



OFFICIAL SEAL

02/23/07
L-4609 P-207

Washtenaw Co., MI
Lawrence Kestenbaum
Clerk Register

STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

PETERS-SUMMITT, LLC, a Michigan
limited liability company,
Plaintiff,

File No: 05-1086-NZ^{NMP}

Hon. DAVID S. SWARTZ

v

LODI TOWNSHIP, a Michigan municipal
corporation,
Defendant

This is a final order which resolves all
pending claims and closes the case
pursuant to MCR 2.602(A) (3)

Joseph W. Phillips (P34063)
Conlin, McKenney & Philbrick, PC
Attorney for Plaintiff
350 S. Main Street, Suite 400
Ann Arbor, MI 48104
Telephone: 734-761-9000

Frederick Lucas (P29074)
Lucas Law, PC
Attorney for Defendant
7577 US Highway 12, Suite A
Onsted, MI 49265
Telephone: 517-467-4000
Fax: 517-467-4044

Jesse O'Jack (P29548)
Attorney for Defendant
201 East Main Street
PO Box 206
Manchester, MI 48159
Telephone: 734-428-7827

FILED
WASHTENAW COUNTY, MI.
2007 FEB 16 P 4:03
LAWRENCE KESTENBAUM
COUNTY CLERK/REGISTER

Consent Judgment

At a session of said Court held in the City of Ann Arbor,
County of Washtenaw, State of Michigan, on

FEBRUARY 13, 2007

PRESENT: HONORABLE DAVID S. SWARTZ
Circuit Judge

Recitals and Preamble

The facts on which the Consent Judgment are based are as follows:

- A. Plaintiff, Peters-Summitt, LLC, is a Michigan limited liability company and

has certain option rights to purchase from the record title owners of seven contiguous parcels of land (hereinafter "the Property") located in Section 1 of Lodi Township, Washtenaw County, consisting of approximately 206 acres, which are more fully described in Exhibit A, attached hereto. Plaintiff is the developer of the Property pursuant to those option agreements.

B. In January 2005, Plaintiff submitted an application to the Planning Commission for Defendant, Lodi Township, to rezone the 206 acres of the Property from AG (Agricultural) to R3 (Low Density Multi-Family Residential).

C. On September 16, 2005, the Lodi Township Board denied Plaintiff's rezoning request.

D. In response to the denial, Plaintiff filed the above captioned action in Washtenaw County Circuit Court seeking equitable relief and monetary damages.

E. This Court has jurisdiction over the parties and the subject matter of this dispute pursuant to MCL 600.601, et seq. and Article 6, § 13 of the Constitution of the State of Michigan.

F. The parties have engaged in settlement discussions and have agreed upon a partial resolution of their disputed claims without any admission of liability and they stipulate to the entry by the Court of this Consent Judgment and agree to be bound by its terms.

By consent of the parties, it is hereby ordered and adjudged as follows:

1. This Consent Judgment shall run with the land (the above described Property) and shall apply to and be binding upon Plaintiff, Peters-Summitt, LLC, and Defendant, Lodi Township, and their successors and assigns.

2. The zoning of the Property is changed from AG (Agricultural) to R-3 (Low Density Multi-Family Residential) and Defendant is permanently enjoined from interfering with Plaintiff's use of the Property in a manner consistent with the R-3 zoning designation, as that designation was defined in Article 22.0 of the Lodi Township Zoning Ordinance as of July 22, 2004.
3. The above captioned action is dismissed *without* prejudice.
4. Plaintiff shall submit its site plan for uses consistent with the R-3 zoning classification or, in the alternative, an application for a PUD zoning classification, as soon as is reasonably possible following the entry of this Consent Judgment.
5. In the event Plaintiff is unable to make satisfactory progress towards obtaining final site plan approval, Plaintiff may, at any time and at its sole discretion, file a stipulated order setting aside dismissal (in the form attached hereto as Exhibit B). This stipulated order shall reinstate this case thereby permitting this Court to adjudicate any issues not resolved by this Consent Judgment, including but not limited to, Plaintiff's damages claims and Plaintiff may also add to the litigation any new claims that it may have arising out of the Township's consideration of its final site plan.
6. In the event Plaintiff and Defendant are able to reach an agreement on final site plan for the Property, the parties shall submit an amended Consent Judgment for entry by the Court, dismissing with prejudice all of Plaintiff's claims including, without limitation, its claims for monetary damages.
7. The parties agree and the Court, by entering this consent judgment, finds that the terms and conditions of the consent judgment are reasonable, adequately resolve the issues covered by this consent judgment and protect the public interest and

the interests of the parties.

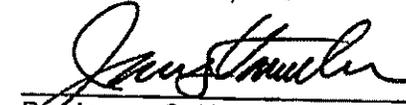
8. This Consent Judgment may only be modified by the written agreement of the parties or by further order of this Court.



Hon. David S. Swartz
Circuit Judge

The undersigned, being all of the parties to this litigation and their attorneys, certify that they are authorized to execute this document and legally bind the parties they represent and consent to the entry of the above order.

Peters-Summitt, LLC



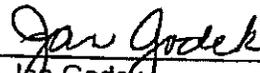
By: James G. Haeussler
Its: Managing Member

Conlin, McKenney & Philbrick, P.C.
Attorneys for Plaintiff



By: Joseph W. Phillips (P34063)

Lodi Township



By: Jan Godek
Its: Township Supervisor



PCS-5775744-J-2007-8
Lawrence Kestenbaum, Washtenaw

02:57 P
02/23/07

L-4609 P-207

Lucas Law, PC

A handwritten signature in black ink, appearing to read 'Fred Lucas', written over a horizontal line.

By: Frederick Lucas (P29074)
Attorney for Defendant

A handwritten signature in black ink, appearing to read 'Jesse O'Jack', written over a horizontal line.

By: Jesse O'Jack (P29548)
Attorney for Defendant

DESCRIPTION OF A 206.20 ACRE PARCEL OF LAND
LOCATED IN SECTION 1, T3S, R5E, LODI TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN

BEGINNING at the N ¼ Corner of Section 1, T3S, R5E, Lodi Township, Washtenaw County, Michigan; thence N87°46'05"E 917.38 feet along the North line of said Section 1 and the centerline of Scio Church Road (variable width); thence S00°30'05"E 2218.96 feet; thence S88°18'48"W 888.91 feet along the East-West ¼ line of said Section 1; thence S01°13'56"E 2646.78 feet along the North-South ¼ line of said Section 1; thence S88°20'01"W 1297.02 feet along the South line of said Section 1 and the centerline of Waters Road (66 feet wide); thence N01°27'41"W 1984.84 feet along the West line of the East ½ of the SW ¼ of said Section 1; thence S88°19'29"W 1304.96 feet along the South line of the North ½ of the NW ¼ of the SW ¼ of said Section 1; thence N01°41'25"W 661.54 feet along the West line of said Section 1 and the centerline of Wagner Road (66 feet wide) to the West ¼ corner of said Section 1; thence continuing along said West line and said centerline N01°21'44"W 664.09 feet; thence N87°30'04"E 1723.52 feet; thence N01°14'19"W 468.88 feet along the West line of the East 13.54 chains of the NW ¼ of said Section 1; thence N87°29'13"E 445.00 feet; thence N01°14'19"W 1039.13 feet; thence N87°29'13"E 448.87 feet along the North line of said Section 1 and the centerline of Scio Church Road to the Place of Beginning, being a part of the N ½ and the SW ¼ of said Section 1, containing 206.20 acres of land, more or less, being subject to the rights of the public over the Northerly 33.00 feet thereof, as occupied by said Scio Church Road, being subject to the rights of the public over the Southerly 33.00 feet thereof, as occupied by said Waters Road, being subject to the rights of the public over the Westerly 33.00 feet thereof, as occupied by said Wagner Road. Also being subject to easements and restrictions of record, if any.

Page: 6 of 8
ACS-575744-J-2007-8
Lawrence Kestenbaum, Washtenaw
02:57 P
02/23/07
L-4609 P-207

Exhibit A

Document received by the Washtenaw County Trial Court 01/15/2021.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

PETERS-SUMMITT, LLC, a Michigan
limited liability company,

Plaintiff,

Case No. 05-1086-NZ

v

Hon. David S. Swartz

LODI TOWNSHIP, a Michigan municipal
corporation,

Defendant.

Page: 7 of 8
02:57 P
02/23/07
ACS-5775744-J-2007-B
Lawrence Keetenbaum, Washtenaw
L-4609 P-207

Joseph W. Phillips (P34063)
Conlin, McKenney & Philbrick, P.C.
Attorneys for Plaintiff
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000

Frederick Lucas (P29074)
Lucas Law, P.C.
Attorneys for Defendant
7577 US Highway 12, Suite A
Onsted, MI 49265
(517) 467-4000

Jesse O'Jack (P29548)
Attorney for Defendant
201 E. Main Street
P.O. Box 206
Manchester, MI 48158
(734) 428-7827

STIPULATED ORDER SETTING ASIDE DISMISSAL

At a session of said Court held in the City of Ann
Arbor, County of Washtenaw, State of Michigan, on

PRESENT: HONORABLE DAVID S. SWARTZ
Circuit Judge

This matter having come on to be heard upon the stipulation and agreement of the parties
hereto as evidenced by the signatures of their attorneys, and the Court being otherwise fully advised

EXHIBIT B

in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the previously entered Stipulated Order for Dismissal Without Prejudice is hereby set aside and the case is reinstated for the purpose of adjudicating all remaining issues in the case, including but not limited to, all of Plaintiff's claims for damages.

Hon. David S. Swartz, Circuit Judge

Stipulated and agreed to by:

Conlin, McKenney & Philbrick, P.C.
Attorneys for Plaintiff

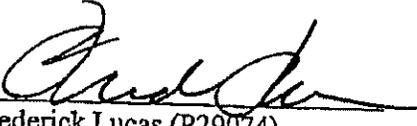
By: 
Joseph W. Phillips (P34063)
350 S. Main Street, Suite 400
Ann Arbor, MI 48104
(734) 761-9000

SUBMITTED
FOR RECORDING

FEB 23 2007

Washtenaw County, MI
Clerk Registrar's Office

Lucas Law, P.C.
Attorneys for Defendant

By: 
Frederick Lucas (P29074)
7577 US Highway 12, Suite A
Onsted, MI 49265
(517) 467-4000

By: 
Jesse O'Jack (P29548)
Attorney for Defendant
201 E. Main Street, P.O. Box 206
Manchester, MI 48158
(734) 428-7827

WASHTENAW COUNTY CLERK
REGISTERED IN ENACT COPY
OF THE RECORD AT
ANN ARBOR, MICHIGAN
VALID COPY OF THE ORIGINAL

FEB 23 2007

CERTIFIED BY



EXHIBIT B

ASSIGNMENT AGREEMENT

This Assignment Agreement (this "Agreement") is entered into as of December 22, 2020 by and between **PETERS-SUMMIT, LLC**, a Michigan limited liability company, whose address is 4672 Willowbrook Lane, Ann Arbor, MI 48103 (the "Assignor") and **RED EQUITIES, LLC**, a Michigan limited liability company, whose address is 201 W. Big Beaver Road, Suite 1050, Troy, MI 48084 (the "Assignee"), upon the following terms and conditions:

1. **ASSIGNMENT:** For \$20,000.00, receipt of which is acknowledged, and other valuable consideration, Assignor agrees and does hereby assign to Assignee all of Assignor's right, title and interest in and to that certain Consent Judgment filed with the Washtenaw County Clerk on February 16, 2007 and recorded in the Washtenaw County Register of Deeds on February 23, 2007 in Liber 4609, Page 207 (the "Consent Judgment") regarding the property located in Lodi Township, Washtenaw County, Michigan identified on Exhibit "A" hereto. A copy of the Consent Judgment is attached as Exhibit "B" hereto.
2. **AUTHORITY TO ASSIGN:** Assignor hereby represents and warrants to Assignee that the signatory on behalf of the Assignor has full legal authority to bind the Assignor, to assign all of the Assignor's right, title and interest in the Consent Judgment to the Assignee, and to execute this Agreement on behalf of the Assignor.
3. **GOVERNING LAW:** This Agreement shall be governed by and pursuant to the laws of the State of Michigan, notwithstanding the conflict of laws provision of any jurisdiction.
4. **COUNTERPARTS/ELECTRONIC DELIVERY:** This Agreement may be signed in counterparts, both of which when taken together shall constitute one and the same instrument. A PDF, facsimile or other electronic copy of this Agreement shall have the same force and effect as an original.
5. **EXPENSE REIMBURSEMENT:** Assignee agrees to reimburse Assignor for attorney's fees incurred in connection with this transaction, within 7 days after Assignor submits an Invoice to Assignee.

Signatures on the Following Page

Remainder of Page Intentionally Left Blank

SIGNATURE PAGE
TO
ASSIGNMENT AGREEMENT

ASSIGNOR:

Peters-Summit, LLC,
a Michigan limited liability company

By: Lodi-Summit, LLC

By: 

Robble McCowan
Its: Member

Dated: December 11, 2020

ASSIGNEE:

RED Equities, LLC,
a Michigan limited liability company

By: 

Gilbert "Buzz" Silverman
Its: Manager

Dated: December 07, 2020

EXHIBIT "A"

LEGAL DESCRIPTION

See Attached

**DESCRIPTION OF A 206.20 ACRE PARCEL OF LAND
LOCATED IN SECTION 1, T3S, R5E, LODI TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN**

BEGINNING at the N ¼ Corner of Section 1, T3S, R5E, Lodi Township, Washtenaw County, Michigan; thence N87°46'05"E 917.38 feet along the North line of said Section 1 and the centerline of Scio Church Road (variable width); thence S00°30'05"E 2218.96 feet; thence S88°18'48"W 888.91 feet along the East-West ¼ line of said Section 1; thence S01°13'56"E 2646.78 feet along the North-South ¼ line of said Section 1; thence S88°20'01"W 1297.02 feet along the South line of said Section 1 and the centerline of Waters Road (66 feet wide); thence N01°27'41"W 1984.84 feet along the West line of the East ¼ of the SW ¼ of said Section 1; thence S88°19'25"W 1304.96 feet along the South line of the North ¼ of the NW ¼ of the SW ¼ of said Section 1; thence N01°41'25"W 661.54 feet along the West line of said Section 1 and the centerline of Wagner Road (66 feet wide) to the West ¼ corner of said Section 1; thence continuing along said West line and said centerline N01°21'44"W 664.09 feet; thence N87°30'04"E 1723.52 feet; thence N01°14'19"W 468.88 feet along the West line of the East ¼ of the NW ¼ of said Section 1; thence N87°29'13"E 445.00 feet; thence N01°14'19"W 1039.13 feet; thence N87°29'13"E 448.87 feet along the North line of said Section 1 and the centerline of Scio Church Road to the Place of Beginning, being a part of the N ¼ and the SW ¼ of said Section 1, containing 206.20 acres of land, more or less, being subject to the rights of the public over the Northerly 33.00 feet thereof, as occupied by said Scio Church Road, being subject to the rights of the public over the Southerly 33.00 feet thereof, as occupied by said Waters Road, being subject to the rights of the public over the Westerly 33.00 feet thereof, as occupied by said Wagner Road. Also being subject to easements and restrictions of record, if any.

Page: 6 of 9

 63-587 P
 63-225-27
 REC-675744-1-2027-3
 LSA-Genes Easements, Restrictions
 L-4689 P-227

Exhibit A

EXHIBIT "8"

CONSENT JUDGMENT

See Attached

PCD-0775714-0-0007-0
Lawrence Kestenbaum, Washtenaw

Page 1 of 3
02:57 P
02/23/07
L-4609 P-207



OFFICIAL SEAL
02/23/07
L-4609 P-207

Washtenaw Co., MI
Lawrence Kestenbaum
Clerk Register

STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

PETERS-SUMMITT, LLC, a Michigan
limited liability company,
Plaintiff,

File No: 05-1066-NZ

Hon. DAVID S. SWARTZ

v

LODI TOWNSHIP, a Michigan municipal
corporation,
Defendant

This is a final order which resolves all
pending claims and charges in the case
subject to MCR 2.602(A) (3)

Joseph W. Phillips (P34063)
Conlin, McKenney & Philbrick, PC
Attorney for Plaintiff
350 S. Main Street, Suite 400
Ann Arbor, MI 48104
Telephone: 734-761-3000

Frederick Lucas (P29074)
Lucas Law, PC
Attorney for Defendant
7577 US Highway 12, Suite A
Onsted, MI 49285
Telephone: 517-467-4000
Fax: 517-487-4044

Jesse O'Jack (P29548)
Attorney for Defendant
201 East Main Street
PO Box 206
Manchester, MI 48158
Telephone: 734-428-7827

FILED
WASHTENAW COUNTY, MI.
FEB 16 P 4 03
LAWRENCE KESTENBAUM
COUNTY CLERK/REGISTER

Consent Judgment

At a session of said Court held in the City of Ann Arbor,
County of Washtenaw, State of Michigan, on

FEBRUARY 13, 2007

PRESENT: HONORABLE DAVID S. SWARTZ
Circuit Judge

Recitals and Preamble

The facts on which the Consent Judgment are based are as follows:

A. Plaintiff, Peters-Summitt, LLC, is a Michigan limited liability company and

has certain option rights to purchase from the record title owners of seven contiguous parcels of land (hereinafter "the Property") located in Section 1 of Lodi Township, Washtenaw County, consisting of approximately 206 acres, which are more fully described in Exhibit A, attached hereto. Plaintiff is the developer of the Property pursuant to those option agreements.

B. In January 2005, Plaintiff submitted an application to the Planning Commission for Defendant, Lodi Township, to rezone the 206 acres of the Property from AG (Agricultural) to R3 (Low Density Multi-Family Residential).

C. On September 16, 2005, the Lodi Township Board denied Plaintiff's rezoning request.

D. In response to the denial, Plaintiff filed the above-captioned action in Washtenaw County Circuit Court seeking equitable relief and monetary damages.

E. This Court has jurisdiction over the parties and the subject matter of this dispute pursuant to MCL 600.501, et seq. and Article 6, § 13 of the Constitution of the State of Michigan.

F. The parties have engaged in settlement discussions and have agreed upon a partial resolution of their disputed claims without any admission of liability and they stipulate to the entry by the Court of this Consent Judgment and agree to be bound by its terms.

By consent of the parties, it is hereby ordered and adjudged as follows:

1. This Consent Judgment shall run with the land (the above described Property) and shall apply to and be binding upon Plaintiff, Peters-Summitt, LLC, and Defendant, Lodi Township, and their successors and assigns.

the interests of the parties.

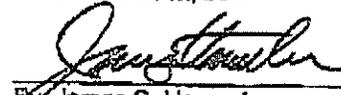
8. This Consent Judgment may only be modified by the written agreement of the parties or by further order of this Court.



Hon. David S. Swartz
Circuit Judge

The undersigned, being all of the parties to this litigation and their attorneys, certify that they are authorized to execute this document and legally bind the parties they represent and consent to the entry of the above order.

Peters-Summitt, LLC

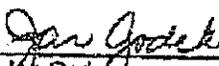


By: James G. Heusser
Its: Managing Member

Conlin, McKenney & Phillips, P.C.
Attorneys for Plaintiff

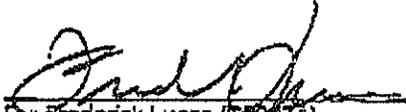


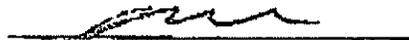
By: Joseph B. Phillips (P34063)
Lodi Township



By: John Godek
Its: Township Supervisor

Lucas Law, PC


By: Frederick Lucas (P29074)
Attorney for Defendant


By: Jesse O'Jack (P29548)
Attorney for Defendant

DESCRIPTION OF A 206.20 ACRE PARCEL OF LAND
LOCATED IN SECTION 1, T3S, R5E, LODI TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN

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Page: 5 of 8
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02/23/17
PCS-5775744-J-2017-3
Lawrence Kautschman, Registrar L-4588 P-267

Exhibit A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

PETERS-SUMMITT, LLC, a Michigan
limited liability company,

Plaintiff,

Case No. 05-1086-NZ

v

Hon. David S. Swartz

LODI TOWNSHIP, a Michigan municipal
corporation,

Defendant.



Joseph W. Phillips (P34063)
Conlin, McKunney & Philbrick, P.C.
Attorneys for Plaintiff
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000

Frederick Lucas (P29074)
Lucas Law, P.C.
Attorneys for Defendant
7577 US Highway 12, Suite A
Onsted, MI 49265
(517) 467-4000

Jesse O'Jack (P29548)
Attorney for Defendant
201 E. Main Street
P.O. Box 205
Manchester, MI 48158
(734) 428-7827

STIPULATED ORDER SETTING ASIDE DISMISSAL

At a session of said Court held in the City of Ann
Arbor, County of Washtenaw, State of Michigan, on

PRESENT: HONORABLE DAVID S. SWARTZ
Circuit Judge

This matter having come on to be heard upon the stipulation and agreement of the parties
hereto as evidenced by the signatures of their attorneys, and the Court being otherwise fully advised

EXHIBIT B

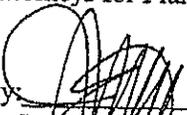
in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the previously entered Stipulated Order for Dismissal Without Prejudice is hereby set aside and the case is reinstated for the purpose of adjudicating all remaining issues in the case, including but not limited to, all of Plaintiff's claims for damages.

Hon. David S. Swartz, Circuit Judge

Stipulated and agreed to by:

Conlin, McKenney & Philbrick, P.C.
Attorneys for Plaintiff

By: 
Joseph W. Phillips (P34063)
350 S. Main Street, Suite 400
Ann Arbor, MI 48104
(734) 761-9000

SUBMITTED
FOR RECORDING

FEB 23 2007

Washtenaw County, MI
Clerk Register's Office

Lucas Law, P.C.
Attorneys for Defendant

By: 
Frederick Lucas (P29074)
7577 US Highway 12, Suite A
Onsted, MI 49265
(517) 467-4000

By: 
Jesse O'Jack (P29548)
Attorney for Defendant
201 E. Main Street, P.O. Box 206
Manchester, MI 48158
(734) 428-7827

WASHTENAW COUNTY CLERK
REGISTERED ELECTRONIC COPY
CLERK REGISTER'S OFFICE
ANN ARBOR, MI 48104
VALID COPY

FEB 23 2007

CERTIFIED BY



EXHIBIT C

Barr, Anhut & Associates, P.C.
105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234

Jesse O'Jack
PO Box 363
Saline, MI 48176
(734) 355-9527
jojlaw@msn.com

July 27, 2020

Mr. Joseph W. Phillips
Conlin, McKenney & Philbrick, P.C.
350 South Main Street, Suite 400
Ann Arbor, MI 48104-2131

By email & First Class Mail

Dr. Mr. Phillips;

RE: Your letter dated July 15, 2020, addressed to Mr. Don Pennington

You bring up several points in your letter which I will address separately as I believe your letter contains many inaccurate statements and unsupported accusations.

1. Your clients' meeting/discussion with the Township Planner Mr. Don Pennington:

Pursuant to the Lodi Township Zoning Ordinance Section 44.03 "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."

These meetings are "encouraged" as they are intended to make the process proceed more smoothly, but are not required. Numerous and varying discussions are had at such meetings as openness and a clear understanding of what is sought and what is needed is helpful. However, these meetings in no way either approve or disapprove of any site plan. I have spoken to Mr. Pennington twice specifically as to what was discussed and what he said at that meeting. Regarding your clients' allegation that Mr. Pennington said all parcels from the Consent Judgment must be included, Mr. Pennington says he made no such statement. Your clients must have misunderstood. Mr. Pennington did ask if the development would include all parcels and there was further discussion regarding the development, but Mr. Pennington did not say the development must include all parcels.

2. The Consent Judgment.

Lodi Township agrees that the Consent Judgment changed the zoning of the parcels from AG to R-3. Your clients have a right to develop their property as R-3 was designated on July 22, 2004. Additionally, the Consent Judgment allowed that "Plaintiff shall submit its site plan for uses

consistent with R-3 zoning classification or, in the alternative, an application for a PUD zoning classification, as soon as is reasonably possible following the entry of this Consent Judgment.”

However, your arguments as to why specific provisions were included in the Consent Judgment is not found in the Consent Judgment itself. The Consent Judgment speaks for itself and says “The parties have engaged in settlement discussions and have agreed upon a partial resolution of their disputed claims without any admission of liability and they stipulate to the entry by the Court of this Consent Judgment and agree to be bound by its terms.” Obviously, any provisions included in a Consent Judgment are by the consent of all parties. Therefore, while your allegations may well be why your clients wanted certain terms in the Consent Judgment—that is not why they were included—they were included by consent—they were not imposed by the Court.

Furthermore, R-3 zoning as it was designated on July 22, 2004, allowed differing densities based on whether municipal systems were present. Contrary to your letter, there is absolutely no language or even implication in the Consent Judgment creating an obligation by the Township to allow private wastewater and water treatment systems. R-3 zoning specifically addressed the density allowed under differing circumstances—when no municipal system is present, and what would be allowed if ever a municipal system was ever available. Therefore, to some extent, I find your argument that the township is attempting to exclude R-3 zoning does not even make sense—because it seems you are arguing the township is not allowing R-3 zoning because it is following the specific requirements set forth in R-3 zoning.

However, at this point these arguments are premature. As noted above, a pre-application meeting is designed to help your clients in their planning. However, as seems obvious, at this point the township has made no decision upon any plan your clients have officially submitted. In fact, your clients have not even officially submitted a plan for consideration of a decision. The township can only suggest that your clients should submit an application that complies with R-3 zoning as it was designated on July 22, 2004 and is in compliance with other ordinances and laws.

3. Higher density zoning.

The allegations made in your letter regarding Lodi Township attempting to exclude higher density zoning are unfounded and unsupported by the facts and on their face appear to be trying to set up some type of exclusionary zoning argument which just does not exist. Lodi Township’s most recent master plan was adopted as required by law and took into consideration all of the following criteria:

- “(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:
- (a) Is coordinated, adjusted, harmonious, efficient, and economical.
 - (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
 - (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.

(d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:

- (i) A system of transportation to lessen congestion on streets.
- (ii) Safety from fire and other dangers.
- (iii) Light and air.
- (iv) Healthful and convenient distribution of population.
- (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
- (vi) Public utilities such as sewage disposal and water supply and other public improvements.
- (vii) Recreation.
- (viii) The use of resources in accordance with their character and adaptability.”

Based on all those criteria and after carefully following the master plan process, Lodi Township adopted a master plan that put higher density zoning near the City of Saline.

However, while based on a consideration of all of those criteria Lodi Township’s master plan has no high density zoning in the vicinity of your clients parcels, the township acknowledges and has always acknowledged your clients’ right to develop their parcels in compliance with the Consent Judgment (that being in compliance with R-3 zoning as it was designated on July 22, 2004) and, of course, in compliance with all other ordinances and laws.

4. Regarding private wastewater and water treatment systems.

To the best of my knowledge, the township in the past has disagreed with your interpretation of the law. However, neither I, nor the Township Planner, nor even the Township Supervisor, make such decisions for Lodi Township. Decisions are made as set forth in the zoning ordinance and in the law and your clients should follow that procedure.

Sincerely,



Jesse O'Jack

CC: Lodi Township
Don Pennington

EXHIBIT D

ALLEN J. PHILBRICK
BRUCE N. ELLIOTT
NEIL J. JULIAR
ROBERT M. BRIMACOMBE
ELIZABETH M. PETOSKEY
JAMES A. SCHRIEMER
JOSEPH W. PHILLIPS
WILLIAM M. SWEET
MARJORIE M. DIXON
THOMAS D. LUCZAK
DENNIS R. VALENTI
RICHARD P. PETERSON, II
W. DANIEL TROYKA
JOY M. GLOVICK
ANDREW D. SUGERMAN
ERIK DUENAS
MATTHEW C. RETTIG
MICHAEL C. CROWLEY
ROBERT M. O'REILLY
HANNAH R. MULLER
ARMINIA DUENAS
CHRISTOPHER J. WALLAKER

LAW OFFICES OF
CONLIN, MCKENNEY & PHILBRICK, P.C.
350 SOUTH MAIN STREET, SUITE 400
ANN ARBOR, MICHIGAN
48104-2131

October 12, 2020

EDWARD F. CONLIN (1902-1953)
JOHN W. CONLIN (1904-1972)
ALBERT J. PARKER (1901-1970)
PHILLIP J. BOWEN (1947-2007)

OF COUNSEL
CHRIS L. MCKENNEY
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(734) 997-2164

Christina Smith, Township Clerk
Charter Township of Lodi
3755 Pleasant Lake Road
Ann Arbor, MI 48103
Attn: Don Pennington, Planning Consultant

Re: Arbor Preserve South – Preliminary Site Plan

Dear Mr. Pennington:

Please find enclosed the required documentation for the submittal of a Preliminary Site Plan, in accordance with your Site Plan Review ordinance. As you will recall, the subject property obtained a Consent Judgment dated February 13, 2007, to allow the subject property to be developed in accordance with the R-3 Low Density Multiple-Family Residential District, as prescribed in the Township's 2004 Zoning Ordinance.

Accordingly, we are submitting the following documents for the Township's Planning Commission review and approval of the subject Preliminary Site Plan:

- Site Plan Application - signed by Gilbert "Buzz" Silverman, and notarized
- Check for \$4,000 payable to Lodi Township
- Ten (10) copies of the Preliminary Site Plan Document drawings
- Natural Features Statement of Impact, Protection, Mitigation
- Traffic Impact Study by Fleis & Vanderbrink, dated October 6, 2020
- Owner Signature authorization letters - two (2) signed

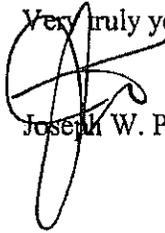
Also included for your information is a copy of the 2004 Zoning Ordinance and the relevant R-3 Ordinance, Article 22.0 associated with this submittal. We look forward to your earliest review and processing of this Site Plan.

CONLIN, MCKENNEY & PHILBRICK, P.C.

October 12, 2020
Page 2

If you have any questions or concerns regarding this submittal, please feel free to contact me directly.

Very truly yours,



Joseph W. Phillips

JWP/dmw
Enclosures
cc: Gilbert "Buzz" Silverman, Applicant
Matthew Bush, Atwell

H:\JWP\SILVERMAN COMPANIES\LETTERS\CHARTER TWP 10.12.2020.2.WPD

LAW OFFICES OF

CONLIN, MCKENNEY & PHILBRICK, P.C.
350 SOUTH MAIN STREET, SUITE 400
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October 12, 2020

Christina Smith, Township Clerk
Charter Township of Lodi
3755 Pleasant Lake Road
Ann Arbor, MI 48103
Attn: Don Pennington, Planning Consultant

Re: Arbor Preserve North – Preliminary Site Plan

Dear Mr. Pennington:

Please find enclosed the required documentation for the submittal of a Preliminary Site Plan, in accordance with your Site Plan Review ordinance. As you will recall, the subject property obtained a Consent Judgment dated February 13, 2007, to allow the subject property to be developed in accordance with the R-3 Low Density Multiple-Family Residential District, as prescribed in the Township's 2004 Zoning Ordinance.

Accordingly, we are submitting the following documents for the Township's Planning Commission review and approval of the subject Preliminary Site Plan:

- Site Plan Application - signed by Gilbert "Buzz" Silverman, and notarized
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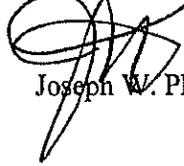
Also included for your information is a copy of the 2004 Zoning Ordinance and the relevant R-3 Ordinance, Article 22.0 associated with this submittal. We look forward to your earliest review and processing of this Site Plan.

CONLIN, MCKENNEY & PHILBRICK, P.C.

October 12, 2020
Page 2

If you have any questions or concerns regarding this submittal, please feel free to contact me directly.

Very truly yours,



Joseph W. Phillips

JWP/dmw
Enclosures
cc: Gilbert "Buzz" Silverman, Applicant
Matthew Bush, Atwell

H:\JWP\SILVERMAN COMPANIES\LETTERS\CHARTER TWP 10.12.2020.WPD

EXHIBIT E



Donald N. Pennington *Land Use Planning And Consulting*

5427 Pine View Drive Ypsilanti, Michigan 48197 734/485-1445 donpennington@comcast.net

PRELIMINARY SITE PLAN REPORT

Lodi Township Planning Commission

Arbor Preserve North and Arbor Preserve South

Report Date: December 7 , 2020

1. Description

1.01 Action Requested. Preliminary site plan approval for the Arbor Preserve North and Arbor Preserve South multiple-family housing developments.

1.02 Applicant. Red Equities LLC (Gilbert Silverman), 201 W. Big Beaver Road, Troy, MI 48084

1.03 Landowners. The subject parcels are currently under the ownership of multiple parties, some of whom have provided letters authorizing the application. None of the letters have been notarized:

	Parcel	Owner's Name	Authorized Application	Authorized Township to Enter the Site
A	M-13-01-300-007	Arie Staal	Yes	Yes
B	M-13-01-300-008			
C	M-13-01-300-009	Mary L. Staal	Missing	Missing
D	M-13-01-300-010			
?	M-13-01-200-005	Timothy E. McDaniel	Yes	Yes
		Verna J. McDaniel	Missing	Missing
I	M-13-01-300-011	Mohamed R. Baccouche	Missing	Missing
		Suzanne Baccouche	Yes	Yes
II	M-13-01-300-012	Hicham Bazzi	Yes	Yes
		Louma Bazzi	Missing	Missing
IV	M-13-01-300-014	Aref Saad	Missing	Missing
		Ada Saad	Missing	Missing
		Hani Bazzi	Missing	Missing
		Bamar Bazzi	Missing	Missing

1.04 Location. Two tracts of land (46.6 acres and 59.9 acres) in the southwest quarter of Section 1 and in the R-3 (Low Density Multiple-Family Residential) District.

2. Applicable Zoning Ordinance and Application Completeness

Consistent with direction from the Township Attorney, the Arbor Preserve North and Arbor Preserve South preliminary site plans dated 10/9/2020 have been reviewed for compliance with the applicable requirements and standards of the current Zoning Ordinance regarding the R-3 (Low-Density Multiple-Family Residential District) and adopted Township Master Plan.

2.01 The proposed projects are located within lands zoned R-3. Section 10.206 of the Zoning Ordinance provides an intent statement regarding the R-3 district which states, “ *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.*” The intent statement further states that, “*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.*”

- **Community well.** The applicant has proposed to utilize a community well system consisting of two (2) community wells at one (1) location at the rear of the Arbor Preserve South tract to provide potable water service and adequate water pressure for all required fire suppression systems. Water service would be extended to the Arbor Preserve North development through establishment of off-site easements to run the underground pipes through the adjacent Orchard Grove Manufactured Home Community. No information has been provided regarding impacts on the Orchard Grove’s own potable water system.

Use of a community well to serve dwelling units in a multiple-family residential development would be inconsistent with the adopted Township Master Plan’s policies under Residential Land Uses (Part 8) and the Infrastructure Plan (Part 12), and is prohibited by Section 40.21 (Multiple-Family Housing) of the Zoning Ordinance.

- **On-site wastewater treatment and disposal.** The applicant has proposed to utilize a private community wastewater treatment and disposal facility on the Arbor Preserve South tract to provide sanitary sewerage services to dwelling units in both Arbor Preserve tracts. The facility would directly discharge treated wastewater into the adjacent Rouse Drain. Service would be extended to the Arbor Preserve North development through establishment of off-site easements to run the underground pipes through the adjacent Orchard Grove Manufactured Home Community. No information has been provided regarding impacts on the Orchard Grove’s own wastewater treatment system.

Use of a private community wastewater treatment and disposal facility to serve dwelling units in a multiple-family residential development would be inconsistent with the adopted Township Master Plan’s policies under Residential Land Uses (Part 8) and the Infrastructure Plan (Part 12), and is prohibited by Section 40.21 (Multiple-Family Housing) of the Zoning Ordinance.

Regarding the above issues, the proposed projects are currently in conflict with Lodi Township’s Master Plan and Zoning Ordinance. If residential uses, as proposed by the applicant, are to be considered on the subject sites, the applicant

should investigate in what way municipal sewer and water services could be provided to the subject sites.

3. General Site Plan Review of the Proposed Projects

Following is an initial review of the two submitted projects as would be required per Section 44.08 (required Site Plan Information) of the Zoning Ordinance. Site plan documentation provided by the applicant appears incomplete, missing, or may need additional clarification.

3.01 Missing Items or Items to be Addressed

Missing Items of Required Preliminary Site Plan Information	
Add a description of applicant's intentions regarding selling or leasing of dwelling units.	<input type="checkbox"/>
Add the gross dwelling unit density for each of these residential projects.	<input type="checkbox"/>
Add a schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units; and the gross and net lot areas per dwelling unit.	<input type="checkbox"/>
Add the number of anticipated on-site employees to the detailed use statement.	<input type="checkbox"/>
Revise the preliminary site plans to an engineer's scale not greater than 1:50, in addition to the overall composite sheet provided for clarity at a scale of 1:100.	<input type="checkbox"/>
Review and make corrections to the legend on the individual site plan sheets to ensure that all lines and symbols shown on the sheet are included and correctly displayed in the legend. It is noted that several sheets on both site plan sets contain inconsistencies or missing information.	<input type="checkbox"/>
Add the planned construction program and schedule for each development phase.	<input type="checkbox"/>
Add the locations of proposed outdoor waste receptacle enclosures (with size, elevation, and vertical cross-section showing materials and dimensions), or add notes addressing how trash disposal for the dwellings and the wastewater treatment facility will be handled.	<input type="checkbox"/>
Add the location, ground floor area, and height of each proposed structure, including residential buildings, wastewater treatment facility, and water tower or other utility structures.	<input type="checkbox"/>
Add the dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.	<input type="checkbox"/>
Revise the exterior building façade elevation drawings for all proposed dwellings and add elevation drawings of the proposed wastewater treatment facility and any structures related to the community wells, all drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.	<input type="checkbox"/>
Add the retaining wall height and materials, with fill materials and typical vertical sections.	<input type="checkbox"/>

3.02 Dwelling unit density. The following dwelling unit density-related details should be addressed as part of any revised preliminary site plan submittal:

- Per Section 30 (Dimensional Standards), any multiple-family housing development not served by a municipal water system and a municipal sanitary sewerage system [as defined in Article 2.0 (Definitions) of the Zoning Ordinance] is limited to a maximum dwelling unit density of 1.0 dwelling units per acre. The Arbor Preserve North and Arbor Preserve South developments, as proposed, appear to not meet the standards in Section 30.202.B.2. of the Zoning Ordinance for a reduced minimum of 6,700 square-feet of net lot area

per dwelling unit.

- The calculations of net lot area shown on the cover sheets for both site plan sets are incomplete and do not fully conform to the requirements of Section 30.204 (Density Regulations).

3.03 Occupancy/ownership details. A reference in the Project Narrative to “today’s diversified buyer group” appears to indicate that the dwelling units in the Arbor Preserve development are intended for purchase by a diverse (not diversified) group of individuals and families. However, no information has been provided on the site plans regarding the method by which these individual units will be created. The following occupancy/ownership-related details should be addressed as part of any revised preliminary site plan submittal:

- If the state Condominium Act will be used to establish marketable individual dwelling units for sale, then the preliminary site plan information will need to be revised to conform to all applicable requirements of this Act and Article 45.0 (Condominium Regulations) of the Zoning Ordinance.
- If a different method of occupancy or ownership (such as rental occupancy, lease-to-own, or a cooperative is planned, details will need to be provided on the plans and in the project narrative.

3.04 Vehicular access, parking, and loading requirements. The following vehicular access and parking-related details should be addressed as part of any revised preliminary site plan submittal:

- Revise the configuration, layout, and other internal vehicular access details for both Arbor Preserve tracts as needed to fully conform to the requirements of Section 54.17 (Private Road Regulations). If developed under the state Condominium Act, then the requirements of Sections 45.10.C. (Roads and Road-Rights-of-Way) and 45.10.D. (Blocks) will also apply.
- Add the proposed names for the new private roads to the site plans.
- It appears that insufficient space has not been provided between the multiple-family buildings and the near edge of the internal private road right-of-way to provide for parking of a vehicle in front of the unit without encroaching over the sidewalk. At a minimum, 25.0 feet of parking space in the driveway outside of this right-of-way will be necessary to accommodate the range of resident vehicles.
- Because of the density of driveway approaches and limited width of the internal roads, there do not appear to be provisions on either Arbor Preserve tract for necessary visitor parking. The proposed 16-foot driveway width appears insufficient to provide for two parking spaces in the driveway and the required barrier-free pedestrian access to the dwelling. This deficiency should be corrected either by providing additional on-street and/or off-street parking consistent with Article 51.0 (Off-Street Parking and Loading Regulations), or by widening the individual driveways to accommodate two spaces and the pedestrian access.
- For the wastewater treatment facility, add the missing barrier-free parking space

with dimensions, pavement markings, and signage; add the parking lot maneuvering aisle dimension and surface type; add the facility's loading area location and dimensions; and add typical cross-sections for the parking lot and loading area showing surface, base, and sub-base materials.

3.05 Setbacks and building separation. The following dimensional standard details should be addressed as part of any revised preliminary site plan submittal:

- Based on the 25.0-foot proposed building height noted on the cover sheets, the proposed building separation distances do not appear to conform to the requirements of Section 40.21.2 (Distances between Buildings) of the Zoning Ordinance for side-to-side and side-to-rear orientations.
- In all cases where the rear of any proposed multiple-family residential building faces towards the public roads or is adjacent to a perimeter lot boundary, sufficient area adjacent to the rear of each dwelling unit outside of required yard setbacks to accommodate the customary private outdoor area for each unit (including but not limited to any deck or patio improvement). This area needs to be identified with dimensions on any updated site plan.

3.06 Pedestrian access requirements. The following pedestrian access details should be addressed as part of any revised preliminary site plan submittal:

- In addition to the internal public sidewalks shown on the site plans on each side of the internal roads, a new public sidewalk is required to be added along the public road frontages of each tract of land with connections to the internal sidewalks.
- Per the requirements of Section 40.21.3. (Pedestrian Access), concrete sidewalks or paved pathways are required from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps. This requirement should apply to each dwelling unit and to any other occupied structures in the Arbor Preserve developments.
- Add a cross-section construction detail for the sidewalks to the site plans.

3.07 Recreation area requirements. Per the requirements of Section 40.21.4. (Recreation Areas), centrally and conveniently located passive or active recreation areas are required within each development outside of any required yard setbacks or required building separation areas and must be physically and visibly accessible to residents. The following recreation area details should be addressed as part of any revised preliminary site plan submittal:

- Add the dimensions and land area proposed to be occupied by each outdoor recreation area and include a description of the proposed improvements.
- Per the requirements of Section 44.10 (Phasing of Development), recreation area improvements should be required for each development phase of the Arbor Preserve North and South developments.

3.08 Building details. The following building-related details should be addressed as part of any revised preliminary site plan submittal:

- The floor plan layout detail for the individual residential units appears to not

appear to match the ground floor building footprints depicted for the proposed multiple-family residential buildings. This discrepancy should be corrected as part of any revised preliminary site plan submittal.

- Additional details are needed related to the proposed exterior façade and roofing materials to confirm compliance with the requirements of Section 40.21.5. (Compatibility).
- Add a scale and a building height measurement to the elevation drawings.

3.09 Natural features protection and preservation. The natural features inventory and evaluation provided for each Arbor Preserve tract is generally consistent with the preliminary site plan information requirements, with the exceptions noted below. The following natural features-related details should be addressed as part of any final site plan submittal:

- Revise the site plans to provide and protect the required minimum 25.0-foot wide open space setback area around the perimeter of all wetland areas subject to the requirements of Section 54.08.E. (Wetland Preservation Standards).
- The amount of cut and fill proposed on the site plans for both Arbor Preserve tracts seems extensive and appears to be incompatible with the goals of the Zoning Ordinance as expressed in the opening paragraphs of Section 54.08 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.”*
- The landmark tree inventory is incomplete and not fully consistent with the requirements of Section 54.08.I.2. (Landmark Tree Identification).
- Per Section 54.08.D.1., the inventory of regulated trees should be revised to include all trees in existence on each tract *“within the last five (5) years”* from the submitted site plan date of 10/9/2020. This would include the need to review available aerial photography and other available data to identify trees that existed on the sites in 2015 (prior to the 2016 brush-hogging).
- The evaluation of potential impacts from the development on threatened or endangered species is cursory in character and does not satisfy the minimum requirements of Section 54.08.K. (Preservation Standards for Threatened or Endangered Species Habitat).

3.10 Landscaping requirements. A detailed landscape plan is not required at the preliminary site plan stage, but conceptual landscaping improvements have been provided. The 1:100 scale of the site plans and scope of information provided are insufficient to allow for a complete review of the conceptual landscaping. The following landscaping-related details will need to be addressed as part of any final site plan submittal:

- Landscaping strips are required along the entire width of each Arbor Preserve tracts frontage on a public road right-of-way in compliance with the requirements of Section 30.203.D. (Landscaping Strip).
- Parking lot landscaping is required around the wastewater treatment facility’s parking lot and any off-street guest parking lots in compliance with Section

55.09.E. (Parking Lot Landscaping and Perimeter Screening).

- Screening is required around the wastewater treatment facility's loading area and any ground equipment shelters, ground-mounted transformers, generators, HVAC units, and similar facilities in compliance with Section 55.09.F. (Loading, Storage, and Service Area Screening).
- Retention/detention area landscaping is required to conform to the requirements of Section 55.09.G. (Landscape Design and Buffering for Stormwater Management Facilities).
- The arrangement of street trees along the margins of the internal streets should be revised as needed to conform to the requirements of Section 45.10.G. (Trees) under the condominium regulations.

4. Conclusion

Based upon review at this time, the Arbor Preserve North and Arbor Preserve South preliminary site plan applications, as submitted, are not ready for comprehensive Planning Commission review and action due to inaccurate and incomplete information and multiple violations of applicable Zoning Ordinance requirements.

The applicant has the option to address Zoning Ordinance violations and prepare updated and complete preliminary site plans for any resubmittal and further review prior to any Planning Commission action. Also, it is recommended that each individual property owner be required to provide a notarized authorization for the applications to the Township.

Respectfully submitted,

Donald N. Pennington
Township Planning Consultant

This report is made to the Planning Commission and is the property of Lodi Township. The report addresses the completeness of the application and issues of concern. While reports may be provided to applicants and may be helpful to them, the report is not generated for the applicant and does not necessarily address all items that may be raised by the Commission or required by the Zoning Ordinance. The report is not binding upon the Township, and final authority to determine all matters, including completeness of application, remains with the Planning Commission and Township Board of Trustees. In all cases, it is the responsibility of the applicant to carefully review the Zoning Ordinance and Master Plan, and to ensure that all requirements have been met.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

RED EQUITIES, LLC, a Michigan
limited liability company,

Plaintiff,

Case No. 05-001086-NZ

v

Hon. Archie C. Brown

LODI TOWNSHIP, a Michigan
municipal corporation,

Defendant.

Joseph W. Phillips (P34063)
Conlin, McKenney & Philbrick, P.C.
Attorneys for Plaintiff
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7577 US Highway 12, Suite A
Onsted, MI 49265
(517) 467-4000; Fax: (517) 467-4044
lucas@lucaslawpc.com

EXHIBITS F THROUGH G TO
PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE WHY
DEFENDANT LODI TOWNSHIP SHOULD NOT BE HELD IN CONTEMPT
FOR VIOLATION OF CONSENT JUDGMENT

EXHIBIT F

ARTICLE 22.0
R3-LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 22.01-PURPOSE

This district is composed of those areas of the Township whose principal use is or ought to be multiple family dwellings. The regulations of this district are designed to permit a low density of population and a low intensity of land use in those areas which are served by a public water supply system and a public sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, compliment or serve such a density and intensity. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principle use of this district.

SECTION 22.02-PERMITTED USES

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

- A. Single-family dwellings and any uses, buildings or structures accessory thereto.
- B. Two-family dwellings and any uses, buildings or structures accessory thereto.
- C. Multiple-family residences (SECTION 54.02 A).
- D. A home office.
- E. A sign, only in accordance with the regulations specified in ARTICLE 53.0.
- F. A planned unit residential development, only in accordance with the procedures and regulations specified in Article 42.0.

SECTION 22.03-SPECIAL USES

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

- A. Golf courses, but not including golf driving ranges.
- B. Country clubs, public swimming pools, and recreation clubs, public and private parks and playgrounds.
- C. Churches and public buildings.
- D. Public and private nurseries; primary and secondary schools, business schools, colleges and universities.
- E. Medical, dental clinics.
- F. Funeral establishments.
- G. Hospitals, nursing homes, sanitariums.
- H. Public utility structures.
- I. Home occupation.

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Article: 22.0 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT**SECTION 22.04-REGULATIONS**

The following regulations shall apply in all R-3—Low Density Multiple-Family Residential Districts;

- A. LOT AREA**-The minimum lot area for a lot occupied by a single-family dwelling shall not be less than twenty thousand (20,000) square feet. A lot occupied by a two-family dwelling shall not be less than thirty thousand (30,000) square feet. Lot acreage shall be exclusive of public and/or private road rights-of-way. No lot shall exceed a 1:4 width to depth ratio.

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

1. For each dwelling unit having no bedroom, the minimum lot area shall not be less than four thousand (4,000) square feet.
2. For each dwelling unit having one (1) bedroom, the minimum lot area shall not be less than five thousand (5,000) square feet.
3. For each dwelling unit having two (2) bedrooms, the minimum lot area shall not be less than five thousand six hundred (5,600) square feet.
4. For each dwelling unit having more than two (2) bedrooms, the minimum lot area shall not be less than five thousand six hundred (5,600) square feet for the first two bedrooms and one thousand one hundred (1,100) square feet for each additional bedroom in excess of two. Provided further that every structure(s) that has three (3) or more dwelling units shall not have a lot area less than one (1) acre.

- B. LOT WIDTH**-The minimum lot width shall not be less than the following:

1. For a single-family dwelling, the minimum lot width shall not be less than seventy (70) feet.
2. For a two-family dwelling, the minimum lot width shall not be less than one hundred (100) feet.
3. For a multiple dwelling structure, the minimum lot width shall not be less than one hundred and twenty-five (125) feet.

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

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

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

1. **Front Yard**-The minimum setback shall not be less than one hundred (100) feet from the center-line of the road.
2. **Side Yards**-The minimum width of either yard shall not be less than fifteen (15) feet, but the sum of the two side yards shall not be less than thirty-five (35) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than the front yard requirement.
3. **Rear Yard**-The minimum setback shall not be less than thirty-five (35) feet.

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

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

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following minimum distances between each said dwelling:

1. Where buildings are front to front or front to rear, three (3) times the height of the taller building, not less than fifty (50) feet;
2. Where buildings are side to side, one (1) time the height of the taller buildings but not less than eighteen (18) feet; and
3. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than thirty-five (35) feet.

In applying the above standards, the front of the building shall mean that face of the building having the greatest length; the rear is that face opposite the front. The side is the face having the smallest dimension.

- H. **REQUIRED OFF-STREET PARKING**-As required In ARTICLE 51.0.
- I. **PLANNING COMMISSION REVIEW OF A SITE PLAN**-As required in ARTICLE 54.0, SECTION 54.04.
- J. **STANDARDS**-As required in ARTICLE 55.0, SECTION 55.02.
- K. **PRESERVATION OF ENVIRONMENTAL QUALITY**-As specified in ARTICLE 55.0, SECTION 55.08.

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EXHIBIT G

**ARTICLE 55.0
SUPPLEMENTAL REGULATIONS AND STANDARDS**

SECTION 55.01-PURPOSE

Schedules of Specifications, Regulations and Standards governing land uses have been incorporated in this Ordinance for each zoning district. There are, however, at times some unusual conditions attendant on land uses and zoning classifications which justify elaboration and particularization in the application of these specifications, regulations, and standards.

SECTION 55.02-STANDARDS

No use, which because of potentially hazardous or objectionable features inherent in its exercise, shall be commenced or continued prior to the issuance of a Special Use Permit; and no such permit shall be issued prior to inspection and favorable recommendation by the Township Board. The applicant for a Special Use Permit under this Section shall certify in each alleged hazardous or objectionable feature, respectively, that the proposed use can and will comply to the provisions of this Ordinance, including the Standards herein declared. Such certification shall be verified by the Township Board. The verification shall be based on an independent inspection.

- A. **FIRE HAZARD**-Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- B. **RADIOACTIVITY OR ELECTRICAL DISTURBANCE**-No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. **VIBRATION**-No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
- D. **SMOKE**-Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- E. **ODORS**-No malodorous gas or matter shall be permitted which is offensive, or as to produce a public nuisance or hazard on any adjoining lot or property.
- F. **AIR POLLUTION**-No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- G. **GLARE**-No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- H. **WATER POLLUTION**-Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Commission, the Michigan Water Resources Commission, and the Washtenaw County Health Department.
- I. **NOISE**-Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

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SECTION 55.03-SEWAGE TREATMENT AND DISPOSAL

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall approve the treatment of all buffer strips.

SECTION 55.04-STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

- A. On any lot or parcel in any conservation-recreation district, agricultural district, residential district or commercial district, the owner or tenant shall locate such materials within a completely enclosed building, but not for hire or for business.
- B. On any lot or parcel in any industrial districts, the owner or tenant shall locate and store such materials, whether or not for hire or for business:
 - 1. Within a completely enclosed building; or
 - 2. Within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- C. The storage of materials and inoperative vehicles with current and valid license plates may be made to conform to the regulations of this ordinance or shall be removed by the land owner within. If the land owner fails to remove a nonconforming use, it may be deemed a violation of the Ordinance and subject to the penalties provided for in this Ordinance.

SECTION 55.05-VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

SECTION 55.06-ACCESS TO PUBLIC STREET

- A. In any zoning district every use, building or structure established after the effective date of this Ordinance, shall be on a lot or parcel that adjoins a public road or private road. A private road shall be constructed in accordance with the standards and specifications within Section 55.17 of this Ordinance. The area of a public or private road easement shall not be included in the minimum required area of the lot.
- B. The width of lots fronting on a cul-de-sac shall not be less than fifty (50) feet at the road right-of-way line. The number of parcels and/or access points established for single family parcels fronting on the circumference of a cul-de-sac shall not exceed five (5). All other lots shall have a lot width, measured at the setback line not to be less than specified within the zoning district it is located.

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- C. In AG, R-1 and PUD districts a shared driveway serving two parcels, having access to a public or private roadway, may be allowed if constructed on a permanent, unobstructed easement in accordance with the standards and specifications contained within this Ordinance and approved by the Lodi Township Board. All parcels having access via a shared driveway shall maintain minimum lot width of the district in which located at the designated setback line of the parcel. No lot may have more than one driveway easement. When such driveway easements are shared, such easement shall not be included in determining and computing lot width or lot area as defined herein.

All shared driveways shall be maintained, unobstructed, safe, and provide continuous access to and from lots to promote and protect the health, safety, and welfare of the public and provide a safe means of access for ingress and egress for emergency, fire, and police vehicles from the public/private road to the single family dwelling units.

Shared driveways shall extend no greater distance than 1,500 feet from the center line of a public or private street.

- D. Two (2) or more contiguous parcels of commercially zoned land that are developed as a shopping center, may share a driveway easement, said easement being a minimum of 66 feet wide and the drive paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.

SECTION 55.07-BULK REGULATIONS

- A. **CONTINUED CONFORMITY WITH BULK REGULATIONS**-The maintenance of setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or structure is in existence. Furthermore, no setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area per dwelling unit allocated to or required about or in connection with one lot, use, building or structure may be allocated to any other lot, use, building or structure.
- B. **DIVISION OF A LOT**-No one (1) lot, once designated and improved with a building or structure, shall be reduced in area or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all the bulk and yard regulations of the zoning district in which it is located.
- C. **SETBACKS AND YARD REQUIREMENTS**-The setback and yard requirements established by this ordinance shall apply uniformly in each zoning district to every lot, building or structure except, notwithstanding any other provision of this Ordinance, that any of the following structures may be located anywhere on any lot: open and unroofed terraces, patios, porches and steps, awnings, flag poles, hydrants, laundry-drying equipment, arbors, trellises, recreation equipment, outdoor cooking equipment, sidewalks, private driveways, trees, plants, shrubs, and hedges, solid fences, screens or walls less than four (4) feet in height; fences, screens or walls having at least fifty (50) percent of their surface area open when viewed from the perpendicular; and light poles; provided that on a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (1/2) feet and eight (8) feet above the center-line grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection.
- D. **HEIGHT**-The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance subject to the provisions of Special Uses, ARTICLE 50.0; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, high tension power lines and support structures, radio and television broadcasting and receiving antennae, silos, parapets, and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of Lodi Township, the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

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SECTION 55.08-NATURAL FEATURES

A. Natural Features Protection and Preservation Requirements.

1. Purpose

An essential part of the character and quality of life in Lodi Township and the surrounding region is the variety of natural features that remain largely undisturbed by land development in the Township. As the Township's General Development Plan specifies, the policy of the Township is that these natural features need to be protected and preserved to the maximum extent possible when land is developed. The protection and preservation of natural features will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy. The purpose of this Section is to establish procedures and standards to protect and preserve these natural features.

2. Definitions

- a. **Critical Root Zone**-The circular area surrounding a tree which is considered to contain tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's DBH in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12-inch DBH tree has a radius of 12 feet.
- b. **Diameter at Breast Height (DBH)**-Diameter of a tree measured four feet above the existing grade.
- c. **Groundwater recharge area**-An area with a highly permeable natural surface which allows the rapid percolation of surface precipitation to groundwater, replenishing the groundwater.
- d. **Landmark Tree**-Any tree that has a DBH of 24 inches or greater, or that is of a type and DBH equal to or greater than shown on the Landmark Tree List in subsection (H).
- e. **Natural Features**-Natural features shall include soil, wetlands, floodplains, water course and channels, topography, trees and other types of vegetative habitat, threatened or endangered species habitat, groundwater recharge area, landmark trees, woodlands, and geologic formations (including steep slopes).
- f. **Overlapping natural features**-More than one natural feature, as defined within this section, that occupy the same area.
- g. **Steep slope**-A naturally occurring landform with a vertical change in elevation of eight feet or more, a slope of 12 percent or more, and a length of 30 feet or more measured parallel to the contour lines.
- h. **Tree, Replant**-Trees existing at a specified location where site alteration or disturbance is proposed to take place that can be moved from their natural or preexisting location to an intended location on the same defined site.
- i. **Tree, Replacement**-Trees that are brought to a specific site from another location not originating on the same site.
- j. **Threatened or Endangered Species Habitat**-The habitat necessary to maintain the existence of those plants and animals listed pursuant to law on the current federal and state lists of endangered, threatened, or special concern species.
- k. **Water Course**-Any naturally occurring open waterway, river, stream, creek, lake, or any body of surface water having well-defined banks and bed, whether continually or intermittently flowing.

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Watercourse does not include lakes, ponds, streams, ditches, or detention or retention basins constructed, approved, or established by the County.

1. **Woodland**-A forested area of ½ acre or more, containing 20 trees per ½ acre greater than 6 inches in diameter at breast height (DBH), or ½ acre or more with a minimum average DBH of 10 inches. The critical root zone of all trees on the perimeter of the forest area of plantation defines the area of a woodland.

B. Preservation of Environmental Quality

The following provisions shall apply:

1. In any zoning district no river, stream, water course or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person except as provided in ARTICLE 54.0 and conforming to Section 55.08 of this Ordinance. Applicant shall submit to the Township Planning Commission a site plan and required data, exhibits and information as required.
2. No street, parking area or driveway shall be constructed or placed on any land area having a degree of slope of twenty (20) percent or greater as measured along the incline ground surface with a vertical change in elevation of eight feet or more, and a length of 30 feet or more measured parallel to the contour lines.
3. No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river or stream except in conformance with the following:
 - a. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965; and
 - b. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as required in ARTICLE 54.0 and conforming to Section 55.08 of this Ordinance.
4. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except in conformance with the following: if any marsh, swamp or wetland is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as provided in ARTICLE 54.0, and conforming to Section 55.08 of this Ordinance and state and federal law.

C. Wetland and Water Course Setbacks.

1. **Intent and Purpose**-Prior to the commencement of construction of any structure, building, or any land alteration on a site in any zoning district that contains a wetland and/or water course or where the site abuts, adjoins, or is adjacent to a wetland or water course, a permanent setback shall be established. The setback shall run parallel to the edge of a wetland or water course, and shall be of a width determined as follows:
 - a. A minimum setback of twenty-five (25) feet shall be established and maintained to those wetlands one acre in size or less. The setback shall be measured outward 25 feet from the edge of a wetland determined in accordance with part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and the Administrative Rules thereunder, as amended.
 - b. A minimum setback of fifty (50) feet shall be established and maintained to those wetlands greater than one acre in size. The setback shall be measured outward 50 feet from the edge of a wetland determined in accordance with part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and the Administrative Rules thereunder, as amended.

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- c. In all RC-- Recreation/Conservation districts, a minimum setback of one hundred (100) feet shall be maintained from the edges of all wetlands and the highwater marks of all water courses determined in accordance with subsection 1 and part 301 of the Natural Resources and Environmental Protection Act, 1994 PA 451 and the Administrative Rules thereunder, as amended.
 - d. In all other districts, a minimum setback of fifty (50) feet shall be established and maintained from the highwater mark of a watercourse determined in accordance with part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and the Administrative Rules thereunder, as amended.
 - e. The setback shall remain permanently undisturbed and in its natural condition with natural vegetation.
2. **Exemptions**-If and to the extent the Township is prohibited by its ordinances and/or law from regulating wetland and water course natural features setbacks, regulation under this section shall be exempted. In addition, the following activities shall be exempted, provided, it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
- a. Installation of a fence within a setback area.
 - b. Maintenance of previously established lawn areas.
 - c. Grading and filling necessary in order to conform with express requirements recommended by the Township Engineer.
 - d. Planting of trees and other vegetation, but not the use of fertilizer.

D. Natural Features Statement of Impact, Protection, and Mitigation

1. When activity requiring site plan review or PUD approval under this zoning ordinance involves the development of land containing natural features, that currently contains natural features or has contained natural features within the last 2 years, a Natural Features Statement of Impact, Protection, and Mitigation shall be submitted to the Township Planning Commission. The following information shall be provided in the Natural Features Statement of Impact, Protection, and Mitigation:
- a. A site inventory and map identifying the location of existing natural features and containing a written description of their quality, character, and health. The map shall clearly show the locations and types of all existing natural features on the site and extending 100 feet beyond the property lines.

The inventory shall include a scaled drawing (one (1) inch shall not exceed 100 feet) which provides the following information: location of all protected trees existing or that have been removed within the last two years (i.e., trees having six (6) inches or greater D.B.H.) plotted by accurate techniques, and the common or botanical name of those trees and their D.B.H.
 - b. A natural features protection plan identifying natural features to be preserved.
 - c. For all other natural features identified pursuant to subsection (a) that are proposed to be removed or disturbed rather than preserved, a report containing the following information:
 - i. Alternative plans that were considered which would limit the proposed disturbance or removal of natural features on and adjacent to the site.
 - ii. Justification for the course of action proposed, including an explanation of why the proposed disturbance or removal is the minimum necessary to reasonably accomplish the permitted use.

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- iii. A mitigation plan, consisting of a written and graphic description of the measures proposed to mitigate the proposed removal or disturbance of natural features, that complies with the requirements of subsection (D).
2. No person shall conduct any activity for which an approved preliminary or final site plan is required under this article unless a Natural Features Statement of Impact, Protection, and Mitigation for the activity has also been recommended by the Township Planning Commission and approved by the Township Board. When recommended by the Township Planning Commission and approved by the Township Board, a Natural features Statement of Impact, Protection, and Mitigation for a development shall be incorporated into and considered part of the preliminary and/or final site plan for the development and shall be enforceable as such.

E Mitigation of Natural Features

1. The following mitigation measures, as applicable, shall be provided for in the Natural Features Statement of Impact, Protection, and Mitigation for all natural features proposed to be removed or disturbed:
 - a. **Wetlands**-shall be mitigated as provided pursuant to any state or federal permit issued for the wetlands activity and protected by compliance with all setback and setback zone requirements of this Ordinance.
 - b. **Water bodies, channels, and floodplains**-shall be mitigated to provide no net loss of flood storage capacity and shall comply with any conditions of a valid permit from the Michigan Department of Environmental Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, and the administrative rules thereunder, as amended, and protected by compliance with all setback and setback zone requirements of this Ordinance.
 - c. **In groundwater recharge areas**, any land use which will result in the coverage of more than 30% of a lot or parcel of land with structures and/or parking or storage areas with impervious surfaces shall be designed and constructed in such a way that all run-off water 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.
 - d. **Landmark Trees and Woodlands**-shall be replanted or replaced according to the following requirements:
 - i. Replacement trees shall have natural habitat characteristics comparable to the removed trees, be Michigan State Department of Agriculture Nursery Grade No. 1 or better and non-sterile varieties, and must be inspected and approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and shall be guaranteed for survival for two years at the responsibility and expense of the property owner. If more than 20 replacement trees are required, a mixture of three or more species shall be used.
 - ii. Replacement trees, excluding designated land mark trees as described within this Ordinance, may be provided from on-site via transplanting if they meet the requirements of the preceding subsection.
 - iii. All replacement trees shall have a diameter at breast height (DBH) or height as follows: For deciduous trees, replacement shall be on a total caliper basis, with the total calipers of replacement trees equal to the DBH of the tree(s) being replaced. For example, a tree with a 12 inch DBH shall be replaced with trees with an aggregate of calipers totaling 12 inches. All replacement deciduous trees must have a minimum DBH of two and one half

(2 ½) inches. Conifers shall be replaced on a total height basis, with the total height of the replacement trees equal to the height of the trees being replaced. The minimum size of a replacement conifer shall be four feet.

- e. **Steep slopes:** Disturbed areas of steep slopes shall approximate the natural terrain and be planted with native vegetation at the completion of construction. No new drainage may be directed over areas of disturbed slope. No development shall be permitted on slopes greater than 20 percent and a length of 30 feet or more measured parallel to the contour lines.
 - f. **Threatened or Endangered Species Habitat:** Such habitat shall be mitigated in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.
2. In cases where providing mitigation will cause undue hardship, the applicant may request relief from the Planning Commission as part of the site plan review process. Relief will only be granted when the applicant provides evidence supporting all of the following findings:
- a. The hardship is exceptional and peculiar to the property and results from conditions which do not exist generally throughout the township and region.
 - b. The condition upon which the requested relief is based is not a self-imposed or created hardship.
 - c. The relief to be granted is the minimum amount necessary to allow a reasonable, economically viable use of the land.

E. Protection of Natural Features During Construction

Natural features that are identified in the Natural Features Statement of Impact, Protection, and Mitigation as features to be preserved shall be protected during construction as follows:

- 1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:
 - a. At the limits of soil disturbance adjacent to natural features.
 - b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.
 - c. At the edge of the natural features identified to be protected under this regulation and in compliance with the required exterior limits of natural features setbacks as defined within this Ordinance
- 2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.
- 3. Temporary construction fencing shall be maintained in place in good condition until it is authorized to be removed by the Township.
- 4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity within three years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan or plat shall be replaced by the applicant in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees which are damaged, dead, or dying, the applicant shall post security in the form of cash, surety bond, or letter of

credit in an amount calculated to cover the cost of the total replacement. The security shall be deposited with the Township Clerk prior to the issuance of a certificate of occupancy, or within 20 days after written notice to the property owner that the township has determined that replacement of a landmark tree will be required under this subsection.

G Review Criteria for Natural Features Statement of Impact, Protection, and Mitigation

1. 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 review process after it determines that all of the following requirements have been met:
 - a. The Natural Features Statement of Impact, Protection, and Mitigation accurately and completely identifies all natural features on, and within 100 feet of, the property covered by the site plan.
 - b. The contemplated development would comply with all applicable state, local and federal law, ordinances, standards, and regulations.
 - c. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety, or welfare.
 - d. 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 or, in the case of wetlands, the development is permitted under applicable state or federal laws and regulations.
2. 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:
 - a. 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.
 - b. The existence of overlapping natural features in one area. Overlapping natural features increase the importance and overall value for preservation of an area.
 - c. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.
 - d. The amount of disturbance in relation to the scale of the proposed development and to that permitted under this Zoning Ordinance.
 - e. The adequacy of the mitigation plan.

H Landmark Tree Chart

Trees that have a DBH of 24 inches or greater, or that are of a type and corresponding DBH equal to or greater than shown on the following chart are considered Landmark Trees:

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Common Name	Scientific Name	DBH
Ash	Fraxinus spp. (not cultivars)	18 inches
Basswood	Tilia spp.	18 inches
Beech	Fagus spp.	18 inches
Buckeye (horse chestnut)	Aesculus spp.	18 inches
Cedar of Lebanon	Cedrus spp.	18 inches
Cherry, Black	Prunus serotina	18 inches
Elm (Excluding American Elm)	Ulmus spp. (except pumila)	18 inches
Fir	Abies spp.	18 inches
Fir, Douglas	Pseudotsuga menziesi	18 inches
Kentucky Coffee Tree	Gymnocladus dioicus	18 inches
Maple, Silver	Acer saccharinum	18 inches
Pine	Pinus spp.	18 inches
Spruce	Picea spp.	18 inches
Sycamore: London Plane	Platanus spp.	18 inches
Tuliptree	Liriodendron tuliperifers	18 inches
Walnut, Black	Julans nigra	18 inches
Hickory	Carya spp.	16 inches
Honey Locust	Gleitsia triacanthos	16 inches
Maple	Acer spp. (unless otherwise noted)	16 inches
Oak	Quercus spp.	16 inches
Arbor vitae	Thuja occidentalis	12 inches
Bald Cypress	Taxodium distichum	12 inches
Birch	Betula spp.	12 inches
Black Tupelo	Nyssa sylvatica	12 inches
Cherry, Flowering	Prunus spp.	12 inches
Crabapple (cultivar)	Malus spp.	12 inches
Dawn Redwood	Metasequiia glyptostroboides	12 inches
Eastern Hemlock	Tsuga canadensis	12 inches
Ginkgo	Ginkgo biloba	12 inches
Hackberry	Celtis occidentalis	12 inches
Hawthorn	Crataegus spp.	12 inches
Larch/Tamarack	Lrix spp.	12 inches
Pear	Pyrus spp.	12 inches
Persimmon	Dispyros virginiana	12 inches
Populus	Populus (except deltoides, alba)	12 inches
Sassafras	Sassafras albidum	12 inches
Sweetgum	Liquidambar styraciflua	12 inches
Yellow Wood	Cladrastis Lutea	12 inches
Cedar	Juniperus spp. and upright cultivara	8 inches
Eastern Redbud	Cercis canadensis	8 inches
Dogwood, Flowering	Cornus florida	8 inches
Hornbeam, Blue Beech	Carpinus spp.	8 inches
Ironwood	Ostrya virginiana	8 inches
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	8 inches
Pawpaw	Asimino triloba	8 inches
American Chesnut	Castanea dentata	6 inches
Butternut	Juglans cinerea	6 inches

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SECTION 55.09-GREEN BELT BUFFER

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such a property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an attractive six (6) foot masonry wall may be built and adequately maintained in lieu of a greenbelt.

A greenbelt, minimum width of twenty (20) feet, shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting, provided their equal in characteristics is used.

SPACING

1. Plant materials shall not be placed closer than three (3) feet from the fence line or property line.
2. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than three (3) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Treelike shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

PLANT MATERIALS

		<u>Minimum Size (In height/feet)</u>
1)	Evergreen Trees (a) Juniper (b) Red Cedar (c) White Cedar (d) Pines	Five (5)
2)	Narrow Evergreens (a) Pyramidal Arbor Vitae (b) Columnar Juniper (c) Irish Juniper	Three (3)
3)	Treelike Shrubs (a) Flowering Crabapple (b) Russian Olive (c) Mountain Ash (d) Dogwood (e) Redbud (f) Rose of Sharon	Four(4)
4)	Large Deciduous Shrubs (a) Honey Suckle (b) Viburnum (c) Mock Orange (d) Forsythia	Six(6)

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- (e) Lilac
- (f) Ninebark

- 5) **Large Deciduous Trees** Eight (8)
- (a) Oak
 - (b) Hard Maple
 - (c) Ash
 - (d) Hackberry
 - (e) Sycamore

TREES NOT PERMITTED

- 1) Box Elder
- 2) Soft Maple
- 3) Elms (American)
- 4) Poplar
- 5) Allanthus (Tree of Heaven)
- 6) Willow

A bond or cash of an amount equal to five dollars per lineal foot of required greenbelt shall be deposited with the Township Clerk until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said greenbelt or the Township shall be authorized to use said funds to install said greenbelt.

In all cases, however, the Township shall be authorized to withhold ten (10) percent of bond or cash for a period of two (2) years from date of issuance to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

SECTION 55.10-SANITARY SEWAGE FACILITIES

No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of the Washtenaw County Environmental Health Department. If no public sewer is available, each dwelling shall have an independent on site septic system.

SECTION 55.11-SITE CONDOMINIUM REVIEW

- A. Approval Required-**Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.
- B. General Requirements**
- 1. No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. However, the Planning Commission may, at its discretion, and with appropriate conditions attached, authorize the Building Inspector to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion and expandable condominiums.
 - 2. If a building, structure, or use to be placed on a condominium lot requires site plan approval under Section 54.02 herein, a site plan for that building, structure or use shall be approved in accordance with Section 54, herein, before a certificate of zoning compliance may be issued.
 - 3. The Planning Commission shall have the authority to review and approve or deny preliminary site plans for site condominiums in accordance with Article 54.03, herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. Preliminary and final site plans shall not be combined for site condominium projects.

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4. If the Planning Commission grants preliminary site plan approval it shall transmit one copy of the preliminary plan to the Subdivision Advisory Committee and it shall transmit information to the Superintendent of Schools of the School District in which the subdivision is to be located.
5. The Planning Commission shall have the authority to review and approve or deny final site plans for site condominiums in accordance with Article 54.0, herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. The Planning Commission shall review the plan for compliance with the standards of the Zoning Ordinance, the Condominium Act, and all applicable Federal, State, and local laws. The comments of the Subdivision Advisory Council and the School District shall be considered by the Planning Commission when reviewing the final site plan.
6. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.
7. Each condominium unit shall be located within a zoning district that permits the proposed use.
8. For the purposes of this Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
9. Each condominium unit shall be connected to the Township's water and sanitary sewer facilities where available, or shall have a well, septic tank, and drainfield approved by the County Health Department where Township water and sanitary sewer services are not available. The well, septic tank and drainfield serving a condominium unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning petition.
10. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.
11. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.
12. All information required by this Ordinance shall be updated and furnished to the Zoning Inspector until applicable certificates of zoning compliance have been issued, as provided in Section 57.04, herein.

C. Preliminary Site Plan Requirements

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in Section 54.03, herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.

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D. Final Site Plan Requirements

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
3. A final site plan shall include all information required by the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 54.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until each County or State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

E. Revision of Condominium Subdivision Plan

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

F. Amendment of Master Deed or Bylaws

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

G. Design and Development Standards

1. **General**-The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply.
2. **Streets**
 - a. **Street Layout:** Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the standards of the Washtenaw County Road Commission. Private streets shall be developed to the standards and specifications of Section 55.17 of this Ordinance. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper extension of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

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All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

- b. **Drainage**-All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.
 - c. **Alleys**-Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.
 - d. **Marginal Access Streets**-Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.
 - e. **Other Required Streets**-Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - f. **Special Treatment Along Major Streets**-When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
 - g. **Street Names and House Numbers**-Street names shall be approved in writing by the Saline Area Fire Department, Washtenaw County Road Commission, and appropriate post office jurisdiction. Generally no street should change direction by more than 90 degrees without a change in street name. Streets shall have names and not numbers or letters.
 - h. **Location for Utilities**-Utilities shall be located so as to best conform to the layout of existing facilities.
 - i. **Street Standards and Specifications**-Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.
3. **Blocks**-Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.
4. **Lots:**
- a. **Dimensions**-Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

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Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- i. Lots may back onto the above features, but shall be separate therefrom by a twenty (20) foot wide landscaped strip along the rear property line. The twenty (20) foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
- ii. Lots may face onto a marginal access street.
- iii. Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in Section 4(a)(1), preceding.
- iv. Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in Section 4(a)(1), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. **Lot Frontage**-Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. **Lot Lines**-Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.
- d. **Lots to be Buildable**-The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- i. A suitable site for placing a house without excess grading;
- ii. A usable area for outdoor living and other outdoor activities;
- iii. Adequate surface drainage away from the house site and outdoor living areas;
- iv. Reasonable driveway grades; and
- v. General site grading should be minimized with significant trees and other vegetation retained.

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- e. **Access-Driveways** and curb cuts shall conform to standards of the County Road Commission and the standards of all Township Ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
 - f. **Reserve Strip-** Privately held reserve strips controlling access to streets shall be prohibited, except as provided in Section 2 i), herein.
 - g. **Non-Residential Lots-**Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of the Zoning Ordinance.
5. **Pedestrian Ways and Sidewalks-**Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. **Natural Features-**The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.
7. **Uninhabitable Areas-**Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.
8. **Utilities**
- a. **Storm Drainage**
 - i. All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the standards of the Drain Commissioner and Lodi Township.
 - ii. Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.

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- iii. Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
 - iv. Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
 - v. Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
 - vi. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
 - vii. The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
 - viii. A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
 - ix. The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.
 - x. Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.
- b. **Water Supply Facilities**-Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

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c. Sanitary Sewerage Facilities:

- i. Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.
- ii. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of Lodi Township.
- iii. Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
- iv. If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.

- d. **Gas, Wire, and Cable Utilities**-All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, herein.

9. **Easements**-All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the site plan submitted for preliminary approval.
10. **Reservation of Public Use Areas**-Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per

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acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

11. **Mobile Home Subdivisions**-Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in Section G(2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with Section G(5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township Ordinances and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

12. **Commercial and Industrial Subdivisions**-Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this Ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading

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areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to Zoning Ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

13. **Planned Unit Development**-Developments in a PUD zoning district may be granted certain variances from this Ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.
14. **Soil Erosion and Sedimentation Control**-The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications.
15. **Trees**-Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this Ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this Ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

16. **Street Lights**-Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the

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development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

H Development Agreement

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

I Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

J Monuments shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

K Road rights of way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right of way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.

L All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

55.12-COMMERCIAL COMMUNICATION TOWERS**A. Purpose**

The intent of this Section is to permit the location of commercial communication towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety and character of nearby residential areas and the Township. It is further the intent of this Section to require collocation of transmission and receiving apparatus on existing towers, unless it can be demonstrated by the applicant that collocation is not technically feasible, and to require that new towers make provision for collocation of additional users wherever technically feasible. It is further the intent of this Section to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

B. Special Use Permit

- 1. Permit Required**-A commercial communications tower shall require the issuance of a Special Use Permit in accordance with the provisions of Article 50, Special Uses herein.
- 2. Application Inventory**-Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lodi Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants

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applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Lodi Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.

3. **Information Required**-In addition to any information required for applications for special use permits pursuant to Article 50 of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:
- a. A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Paragraph 2 above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - g. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
 - h. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
 - i. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - j. A description of the feasible location(s) of future towers or antennae within Lodi Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
 - k. An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
 - l. Name and location of communication tower manufacturer.
4. **Conditions of Approval**-In granting a special use permit, the Planning Commission may impose conditions

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to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower and/or antenna on adjoining or nearby properties, in addition to such conditions as are provided for in Article 50 Special Uses herein.

5. **Factors to Consider in Granting a Special Use Permit**-In addition to any standards for consideration of special use permit applications contained in Article 50 Special Uses herein, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce one (1) or more of these criteria if the Planning Commission determines that the goals of this Section are better served thereby:
 - a. Height of the proposed tower.
 - b. Proximity of the tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 5 below.

6. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology**-No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.

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- g. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

C. General Regulations

Commercial communication towers shall be subject to the following regulations:

1. **Collocation**-Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.
2. **Location of Towers**
 - a. No single tower shall be located within two (2) miles of another commercial communication tower. This requirement may be waived if the tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community. Additional communications apparatus can, however, be located on an existing tower or other structure capable of accommodating such apparatus.
 - b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential or Rural District, including any PUD District incorporating residential uses.
 - c. A tower shall have a minimum setback from all property boundaries equal to the height of the tower.
 - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
 - e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.
3. **Access**-Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
4. **Structural Design and Installation**
 - a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - c. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association,

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as amended. If, upon inspection, Lodi Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- d. Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
 - e. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
 - f. Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Special Use Permit shall be subject to revocation by the Township board. The operator of the tower shall bear the costs for testing and verification of compliance.
 - g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - h. The base of the tower shall occupy no more than five hundred (500) square feet.
 - i. All communications tower operators shall be required to provide to Lodi Township an annual report of total radiation output from all channels and all antennae on the tower from an independent contractor as recommended by the Township Engineer.
5. **Lighting**-Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
6. **Height**-Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
7. **Design**
- a. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.
 - b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or

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light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

8. **Fencing and Landscaping**-The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 55.09. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.
9. **Employees**-No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
10. **Site Plan Required**-The applicant shall submit a preliminary and final site plan in accordance with Article 54.0 Site Plan Review herein, and including details of tower lighting required and approved by the Federal Aviation Administration.
11. **Franchises**-Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Lodi Township.
12. **Engineering Certification**-Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.
13. **Not Essential Services**-Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
14. **Cessation of Operation**-The Township shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground, within twelve (12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Lodi Township requesting such removal shall be grounds for Lodi Township to remove the tower or the antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

55.13 IMPACT ASSESSMENT

- A. **Purpose**-The submission of an Impact Assessment is necessary to provide relevant information concerning the effects that a proposed project may have on the community, and to provide the data necessary for the Township of Lodi to make a rational determination on the request.

The Impact Assessment is required in order to explain the purposes of the request and to indicate what the proposal would add to the current Township's Land Use Development Plan. The Assessment shall evaluate the proposal's impact upon:

1. The natural environment of the area.
2. Traffic operations and safety.
3. Utilities and public facilities including storm sewers, sanitary sewers or water mains.
4. Recreation, school and public safety needs.

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5. Future land use of the surrounding area.
- B. When Required—An Impact Assessment shall be required and shall be submitted by a petitioner whenever the following matters are petitioned for consideration:**
1. Requests for zoning change when such request represents a departure from the land use proposed in the Township's Land Use Development Plan of land use applicable to the parcel in question.
 2. Any PUD, district shall require an Impact Assessment.
 3. All plats and site condominiums.
 4. When deemed necessary by the Planning Commission.
- C. Traffic Impact Study—A traffic impact study shall be submitted for a project under any of the following situations:**
1. All situations noted in B, above.
 2. Projects with frontage along major thoroughfares as designated in the Township Land Use Development Plan that would be expected to generate fifty (50) directional vehicle trips (i.e. 50 inbound or 50 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets.
 3. Projects that would be expected to generate one hundred (100) direction vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. (Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineer's (ITE) Trip Generation manual. The ITE data may be supplemented by actuate trip generation data from similar establishments in Michigan).
- D. Minimum Contents of Traffic Impact Study**
- The following shall be submitted to the Township Planning Commission for review and evaluation. The Planning Commission shall determine the applicability and/or necessity of the following items as they pertain to a specific project or rezoning request.
1. Existing conditions including existing daily and peak hour traffic volumes on adjacent street(s) . Intersections in the vicinity which are expected to be impacted as identified by the Township and a description of any site distance limitations along the site's right-of-way frontage. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data, would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The consultant performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study. Traffic data over one (1) year old will not be accepted unless the applicant can document that volumes have not changed more than two percent (2%).
 2. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent Institute for Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.

For requests for zoning change when such request represents a departure from the land use proposed in the Township Land Use Development Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Zoning Administrator.

3. For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on historic annual percentage increases and/or on expected development in the area.

Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed which may affect traffic operations for the subject site, as determined by the Township.
 4. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.
 5. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at all street intersections where the expected traffic will comprise at least five-percent (5%) of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township or Washtenaw County Road Commission.
 6. Traffic accident data covering the most recent three (3) years for intersections analyzed in the impact Study shall be summarized in collision diagrams. The Township may require traffic accident data if the segment of roadway adjacent to or near the subject site has experienced accident problems.
 7. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this Ordinance.
 8. An analysis of the potential need for bypass lanes or deceleration tapers/lanes including attachment of any correspondence by the Washtenaw County Road Commission.
 9. A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.
 10. Documentation of approval for size and location of fire lanes and emergency vehicle access by the Fire Department.
 11. A general description of pedestrian circulation on and across the roadways including any pedestrian facilities provided.
- E. The requirements set forth in this Section shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or any other Ordinance enacted by the Township or by other public agencies having jurisdiction.
- F. Fees for the review of Impact Assessments shall be established by resolution of the Township Board of Trustees.

SECTION 55.14-STORMWATER MANAGEMENT

Design and implementation of stormwater management shall be according to Washtenaw County Drain Commission specifications. A copy of the approved stormwater plan shall be included for every project requiring site plan review as specified within this Zoning Ordinance.

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All projects requiring hydrogeologic assessment shall be according to Washtenaw County Environmental Health Department requirements and specifications. When required, hydrogeologic assessments shall be part of the site plan review process as specified within this Zoning Ordinance.

SECTION 55.16-DRY HYDRANT

This section provides for a method of providing a frost-free access point for the transfer of water from a source, by pumping, into a transport vehicle or distribution system. Such access point shall be designed to connect to a remote water source that is accessible at a pumping point for filling tank trucks and pumper trucks engaged in fire control and protection. The following standards shall be provided:

- A. A minimum storage capacity of 10,000 gallons should be provided by the applicant for residential developments that are not served by a public water supply system. Additional storage of 2,000 gallons per residential lot in a residential development subject to the requirements of a plat or site condominium or per principal building should be provided. The Township Board, upon recommendation of the Fire Chief, may require additional storage capacity. Storage facilities may be ponds with dry hydrants, underground storage reservoirs, or other methods acceptable to the Fire Chief and Township Engineer. Where ponds are proposed for water storage the capacity of the pond should be calculated based on the lowest water level less an equivalent of four (4) feet of ice.
- B. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Chief and subject to the approval of the Township Engineer. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be a minimum of four (4) inches.
- C. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing road, an easement for access to and maintenance of the easement shall be provided. A suitable access way to the hydrant or other water source shall be constructed.
- D. Dry hydrants shall be placed so that they are protected against hazards imposed by traffic, farm operations, freezing temperatures, or soil cracking. Other means of protection shall be provided where the depth required for protection is impracticable due to shallow soils over rock or for other reasons. The location of the dry hydrant shall be such that it is not a hazard to traffic or persons, yet is easily accessible from the roadway.
- E. A long-term maintenance plan of the dry hydrant system shall be provided to the satisfaction of the Township Engineer.
- F. The Planning Commission may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision shall not permit their construction or installation and the Fire Chief has indicated in writing that alternate methods of fire protection are available.

SECTION 55.17-PRIVATE ROAD REGULATIONS**A. Purpose**

Lodi Township hereby finds that unobstructed, safe and continuous access to parcels is necessary to promote and protect the health, safety, and the welfare for the public through police and fire protection, and ambulance service. Lodi Township further finds that such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Lodi Township further finds that when public dedication is desirable or required, access to the interior of certain sections within Lodi Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Washtenaw County Board of Road Commissioners or other municipal corporations. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Section.

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B. General Requirements; Application Requirements.

1. Every parcel in Lodi Township shall either abut a road dedicated to the public, or a private road which meets the requirements of this Section. No parcel shall be improved with a building unless a Certificate of completion in accordance with this Section has been issued or abuts a public road.
2. No person shall construct, alter, or extend a private road without compliance with this Section and obtaining a Permit as hereinafter provided.
3. A pre-application meeting shall be held with appropriate Township consultants and officials prior to official submittal of the private road application to review general aspects of the proposed private road and Township requirements.
4. After the pre-application conference, the applicant of such parcel shall apply to the Township Clerk for a Permit, which shall consist of the following information:
 - a. A legal description of the right-of-way.
 - b. A legal description of each parcel to be served by the right-of-way.
 - c. The names and addresses of all persons or parties having an equitable interest or legal title to the parcels and right-of-way area.
 - d. A survey drawing showing the following:
 - 1) The outline of the proposed right-of-way and the dimensions and bearings of the parcels to be served.
 - 2) Existing topographic contours, at 1-foot intervals, of the right-of-way area and all adjacent land within 100 feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
 - 3) Soil characteristics and wet areas.
 - 4) Trees.
 - 5) Streams and all bodies of water within 100 feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
 - 6) Existing buildings within 100 feet of the proposed right-of-way.
 - 7) The proposed right-of-way in relation to the nearest property lines.
 - 8) The location of all proposed improvements in the right-of-way area.
 - e. Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions.
 - f. A complete statement of all the terms and conditions of the proposed right-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway.
 - g. A fee as established by resolution of the Township Board to defray the costs of plan review, administration, inspection and enforcement of this Section. An additional escrow will be required after permit approval as stated in 3d of this Section.

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- h. The application shall be signed by the applicant or agent thereof, if signed by agent, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the right-of-way or the abutting parcels and shall be made under penalties of perjury.
- i. All drawings shall be prepared by a Registered Land Surveyor or Civil Engineer, registered in the State of Michigan, and shall bear the seal of the same.
- j. In addition, the Applicant shall provide evidence that the proposed right-of-way will be built in conformance with
 - 1) The Township's Natural Features Protection and Preservation Requirements.
 - 2) The Township Natural Features Setback Use Regulation.
 - 3) The Washtenaw County Drain Commissioner's standards for stormwater retention and drainage facilities.

5. Permit Approval Procedure

- a. Upon receipt of ten copies of the completed private road application, the Township Clerk shall refer copies of the completed application and accompanying materials to the Township Engineer and other appropriate Township consultants for review and comment, and submit the application to the Planning Commission for a public hearing.
- b. The Township Engineer and other Township consultants shall report in writing to the Planning Commission as to whether or not the proposed right-of-way and roadway conform to the standards and specifications of this Section. Said reports may include any suggested conditions to be attached to the Permit, which are necessary to achieve the intent of this Section.
- c. After receipt of said reports, the Township Planning Commission shall hold a public hearing to consider the application, the Township consultants reports and all other relevant information in determining whether to grant the Permit application. If the information submitted by the applicant does not establish that the proposed right-of-way and roadway will conform to the standards and specifications of this Section, the Township Planning Commission shall not grant the Permit. The Township Planning Commission shall impose such conditions on the approval of the Permit as it deems necessary to achieve the intent and objectives of this Section, which may include, but need not be limited to, conditions suggested by the Township consultants. The breach of any such condition imposed by the Township Planning Commission shall automatically invalidate the Permit.
- d. As a condition to the granting of any Permit under this Section, the Township Planning Commission shall require that the applicant deposit with the Township Treasurer a bond or a sum of money, bank letter of credit or certified check, in an amount, confirmed by the Township Engineer, sufficient to guarantee that the applicant shall perform the terms and conditions of the Permit, including the payment of required fees. Upon issuance of certificate of completion under this Section, any unused portion of the deposit shall be refunded to the applicant.
- e. Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Planning Commission, the Township Clerk shall issue the Permit pursuant to the terms established by the Township Planning Commission Resolution approving the application.
- f. Only the Township Planning Commission shall have the authority to approve or deny applications for permits. No other permit issued by any township official or other governmental body or official shall be a substitute for the Permit.

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6. Specifications for Rights of Way and Roadways.

Each right-of-way and its roadway shall conform to the following specifications:

- a. Private roads shall be divided into two classes, as follows:
 - 1) Class One private roads shall be any private road that meets one or more of the following criteria:
 - a) Serves two or more single-family residential parcels not on a shared driveway, and has a reasonably foreseeable potential to be extended in the future to serve more than eight (8) single-family residential parcels.
 - b) Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with, another public or private road.
 - c) Serves one or more nonresidential uses, not including farm uses and associated buildings and does not require a class one private road.
 - 2) Class Two private roads shall be any private road that meets the following criteria:
 - a) Serves not more than eight (8) residential units and does not require a Class One private road.
- b. All Class One and Class Two private roads shall meet the following minimum requirements and specifications:
 - 1) The roadway surface and turnaround area shall be centered in the right-of-way.
 - 2) The connection between the right-of-way and the public road shall conform to the standards and specifications of the County Road Commission. The applicant shall obtain a road permit issued by the Road Commission prior to approval of any right-of-way by the Township Planning Commission.
 - 3) Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course.

Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Washtenaw County Road Commission.
 - 4) The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Open swale/ditch drainage systems will be preferred to enclosed storm sewers where applicable governmental standards and site conditions permit. Open swales/ditches shall be located within the right-of-way. Road drainage shall be constructed so that runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.
 - 5) All parcels receiving access shall have their individual addresses posted on each property and at their driveway entrances.

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- 6) Road signs, stop signs, and no outlet signs for roads without an outlet shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices and installed prior to any building permits being issued on the property.
 - 7) Road names for the private road must be approved in writing by the Saline Area Fire Department, Washtenaw County Road Commission, and appropriate post office jurisdiction.
 - 8) The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- c. Class One and Class Two private roads shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

**TABLE 1
MINIMUM REQUIREMENTS AND SPECIFICATIONS
FOR PRIVATE STREETS AND ROADS**

	Class One Private Streets and Roads	Class Two Private Streets and Roads
Width of right-of-way	66 feet	50 feet
Road Length	Not Applicable	Not Applicable.
Road Width	20 foot driving surface With adequate drainage 6 foot shoulders.	16 foot driving surface with adequate drainage.
Sub-base (spread to a minimum width sufficient to extend to the front slope of the roadside ditch)	6 inches of compacted MDOT Class two.	Same as Class One.
Base:		
For gravel surface	8 inches of MDOT 22A in two equal courses, each compacted 26 feet wide.	6 inches of MDOT 22A in two equal courses, each Compacted to 18 feet wide.
For paved surface	Same as for gravel surface except two more inches of base, compacted. No slag or 23A	If paved the same as Class One.
Pavement	3" inches bituminous Mixture Type 13A, in; Two courses 24 feet. Wide. Curb and gutter Permitted, however in Rural areas vegetated Swales are preferred.	If paved the same as Class One.
	(Pavement required if abutting a paved road.)	Same as Class One.
Turnaround Area	75 foot radius Right of way	60 Foot radius right of way
Turning Circle	50 foot radius Roadway surface	50 foot radius roadway surface
Ditches		
Minimum grade	0.5%	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.
0.5% to 4.0% grades	sod or otherwise stabilize	
4.1% and steeper grades	rip-rap	
Front and back slopes	1 on 4	
Roadway Grades		
Minimum	0.5%	0.5%
Maximum	6.0%	6.0%
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.

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7. Inspection

All required improvements shall be inspected by the Township Engineer at various stages of construction as established at the pre-construction meeting. The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Clerk in writing. The applicant's engineer shall certify in writing to the Township Engineer before the final inspection and report thereon that the required improvements were made in accordance with this Section and all approved plans. A notice of completion by the Township Engineer shall be delivered to the Township Clerk and the applicant. The costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Clerk shall determine the costs of administration and inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

8. Expiration of approval of permits.

A Permit shall be valid for a period of one year from the date of issuance. If the required improvements have not been completed upon the expiration of the one-year period of time or an extension applied for, then the Permit shall be void and of no force and effect and if construction has been started and deemed appropriate to continue all deposits, except the costs incurred, shall be retained by Lodi Township for completion of the road.

9. Recording of rights-of-way.

The right-of-way, including all agreements as identified in Sub-Section 3, herein, shall be recorded in the office of the Register of Deeds for Washtenaw County, after approval of the language of the agreement by the Township attorney, prior to the issuance of the certificate of completion required in Sub-Section 5, herein.

10. Building permits.

No zoning compliance permit for a building shall be issued for any parcel subject to the provisions of this Section unless a Certificate of Completion has been issued by the Township Clerk. A building permit may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer.

11. Road Agreement

A maintenance agreement approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the private road. All parcels accessing the private road shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before Certificate of completion is issued.

- a. **Maintenance Responsibility:** Maintenance of all private roads shown on the survey map shall be the responsibility of the owners of the parcels thereon. The association when formed, shall direct the maintenance of roadways and expend such funds as may be necessary to meet the maintenance standards as described below. Unless a parcel owners association has been formed or a maintenance agreement has been signed, each parcel shall have an equal responsibility in the maintenance of said roads. Should Lodi Township incur costs for the maintenance or improvements to the road for any reason, each and every owner of a parcel adjoining the private road shall be jointly and severally liable for the entire costs incurred by Lodi Township.
- b. **Maintenance Standards:** Maintenance of the roads shall include but not be limited to the filling of pot holes, regrading of roadways, ditching, and the placement of gravel and/or sealcoat of paved surfaces as necessary to enable the parcel owners to use the roads and ingress and egress to the parcels.

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- c. **Maintenance Fee:** Each parcel owner shall be liable for an equal prorata portion of the costs necessary to maintain the roadways. Said maintenance fee shall be established by the association, or if said association has not been formed, said fee shall be established as the equal prorata portion of actual costs of maintenance work performed.
- d. **Termination:** The parcel owners' responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Washtenaw County for said purpose.

12. **Variances**

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Section, such as topographical and other physical characteristics of a parcel, the Zoning Board of Appeals shall have the power to vary or modify the application of the provisions of this Section so that the intent and purpose of the Section shall be observed, public safety secured and substantial justice done.

13. **Violations**

Sanctions for Violations. A person or entity who violates any provision of this Section is subject to Section 57.09-Violations and Penalties; Nuisance Per Se; Abatement.

