

**LODI TOWNSHIP  
ORDINANCE NO. 2021-005**

AN ORDINANCE ADOPTED PURSUANT TO PUBLIC ACT 110 OF 2006 AS AMENDED (MCL 125.3101 *et seq.*), TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, BY AMENDING THE LODI TOWNSHIP ZONING ORDINANCE BY UPDATING SECTION 43.03 "REVIEW PROCEDURES."

**LODI TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:**

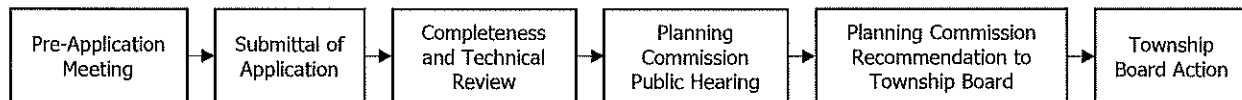
**Section 1: Amendments, additions, and deletions to the Lodi Township Zoning Ordinance.**

That the Lodi Township Zoning Ordinance Article 43.0, "Special Uses", Section 43.03, "Review Procedures", is hereby amended to read as follows:

**Section 43.03 Review Procedures.**

Special use permit applications shall be submitted in accordance with the following:

**Special Use Permit Approval Process**



**A. Pre-Application Meeting.**

A potential applicant for a special use permit shall request an informal pre-application meeting with Township officials and representatives 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 use, 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 proposed use. 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).

**B. Submittal of Application.**

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:

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.

**C. 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.

**D. 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).

**E. 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. **Recommendation 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.

**F. 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.

**G. 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 2: Repeal and Savings Clause.**

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed. However, the Lodi Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.


### **Section 3: Severability.**

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

### **Section 4: Effective Date.**

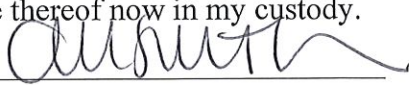
The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

  
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Jan Godek, Township Supervisor

  
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Christina Smith, Township Clerk

### **Clerk's Certification**

I, Christina Smith, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-005 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, December 7, 2021, and the whole thereof now in my custody.

  
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Christina Smith, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 8:30 a.m. until noon Monday through Friday.

Adopted: 12.7.2021

Published: 12.15.2021

Effective: 12.22.2021 subject to PA 110 of 2006 as amended.