

**LODI TOWNSHIP
ORDINANCE NO. 2023-001**

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 2.03 “DEFINITIONS,” SECTION 20.04 “TABLE OF USES BY DISTRICT” AND SECTION 40.07 “DAY CARE AND GROUP HOME FACILITIES.”

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 2.0, “Definitions”, Section 2.03, “Definitions”, is hereby amended to read as follows:

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.

[...]

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.

[...]

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 1 but fewer than 7 minor children are received for care and supervision for compensation 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 household by blood, marriage or adoption. Family child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child day care home does not include an individual providing babysitting services for another individual. Upon state approval for increased capacity, a family child day care home may have an additional child in excess of 6 minor children received for care and supervision.

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.

[...]

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 more than 6 but not more than 12 minor 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 household by blood, marriage or adoption. Group child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Upon state approval for increased capacity, a group child day care home may have 2 additional minor children in excess of 12 minor children received for care and supervision.

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.

[...]

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.

Qualified Residential Treatment Program. A residential treatment program as defined by Section 1 of 1973 PA 116, MCL 722.111.

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.

[...]

That the Lodi Township Zoning Ordinance Article 20.0 "Land Use Table", Section 20.04 "Table of Uses by District", is hereby amended to read as follows:

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		
Caretaker Living Quarters	S	S			S	A		S			S	Section 40.05	
Cemetery										P		Section 41.06	
Child Day Care Home, Family (6 or fewer children less than 24 hours per day); 7 children permitted upon State of Michigan approval	A	A		P	P	P			A				
Child Day Care Home, Group (7 to 12 children less than 24 hours per day); 14 children permitted upon State of Michigan approval	S	S	S	S	S	S	S	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												P	Section 40.02
Farm Labor Housing													Section 40.12
Farm Market											P	S	Section 40.10
Farm Products Direct Marketing Business													
Farm-Based Tourism/Entertainment Activities													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		
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	
Qualified Residential Treatment Program (10 or fewer individuals)	A	A		P	P	P			A				
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	

That the Lodi Township Zoning Ordinance article 40.0, “Use Standards – Rural and Residential Standards,” Section 40.07, “Day Care and Group Home Facilities,” is hereby amended to read as follows:

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 child 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 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,

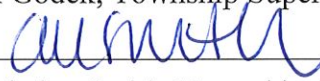
sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

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.



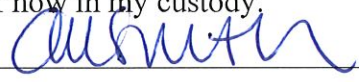
Jan Godek, Township Supervisor



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. 2023-001 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, February 7, 2023, and the whole thereof now in my custody.



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 9:00 a.m. until noon Monday through Thursday.

Adopted: 2/7/2023

Published: 2/15/2023

Effective: 2/22/2023, subject to PA 110 of 2006 as amended.

Township of Lodi
Resolution No. 2023-007

February 7, 2023

A resolution to adopt 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 2.03 "Definitions," Section 20.04 "Table of Uses by District," and Section 40.07 "Day Care and Group Home Facilities."

WHEREAS, Lodi Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006 (MCL 125.3101), as amended; and

WHEREAS, after public hearing, the Lodi Township Planning Commission has recommended that the Lodi Township Zoning Ordinance be amended as indicated as set forth in the proposed ordinance amendment; and

WHEREAS, the Lodi Township Board of Trustees find that proposed amendments further clarify the intent of those sections of the Zoning Ordinance; and

WHEREAS, the Lodi Township Board of Trustees accepts the recommendation of the Lodi Township Planning Commission and finds that it is in the best interest of the residents of the Township to amend the Lodi Township Zoning Ordinance as set forth in the proposed ordinance amendment.

THEREFORE, be it resolved that Ordinance No. 2023-001, entitled "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 2.03 "DEFINITIONS," SECTION 20.04 "TABLE OF USES BY DISTRICT," AND SECTION 40.07 "DAY CARE AND GROUP HOME FACILITIES" is made, passed, and adopted.

Township Trustee Foley moved the adoption of the foregoing Resolution, which was seconded by Township Trustee Smith and thereupon adopted by the Lodi Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 7th day of February, 2023.

The following members voted:

Ayes: Swenson, Godek, Smith, Foley, Schaible, Rentschler

Nays: None

Absent or abstain: Absent: Lindemann

The Supervisor declared the resolution adopted.



Christina Smith, Lodi Township Clerk