and shall be required to convert to conforming status as required by this Article. Nonconformities shall not be used as grounds for adding structures and uses prohibited elsewhere in the same district.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family dwellings (Section 56.05);
2. Nonconforming lots (Section 56.06);
3. Nonconforming uses (Section 56.07);

4. Nonconforming structures (Section 56.08);
5. Nonconforming sites (Section 56.09); and
6. Nonconforming signs (Section 56.10).

B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, enlarged, expanded or extended, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity must have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity must have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity must have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.

Lots, structures or uses that do not meet one of the above criteria and are prohibited by or violate provisions of this Ordinance are unlawful, shall not be permitted to continue, and shall not be entitled to any of the relief provided in this Article.

Section 56.03 Nonconforming Use Determinations.

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy the land or structure in question:

A. Standards for Determining that a Use is Nonconforming.

The Zoning Administrator shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located, in accordance with the standards of this subsection. The Zoning Administrator shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. The use does not conform to the purpose and use regulations of the district where it is located.
2. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations, and codes.
3. Evidence from the following sources demonstrates by a preponderance of the evidence that the use was lawfully established, enlarged, expanded or extended (if enlarged, expanded or extended) prior to the effective date of the adoption or amendment of this Ordinance:

- a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs, foreclosure records or notarized statements of government officials, agents, representatives or employees.
- b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
- c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
- d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
- e. Dated aerial photos from the State of Michigan, Washtenaw County or other sources accepted by the Zoning Board of Appeals.
- f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased.

The Zoning Administrator shall be responsible for determining that a nonconforming use has ceased to occupy the land or structure in question, based upon finding that the following two (2) statements are true:

1. The nonconforming use has been terminated or discontinued for a period of more than 365 calendar days; or has been superseded by a principal use that was lawfully established in accordance with the applicable requirements and approval procedures of this Ordinance, and has occupied the land or structure in question for a period of more than 180 calendar days.
2. Evidence from the following sources demonstrates by a preponderance of the evidence that the nonconforming use has been abandoned:
 - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs, foreclosure records or notarized statements of government officials, agents, representatives or employees.
 - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, including but not limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
 - c. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, including but not limited to records indicating that the address of the use is vacant or

occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

- d. Dated advertising or other information published in a newspaper or magazine, including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
- e. Dated aerial photos from State of Michigan, Washtenaw County or other sources as accepted by the Zoning Board of Appeals.
- f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

C. Appeal of Nonconforming Use Determinations.

Determinations by the Zoning Administrator under this Section shall be made in writing, and shall be sent by mail or personal delivery to the owner(s) of the land or structure in question. Such determinations shall be subject to appeal to the Zoning Board of Appeals per Section 59.07 (Administrative Appeals).

Section 56.04 Unlawful Uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use in violation of this Ordinance.

Section 56.05 Nonconforming Single-Family Dwellings.

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family dwellings and nonconforming customary accessory structures consistent with the intent and purposes of this Article and Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner's insurance coverage for a nonconforming single-family dwelling. Accordingly, the provisions of Section 56.08 (Nonconforming Structures) shall not apply to such nonconforming dwellings and accessory structures as regulated under this Section.

Nonconforming single-family dwellings and nonconforming customary accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

A. Dwelling as a Nonconforming Use.

A nonconforming single-family dwelling and nonconforming customary accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

- 1. Such work shall conform to all applicable standards of this Ordinance as if the property and use were located in the R-1 (Single-Family Residential) zoning district.
- 2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

B. Dwelling as a Nonconforming Structure.

Where a single-family dwelling or customary accessory structure is nonconforming with respect to the requirements of Article 30.0 (Dimensional Standards) or Section 40.208 (Single-Family and Two-Family Dwellings), the following standards shall apply:

1. Structural alterations to a nonconforming single-family dwelling or customary accessory structure that decrease or do not affect the degree of nonconformity shall be permitted. Such structures may be expanded, provided that:
 - a. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
 - b. The expanded structure shall not exceed the ground floor coverage and floor area ratio limits of the district in which it is located.
2. A nonconforming single-family dwelling and customary accessory structures may be repaired, reconstructed or replaced if damaged or destroyed, provided that:
 - a. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements.
 - b. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.
 - c. Any replacement structure shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling or customary accessory structure may be reconstructed on the existing location.
 - d. Application for a building permit shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
 - e. A nonconforming structure moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.
 - f. If the structure became physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

Section 56.06 Nonconforming Lots.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Use of a Single Nonconforming Lot.

A principal building or single-family dwelling and customary accessory structure(s) may be erected on a single, nonconforming lot, provided that the lot is not in continuous frontage with other lots in the same ownership and is in accordance with other requirements applying in the zoning district.

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 all requirements other than those applying to area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. Combination of Nonconforming Lots.

If two (2) or more lots or combinations of lots and portions of lots are in single ownership as of the date of this Ordinance or at any time thereafter and are in continuous frontage, and if all or part of the lots do not meet the requirements established under this Ordinance for lot width and area, the lands involved shall be combined and considered a single, undivided parcel for purposes of this Ordinance.

1. No portion of the resulting parcel shall be used, sold, or divided in such a manner as to diminish compliance with lot width and area requirements established by this Ordinance.
2. Where possible, nonconforming lots shall be combined to create lots that comply with the requirements of this Ordinance.

C. Division of Nonconforming Lots.

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.

Section 56.07 Nonconforming Uses.

Single-family dwellings that are a nonconforming use in the zoning district shall be subject to the standards of Section 56.05 (Nonconforming Single-Family Dwellings). All other nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Compliance with Other Applicable Standards.

Nonconforming uses shall be maintained in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.

B. Alteration.

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of

the lot or structure; other than that occupied at the time the nonconforming status was established.

1. No such land occupied by a nonconforming use shall be subdivided nor any structure added, except for purposes and in a manner conforming to zoning district regulations. Subdivision that does not increase the degree of nonconformity shall be permitted.
2. Expansions, additions, or alterations that would have the effect of intensifying the impact, appearance, or character of a nonconforming use shall be subject to Section 56.07D (Expansion or Substitution).
3. Substitution of a nonconforming use for another nonconforming use on the same site shall be subject to Section 56.07D (Expansion or Substitution).

C. Nonconforming Use Determinations.

See Section 56.03 (Nonconforming Use Determinations).

Section 56.08 Nonconforming Structures.

Single-family dwellings that are a nonconforming structure shall be subject to the standards of Section 56.05 (Nonconforming Single-Family Dwellings). Signs that are a nonconforming structure shall be subject to the standards of Section 53.08 (Nonconforming Signs). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Alterations.

Structural changes and alterations to a nonconforming structure that decrease or do not affect the degree of nonconformity shall be permitted. Alterations to a nonconforming structure that would increase or intensify a nonconformity are prohibited. The limitations set forth in Section 56.08.E. (Damaged or Unsafe Structures) shall also apply.

B. Relocation.

A nonconforming structure that is moved within a site or to another site shall thereafter conform to the regulations of the district in which it is located.

C. Normal Repairs and Maintenance.

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing, heating, or cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements. Such improvements shall not result in any enlargement of a nonconforming structure; including any increase in floor area, volume, number of dwelling units, dimensions, height, or number of stories. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable property maintenance codes, repairs and maintenance pursuant to this subsection shall be prohibited and shall not thereafter be restored, repaired, or rebuilt except pursuant to Section 56.08.E (Damaged or Unsafe Structures).

D. Buildings under Construction.

Nothing in this Article shall require a change in the plans, construction or designated use of any structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 365 calendar days of the effective date.

E. Damaged or Unsafe Structures.

A nonconforming structure or a portion thereof, if destroyed or damaged by any means, may be reconstructed if it complies with the following:

1. The expense of such reconstruction shall not exceed the state equalized value of the property.
2. The nonconforming structure shall not have become physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, and shall not have been declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes.
3. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
4. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
5. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

Section 56.09 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards.

A. Site Plan Approval Required.

Verification of compliance with the conditions established in this Section for improvements or modifications of nonconforming sites shall be subject to site plan approval per Article 44.0 (Site Plan Review).

B. Conditions for Improving or Modifying a Nonconforming Site.

Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.

2. The proposed improvements to the site and any buildings on the site shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts, and improving emergency access.
3. The proposed improvements to the site and any buildings on the site shall include at least three (3) of the following, in accordance with applicable Ordinance standards and as accepted by the Planning Commission:
 - a. Preservation of natural resources or historical site features.
 - b. Pedestrian access improvements.
 - c. Vehicular access and circulation improvements.
 - d. Building design or exterior facade improvements.
 - e. Off-street parking or loading improvements.
 - f. Landscaping improvements.
 - g. Screening and buffering improvements.
 - h. Exterior lighting improvements.
 - i. Drainage and stormwater management improvements.
 - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 56.10 Nonconforming Signs.

All existing signs that are nonconforming with the provisions of this Ordinance shall be subject to the provisions of Section 53.08 (Nonconforming Signs).

Section 56.11 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconformity, provided there is no change in the nature or character of such nonconformity except in accordance with this Article.

Section 56.12 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 Zoning 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 AND ENFORCEMENT

Section 57.01 Purpose.

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of zoning compliance permits, inspection of properties, collection of fees, handling of violators, and enforcement of all provisions of this Ordinance.

Section 57.02 Administration and Authorized Local Officials.

The Township Supervisor shall be responsible for enforcing this Ordinance. Except for the issuance of citations, the Supervisor may delegate enforcement responsibilities, as approved by the Township Board, to the Zoning Administrator or other Township officials and personnel. For the issuance of Municipal Civil Infraction Violation Notice and/or Municipal Civil Infraction Citations, the Supervisor, Zoning Administrator, any Washtenaw County Sheriff's Deputy, and any Lodi Township Constable, Police Officer or Ordinance Enforcement Officer is 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 Administrator, 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 Administrator under the direction of the Township Supervisor.

Section 57.03 Zoning Administrator and Township Planner.

The duties and responsibilities of the Zoning Administrator and Township Planner under this Ordinance shall be as follows:

A. Zoning Administrator Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, under the direction of the Township Supervisor, as follows:

1. The Zoning Administrator 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 Administrator shall have the authority to interpret 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 Township Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals in accordance with Article 59.0 (Zoning Board of Appeals).
3. The Zoning Administrator 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.

4. Under the direction of the Township Supervisor, the Zoning Administrator 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 and Penalties), the Zoning Administrator shall have the authority to issue warnings and citations for Ordinance violations.
5. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his or her duties under this Ordinance.
6. Under the direction of the Township Supervisor, the Zoning Administrator 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.
7. The Zoning Administrator shall have the authority to review and approve applications for zoning compliance permits in compliance with the provisions of this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning compliance permit unless such plan is first determined to conform to all applicable provisions of this Ordinance.
 - b. The Zoning Administrator shall approve a plan, permit or certificate upon determination that the applicant has complied with all applicable provisions of this Ordinance.
8. The Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Supervisor.

B. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.

3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and make recommendations required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

Section 57.04 Issuance of Zoning Compliance Permits.

No site shall be used or structure erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning compliance permit from the Township. No zoning compliance permit shall be issued to erect, move, enlarge, substantially alter or demolish a structure or site except in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a required permit shall have been issued by the Zoning Administrator. Failure to obtain a required zoning compliance permit shall be a violation of this Ordinance subject to the provisions of Section 57.09 (Violations and Penalties). Review and approval of zoning compliance permits shall be subject to the following:

A. Application.

The Zoning Administrator shall require that zoning compliance permit applications shall be accompanied by a minimum of three (3) sets of all information and plans necessary to determine zoning compliance.

1. Application for a zoning compliance permit may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
2. If the applicant is not the owner, the application shall be accompanied by an affidavit with documented proof that the proposed work or operation is authorized by all owners, and that the applicant is authorized to submit the application. The full names, addresses, and contact information for all owners shall be included in the affidavit. If the applicant or owner is a corporation, documented proof shall be included with the affidavit that the applicant or owner is a responsible officer of the corporation and has authority from the corporation to submit the application.
3. Application must be complete and accompanied by all applicable fees.

B. Plot Plan.

As determined necessary by the Zoning Administrator, an application for a zoning compliance permit shall be accompanied by a plot plan, drawn to scale and containing the following minimum information:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures.
4. A clear and complete description of existing and intended uses of all existing or proposed structures, and location and extent of all uses not involving structures.
5. Additional information as required by the Zoning Administrator for purposes of determining compliance with this Ordinance.

C. Nonconformities.

Where one (1) or more legal nonconformities are determined to exist on a property in accordance with the terms and conditions of this Ordinance, such nonconformities shall be identified and listed on any zoning compliance permit issued for the property. Where one (1) or more unlawful uses, structures or other site improvements are determined to exist on a property, the scope of work for any zoning compliance permit issued for the property shall include resolution of the violation.

D. Approval or Denial.

The Zoning Administrator shall review each application for a zoning compliance permit. Upon determining that the application is complete and accurate, the Zoning Administrator shall:

1. Issue a zoning compliance permit if the application and plans conform to all of the requirements of this Ordinance; or
2. Reject the application in writing, stating the reasons therefore, if the application or plans do not conform to all of the requirements of this Ordinance.

Section 57.05 Expiration and Revocation of Zoning Compliance Permits.

Any zoning compliance permit granted under this Ordinance shall become null and void unless construction and/or use is commenced within 180 calendar days and completed within 545 calendar days of the date of issuance. If any false statement or misrepresentation of fact is made in the application or on the plans on which the permit was based, the Township may revoke the zoning compliance permit. See Section 57.09 (Violations and Penalties).

Section 57.06 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 compliance with this Ordinance has been verified through a final inspection. The holder of a zoning compliance permit shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, and shall request a final inspection.

Section 57.07 Building Permits.

Issuance of a building permit under the State Construction Code shall not exempt a building permit holder from compliance with the requirements of this Ordinance. No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, as confirmed by the Zoning Administrator through issuance of a zoning compliance permit for the same work.

Section 57.08 Fees and Performance Guarantees.

The Township Board shall establish a fee schedule by resolution to defray costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also, where authorized by this Ordinance, require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of all applications for permits and other approvals required by or authorized under this Ordinance may be assessed as application fees. The sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable.
2. The amount of the application fee shall be established by resolution of the Township Board. The fee schedule shall be available for public viewing in the Township offices.
3. The amount is intended to cover the fixed costs and expenses associated with the review of the application, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by board or commission members.

B. Escrow Deposits for Variable Costs and Expenses.

1. The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be

used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application. The amount of the escrow deposit shall be determined by the Township, and at a minimum shall be equal to the higher of the amount established in the Township's adopted fee schedule for the type of application, or the Township's estimated cost for completion of final action on the application. The funds shall be managed by the Township Treasurer, and shall be deposited before the cost or expense is incurred.

- a. The funds will not be deposited in an interest bearing account.
 - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
 - c. The escrow deposit shall be held in the applicant's name and shall be used solely to defray these variable costs and expenses.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
 3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.
 - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
 - b. If additional funds are not promptly deposited, the Township may issue a stop work order, cease review or postpone action on the application, deny zoning compliance permits associated with the application, or take no further action to process the project.
 4. Sums remaining in the account after final action on the application, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board may require that the applicant deposit with the Township Clerk a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning compliance permits at the time that the Township is prepared to issue the permit, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost to the Township of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.

2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, or irrevocable bank letter of credit from a bank with offices in southeastern Michigan.
4. Performance guarantees shall continue until the Zoning Administrator and consultants has verified that the conditions for release of the guarantee have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 57.09 Violations and Penalties.

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, 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 Violation Notice and/or 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, as listed in Section 57.02 (Administration and Authorized Local Officials), 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 Township Supervisor or other person(s) for whom authority to enforce the terms of this Ordinance have been delegated per Section 57.02 (Administration and Authorized Local Officials), subject to the following:

1. The Township Supervisor or designee 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 Township Supervisor or designee, 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 Township Supervisor or designee may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. The Township Supervisor or designee 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 Municipal Civil Infraction Violation Notice and/or Municipal Civil Infraction Citation shall be issued by the Township during the correction period, except under the following circumstances as determined by the Township Supervisor or designee:
 - a. A stop work order issued by the Township Supervisor or designee 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 Township Supervisor or designee, or a stop work order is disregarded, the Township may issue new Municipal Civil Infraction Violation Notices and/or Municipal Civil

Infraction Citations against the continuing violation. The Township Supervisor or designee 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. **Municipal Civil Infraction Violation Notice.** If the Township has established an ordinance violations bureau, an authorized local official may issue and serve a Municipal Civil Infraction Violation Notice, instead of a Municipal 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 of not less than \$100.00 for any first violation, \$250.00 for any second violation within a three (3) year period, and \$500.00 for any third or subsequent violation within a three (3) year period.
 - b. If an admission of responsibility is not made and the fine is not paid at the Township's ordinance violations bureau, a Municipal Civil Infraction Citation may be issued against the violation in accordance with this Section.
2. **Municipal Civil Infraction Citation.** Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a Municipal Civil Infraction Citation which shall be punishable by a civil fine of not less than \$100.00 for any first violation, \$250.00 for any second violation within a three (3) year period, and \$500.00 for any third or subsequent violation within a three (3) year period.
 - 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.

- c. In addition to the relief stated above, the Township may obtain and have enforced any judgment, writ or order necessary to enforce this Ordinance pursuant to MCL 600.8727(5), 600.8302(1), and 600.8302(4).
 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 calendar 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.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the 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 comply 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.** Whenever real property is the subject of a hearing, the notice 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.
 - b. For any group of eleven (11) or more adjacent lots or parcels 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 location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to occupants of all 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. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 57.10B (Discretionary Notice).
 - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
 - (1) If a building contains more than one (1) dwelling or spatial area owned or leased by different persons, one (1) occupant of each dwelling or spatial area shall be given notice.
 - (2) If a building contains more than four (4) dwellings or spatial areas owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
 - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **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. For service by mail, the notice shall be considered to have been mailed when the mail is deposited at a United States Post Office during normal business hours.

B. Discretionary Notice.

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township may also send notice of a public hearing 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. Public Hearing Signage.

For any rezoning application per Article 42.0 (Special District Regulations) or Article 58.0 (Amendments) submitted by a property owner or persons acting on behalf of a property owner of the Township, the applicant(s) or owner(s) of the property subject to the application shall post public notice signage in accordance with the following:

1. The applicant(s) or owner(s) shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
 - a. If the subject property does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel that does abut a street.
 - b. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the subject property, the sign(s) shall be placed in such location(s) on the property that the Zoning Administrator deems will best inform the public of the application. If the Zoning Administrator determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Administrator may waive the requirement of posting.
2. Each sign shall be erected at least 15 calendar days, but not more than 30 calendar days, before the Planning Commission's public hearing date.
3. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later. The applicant shall post a bond in an amount set by resolution of the Township Board to ensure the removal of the sign.
4. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR REZONING", the street address or tax code parcel number(s), acreage and diagram of the subject property, state the zoning of the property, state the proposed zoning district that is being requested, and the date, time, and place of the initial public hearing on the application.
5. The Township shall inspect the subject property to see that it complies with the requirements of this Section, and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) calendar days prior to the public hearing on the application.
6. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs. Rezoning requests initiated by the Township shall be exempt from the requirements of this subsection, but shall otherwise comply with the public notice requirements of this Section.
7. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of an application, but shall require adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the period within which the Planning Commission must otherwise hold the public hearing under this Section.

D. 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.

E. 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.

F. 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.

G. 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.

H. Adjournment.

The body conducting the hearing may at any time by motion, at its own initiative or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

I. 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 AMENDMENTS

Section 58.01 Initiating Amendments.

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise this Ordinance or Official Zoning Map whenever the public necessity, convenience or general welfare require such amendment.

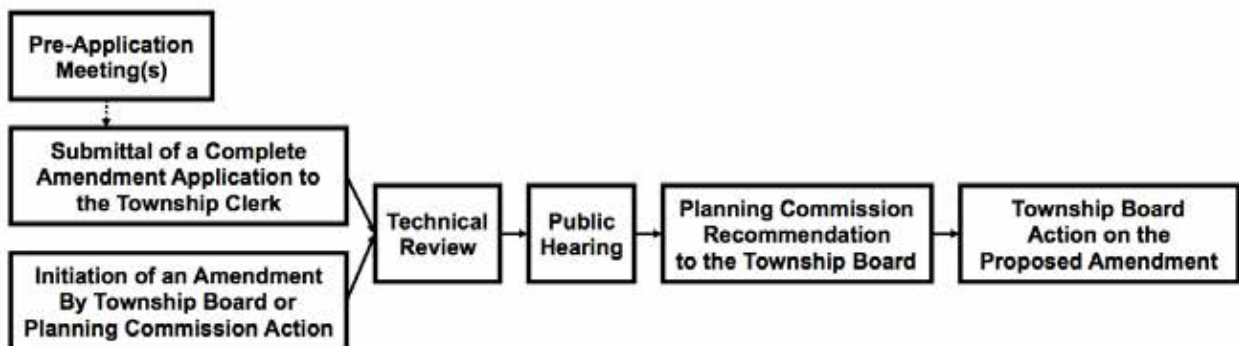
Amendments to the Official Zoning Map associated with any planned unit development (PUD) project shall be subject to the review and approval procedures outlined in Article 42.0 [Planned Unit Development (PUD) District]. All other amendments to the Official Zoning Map may be initiated by Township Board or Planning Commission, or by submittal of an application in accordance with the requirements of this Article. Any other amendments to this Ordinance may be initiated by the Township Board or Planning Commission, or by submittal of an application by one (1) or more Township property owners or residents.

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application, and no part of a required fee shall be returnable to the applicant. No fee shall be charged for amendments initiated by Township Board or Planning Commission. No action shall be taken on any application for which required fees have not been paid in full.

Section 58.02 Amendment Procedure.

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act and the following:

Amendment Review Process



A. Pre-Application Meeting.

Applicants are encouraged to request a pre-application meeting with the Township Planner, Township representative, and designated Township consultants to discuss a

proposed amendment subject to the requirements of this Article, prior to submitting an application for formal review.

1. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
2. Comments or suggestions regarding a proposed amendment shall constitute neither approval nor a disapproval of the proposal, nor shall the Township be bound by such comments or suggestions during any subsequent amendment review process.

B. Filing of an Application or Resolution.

The complete application or resolution shall be filed with the Township Clerk. The Clerk shall submit the application or resolution to the Planning Commission, who shall hold a public hearing and recommend action to the Township Board.

C. Technical Review.

Prior to Planning Commission consideration, all proposed amendments and any application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Planning Commission may also request comments from other designated Township consultants and outside agencies with jurisdiction.

D. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 57.10 (Public Hearing Procedures). Required public hearing signage shall be posted by the applicant as required by Section 57.10.C. (Public Hearing Signage).

E. Planning Commission Recommendation.

Following 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, along with a summary of comments received during the public hearing.

F. Time Limits for Review.

For any application submitted in accordance with this Article, the Planning Commission shall report its findings and recommendations to the Township Board within 180 calendar days of receiving a complete and accurate application. This time limit may be extended by agreement between the applicant and the Planning Commission.

G. Township Board Action.

Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment in accordance with the following:

1. The Township Board may hold additional hearings on the proposed amendment in accordance with Section 57.10 (Public Hearing Procedures). The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
2. If the Township Board shall deem advisable any additional changes, additions or departures as to the proposed amendment, it may, at its discretion:
 - a. Refer the request back to the Planning Commission for further consideration or revision within a time specified by the Board.
 - b. Consider and vote on a proposed amendment, with or without any additional changes, additions or departures.
3. The Township Board shall consider all information and then vote on the amendment.

H. Re-Application.

Whenever the Township Board has voted to deny an application submitted in accordance with this Article, the Township shall not accept a new application for the same amendment for a period of 365 calendar days from the date of the denial action unless the Township Board or Planning Commission determines that one (1) 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.

I. Conditional Rezoning Prohibited

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), shall be prohibited in the 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.

The following information shall be required with any application for amendment to the Official Zoning Map or the text of this Ordinance:

A. Zoning Map Amendment.

When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:

1. A legal description of the property, including street address(es) and tax code number(s).
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name, address, and contact information for the applicant.
4. The applicant's interest in the property. If the applicant is not the owner, it shall be accompanied by an affidavit with documented proof that the proposed work or operation is authorized by all owners, and that the applicant is authorized to submit the application. The full names, addresses, and contact information for all owners shall be included in the affidavit. If the applicant or owner is a corporation, proof of authority shall be included with the affidavit that the applicant or owner is the responsible officer of the corporation with authority to submit the application.
5. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
6. Identification of the 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, steep slopes, woodlands, and floodplains, to be depicted on scaled drawings.
9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When an application involves a change in the text of the Zoning Ordinance, the applicant shall submit the following information:

1. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
2. Name and address of the applicant.
3. Reasons for the proposed amendment.

Section 58.04 Conformance to Court Decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to specific Township lands may be adopted by the Township Board and the amendment published without a public hearing or referring same to any other commission or agency.

Section 58.05 Findings of Fact Required.

In reviewing any proposed amendment to the Official Zoning Map or the text of this Ordinance, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

A. Evaluation of Existing Zoning and Development Pattern.

Review the existing zoning and land uses permitted in the zoning district for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics. Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

B. Apparent Demand.

Consider the apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

1. Consider whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
2. Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
3. Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.

C. Availability of Public Services and Infrastructure.

Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district. Factors to consider include:

1. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
2. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
3. Capacity of existing police, fire, ambulance, schools, municipal sanitary sewer systems, municipal water systems, and other municipal systems or public services to serve all potential land uses on the site.

D. Compatibility.

Evaluate the existing zoning of land in the surrounding area on both sides of the road and all sides of the site in terms of all uses permitted and the district intent. Determine whether all permitted land uses and development that could occur on the subject site under the proposed zoning district(s) would be compatible with the surrounding character in terms of traffic, noise, scale, and types of uses.

E. Consistency with the Master Plan.

Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.

1. **Rezoning inconsistent with the Master Plan.** A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.
2. **Phasing in of new development.** The future land use recommendations of the Master Plan are based upon a ten to twenty year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
3. **Consistency with the Township's policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Ordinance requirements.

F. Additional Factors.

Additional factors to be considered shall include, but shall not be limited to:

1. Whether or not the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the proposed zoning change.
3. Effect of approval of the proposed zoning change on the condition and/or value of property in the Township and adjacent municipalities.

A proposed amendment to the Official Zoning Map 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 the Township and of other governmental agencies, where applicable.

Section 58.06 Notice of Adoption.

Following Township Board approval of an amendment to the Zoning Ordinance, notice of the amendment shall be published within 15 calendar days of such approval in a newspaper of general circulation in the Township or as authorized by State law. The notice of adoption shall include the following information:

1. The Article and Section of the Ordinance amendment, in the case of a text amendment;
2. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
3. The effective date of the amendment; and
4. The place and time where a copy of the Ordinance or amendment may be inspected or purchased.

Section 58.07 Referendum.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 days following publication of an approved amendment, a petition signed by a number of registered electors residing in the unincorporated portion of Lodi Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the 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.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
 - a. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the petition for referendum is not filed within that time period.
 - b. If a petition is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the petition is inadequate.
 - c. If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

ARTICLE 59.0

ZONING BOARD OF APPEALS

Section 59.01 Board Established.

There is hereby established a Zoning 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, public health and safety secured, and substantial justice done.

Section 59.02 Membership and Terms.

Zoning Board of Appeals membership shall be subject to the following:

A. Membership and Alternates.

The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. The Township Board may also appoint not more than two (2) alternates for the same term as members.

1. One (1) member shall be a member of the Planning Commission, and one member or alternate may be a member of the Township Board.
2. The remaining members and alternates shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members and alternates selected shall be representative of the population distribution, and of the various interests present in the Township.
3. Employees and contractors of the Township shall be prohibited from serving as members or alternates of the Zoning Board of Appeals.
4. In the event a member or alternate is elected to The Township Board and such election increases the number of Township Board members serving on the Zoning Board of Appeals to more than one (1), then the newly elected Township Board member or alternate's seat on the Zoning Board of Appeals shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.
5. An alternate may be called to serve as a member for the Zoning Board of Appeals in the absence of a member if the member is absent from or will be unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons described in Section 59.02.D (Abstaining). The alternate appointed shall serve in the case until a final decision is made, and shall have the same voting rights as a member of the Zoning Board of Appeals.
6. The term of office of each member and alternate shall be for three (3) years, except for members or alternates 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 (1) month after the term of the preceding member or alternate has expired. All vacancies shall be filled for the remainder of the unexpired term by Township Board appointment.

B. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A member of the Zoning Board of Appeals who is also a member of the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

C. Removal From Office.

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 General Procedures of the Zoning Board of Appeals.

The actions of the Zoning Board of Appeals shall be in accordance with the following general procedures:

A. Rules and Officers.

The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall elect annually a Chair, Vice-Chair, and Secretary from its membership. A member of the Township Board shall not serve as Chair of the Zoning Board of Appeals.

1. The Chair shall preside at and conduct Zoning Board of Appeals meetings; and shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before the Zoning Board of Appeals.
2. In the absence of the Chair, the Vice-Chair shall be the acting chair, and shall exercise all powers and authority of the Chair.
3. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all Zoning Board of Appeals proceedings.

B. Votes and Quorum.

A concurring vote of three (3) or more members of the Zoning Board of Appeals shall be necessary for any decision. The Zoning Board of Appeals shall not conduct business unless a majority of its members is present.

C. Representation.

Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

D. Hearings.

The Zoning Board of Appeals shall hold a public hearing on each interpretation, administrative appeal, variance, exception, nonconforming use determination, and other matter for which a complete and accurate application has been submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing immediately after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held in accordance with Section 57.10 (Public Hearing Procedures). All hearings shall be open to the public.

E. Decisions.

The Zoning Board of Appeals shall decide upon all matters within 120 calendar days after receipt of a complete and accurate application. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.

1. **Motions.** Any motion for action on an application shall include specific findings of fact and conclusions made by the Zoning Board of Appeals in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
2. **Postponement and dismissal.** The Zoning Board of Appeals may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.

F. Meetings.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Zoning Board of Appeals in its rules of procedure may specify.

1. All Zoning Board of Appeals meetings shall conform to the Open Meetings Act, Public Act 267 of 1976, as amended (MCL15.261 et seq.).
2. Minutes shall be kept of each meeting, and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its official actions.
3. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
4. All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

G. Oaths.

The Chair of the Zoning Board of Appeals or, in the Chair's absence the acting Chair, may administer oaths and compel the attendance of witnesses.

Section 59.04 Powers and Duties of the Zoning Board of Appeals.

The Zoning Board of Appeals shall hear and decide and rule on the following as provided herein:

1. **Interpretations.** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.
2. **Administrative appeals.** The Zoning 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 this Ordinance, for which a complete and accurate application has been submitted to the Zoning Board of Appeals.
3. **Variances.** The Zoning Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.
4. **Exceptions, nonconforming use determinations, and other matters.** The Zoning Board of Appeals shall have the authority to hear and decide requests for exceptions associated with signs as authorized by Section 53.10 (Exceptions) of this Ordinance, for nonconforming use determinations as authorized by Section 56.03 (Nonconforming Use Determinations), and other matters upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the Zoning Board of Appeals to act.
5. **Prohibited actions.** The Zoning Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The Zoning Board of Appeals shall not hear and shall have no authority regarding any use variance, or any issue that involves a special use permit or planned unit development (PUD) approval or denial.

Section 59.05 Applications.

Applications to the Zoning Board of Appeals shall be filed in proper form with the Township Clerk. Upon determining that it is complete and accurate, the application and all associated materials shall be forwarded to the Zoning Board of Appeals, who shall immediately place the application on the calendar for review and action. No action shall be taken on any application for which required fees have not been paid in full.

The application shall, at a minimum, include the following:

1. Names, addresses, and telephone numbers for the applicant and property owner, and proof of ownership.

2. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Any additional information required by this Article or deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.
7. The required review fees, as determined by resolution of the Township Board.

Section 59.06 Interpretations.

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and the Master Plan. The Zoning Board of Appeals shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Master Plan, subject to the standards of Section 10.105.E (Rules for Interpretation). Applications for appeal of an Ordinance interpretation made by the Zoning Administrator or other Township official shall be submitted to the Township Clerk as an administrative appeal subject to Section 59.07 (Administrative Appeals).

Section 59.07 Administrative Appeals.

Consideration of administrative appeals shall be subject to the following:

A. Standing to Appeal.

Appeals shall be taken to the Zoning Board of Appeals through submittal of a complete and accurate application to the Township Clerk by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 60 calendar days of the order, requirement, decision or determination in question.

The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

The Township Clerk shall compile and transmit to the Zoning Board of Appeals copies of all relevant papers constituting the record upon which the action appealed from was taken.

B. Stay of Action.

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after a complete and accurate application is filed with the Township Clerk that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court upon due cause shown.

C. Determinations.

The Zoning Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the Zoning Board of Appeals may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit. To that end, the Zoning Board of Appeals shall have all of the powers of the official(s) from whom the appeal is taken.

Section 59.08 Variances.

The Zoning Board of Appeals shall have the authority to grant non-use variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to Michigan Zoning Enabling Act requirements and the following:

A. Additional Required Information.

In addition to the requirements of Section 59.05 (Applications), a variance application shall include an accurate, scaled drawing showing lot area and lot boundaries correlated with a legal description of the parcel; all existing and proposed structures with dimensions and setback distances from lot lines and road rights-of-way; and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall also include locations of septic systems, wells, easements and significant natural features.

B. Standards for Review.

A variance shall not be granted unless all of the following standards are met:

1. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

3. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
5. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured. In addition:
 - a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - c. The granting of a variance will not alter the essential character of the area or surrounding properties.
 - d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
6. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
7. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.
8. **Minimum necessary action.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

C. Use Variances Prohibited.

Under no circumstances shall the Zoning 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 59.09 Variance Expiration.

Approval of a variance shall expire and become null and void in accordance with the following:

1. An approved variance shall expire and become null and void unless the construction authorized by the variance has commenced within 180 calendar days after the date of variance approval and is pursued diligently to completion, or the occupancy of land or buildings authorized by the variance has commenced within 180 calendar days after the date of variance approval.

2. Where a variance has been approved for a project subject to site plan approval per Article 44.0 (Site Plan Review), the variance shall expire and shall become null and void upon expiration of an approved site plan per Section 44.09 (Expiration of Site Plan Approval), or a rescinding of site plan approval per Section 44.14 (Rescinding Site Plan Approval).
3. The Zoning Board of Appeals may, upon written request by the applicant and with a showing of good cause, grant one (1) extension of variance approval for up to an additional 180 calendar days.

Section 59.10 Reapplication for Variance.

No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be granted for a period of 365 calendar days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 59.11 Site Plan Requirements.

If an application or appeal to the Zoning Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 44.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan. The applicant shall then apply for the requested variance to the Zoning Board of Appeals. The Planning Commission shall transmit its findings thereon to the Zoning Board of Appeals. The Zoning Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for action on the site plan.

Section 59.12 Conditions of Approval.

The Zoning Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Article 57.0 (Administration and Enforcement).

Section 59.13 Appeals to Circuit Court.

Any person aggrieved by a decision of the Zoning Board of Appeals in a particular case shall have the right to appeal to the Circuit Court as permitted by Section 606 of the Michigan Zoning Enabling Act [MCL125.3606(1)]. The appeal shall be filed within 30 calendar days after the Zoning Board of Appeals issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the Zoning Board of Appeals approves the minutes of its decision, whichever comes first.